

Chapter 27

ZONING AND LAND DEVELOPMENT*

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***Editor's note**—Ordinance No. 2012-126, §§ 1, 2(Exh. A), adopted November 1, 2012, made comprehensive revisions to chapter 27 to read as herein set out. Formerly, said chapter pertained to zoning and derived from Ord. No. 90-203 adopted August 21, 1990. The absence of a history note indicates that the section remains unchanged from this zoning and land development ordinance. See Code Comparative Table for a complete history of past amendments.

Related law references—Hillsborough County Local Government Comprehensive Planning Act of 1975, Laws of Fla., Chs. 75-390, 77-564, 33-421, 84-442, 86-407 (See Part C of Charter and Related Laws).

Cross references—Ordinances amending the zoning map saved from repeal, § 1-12(6); public art, Ch. 4; building code, Ch. 5; landscaping, tree removal and site clearing, Ch. 13; planning and land development, Ch. 17.5; property maintenance and structural standards, Ch. 19; signs, Ch. 20.5; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; transportation, Ch. 25; water, § 26-66 et seq.; sanitary sewers, § 26-116 et seq.

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ARTICLE I. GENERAL PROVISIONS

DIVISION 1. IN GENERAL

Sec. 27-1. Title.

This chapter and the chapters, articles, and ordinances enumerated herein shall be combined and compiled into a single code to be generally known as the "City of Tampa Land Development Code."

Sec. 27-2. Intent and purpose.

(a) This chapter is adopted as one (1) of the instruments of implementation of the public purposes and objectives of the Tampa Comprehensive Plan. This chapter is declared to be in accord with the Tampa Comprehensive Plan.

(b) It is the intent and purpose of the Tampa Comprehensive Plan, and of this chapter, which aids in implementing it, to promote the public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of the city and to provide, among other matters, a wholesome, serviceable and attractive community; to increase the safety and security of home life; to preserve and create a more favorable environment in which to rear children; to stabilize and enhance property and civic values; to develop meaningful and productive relationships between the private sector and city government; to provide for a more uniformly just land use pattern and tax assessment base; to aid in the development and redevelopment of the city; to increase traffic safety and ease transportation problems; to provide more adequately for vehicular parking, parks, parkways, recreation, schools, public buildings and facilities, housing, job opportunities, light, air, water, sewerage, sanitation and other public requirements; to lessen the congestion, disorder and danger that often occurs in unplanned and unregulated urban development; to prevent overcrowding of land and undue concentration of population; to ensure compatibility of new development with existing development and open space; to conserve and enhance the natural and manmade resources of the city; and to provide more reason-

able and serviceable means and methods of protecting and safeguarding the economic and social structure upon which the good of all depends.

(c) To further the objectives of the Tampa Comprehensive Plan and the intent and purpose of this chapter, the city is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability or use as will accomplish the objectives of the Tampa Comprehensive Plan and this chapter.

Secs. 27-3—27-5. Reserved.

DIVISION 2. LAND DEVELOPMENT CODE AND APPLICABILITY

Sec. 27-6. Establishment of Land Development Code.

Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. Ch. 163, Part II, the City of Tampa Land Development Code shall consist of the following:

- (1) Chapter 17.5, Article III, section 17.5-41 et seq., Concurrency Management System;
- (2) Potable Water Wellfield Protection Ordinance;
- (3) Section 21-6, Alternative Materials and Methods of Construction, Section 21-7, Borrow Pits, Mines, Section 21-8, Drainage Patterns, Section 21-9, Protection of Public Drainage Systems;
- (4) Chapter 22, section 22-134, Transit Stop Facilities, and Chapter 22, Section 22-314 et seq., Driveways;
- (5) Subdivision procedures set forth in chapter 27;
- (6) Sections 25-68 through 25-75, Relating to Transportation Impact Fees;
- (7) Section 26-118, Required use of Sanitary Sewer; Section 26-128, Technical Standards Adopted;
- (8) Chapter 27, Zoning and Land Development; and

(9) Chapter 43 of the 1971 Code, Zoning. (Ord. No. 2013-67, § 5, 5-16-2013)

Sec. 27-7. Area of coverage of chapter.

Except as specifically provided in this chapter, the regulations of this chapter shall apply throughout the jurisdiction of the city. For parcels of land annexed to the city after the effective date of the ordinance from which this chapter was derived, the provisions of F.S. § 171.062 shall govern.

Sec. 27-8. Zoning affects all lands, water, structures, uses and occupancies.

No building, structure, land or water shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, located or structurally altered except in conformity with the regulations set out generally in this chapter and for the district in which it is located. In clarification of the foregoing, it is the specific intent of the city council that all floating structures and buildings and buildings and structures built over water shall meet all the requirements of this chapter and all other applicable provisions of this Code.

Sec. 27-9. Zoning affects height and bulk of buildings, population density, lot coverage, yards and other open spaces, off-street parking and loading and other matters.

In particular, no building or structure or part thereof shall be erected, constructed, reconstructed, moved, located or structurally altered, in any manner so as to:

- (1) Exceed the permissible height, bulk or floor area;
- (2) Accommodate or house a greater number of families or other occupants, or to provide a greater number of dwelling units;
- (3) Occupy a greater percentage or portion of lot area;
- (4) Provide less lot area per dwelling unit or to occupy a smaller lot;

(5) Provide narrower or smaller yards or other open spaces, or spaces or separations between buildings or portions thereof;

(6) Provide less off-street parking or off-street loading space;

than herein required or limited, or in any other manner contrary to the provisions of this chapter.

Sec. 27-10. Certain requirements for one structure or use not to be used to meet requirements for another.

No part of a yard, area, open space or off-street parking or off-street loading space required for one (1) structure or use shall be included as meeting requirements for another, except where specific provisions therefor are made in this chapter.

Sec. 27-11. Creation of new lots; reduction of lot or yard dimensions below minimum requirements.

No new lot shall be created after the effective date of the ordinance from which this chapter was derived except in conformity with the requirements of applicable regulations. No yard or zoning lot existing at the time of passage of this chapter shall be reduced in width, depth, or area by private action below the minimum requirements for lot(s) or structure(s) as set forth in this chapter; provided however, reductions in width, depth and area shall be permitted if due to governmental acquisition.

No division or reconfiguration of an existing zoning lot or lot of record may occur that is a configuration which is patently inconsistent with existing lot development pattern in a radius of one thousand three hundred twenty (1,320) feet ($\frac{1}{4}$ of a mile) of the subject property. Newly created lots must maintain the front orientation and the historical precedent pattern of parcel configuration in the neighborhood. Lots of record may not be reconfigured in conflict with the established pattern of lots within a radius of one thousand three hundred twenty (1,320) feet. Only properties that are within the same zoning district may be considered in making the determination of compatibility.

When considering the appropriateness of reconfiguring a zoning lot or lot of record into buildable lots, the zoning administrator shall: i. receive and review a sealed survey of the proposed lot layout; ii. conduct a site visit to view the actual lot development pattern of the block on which the subject property lies; iii. review the actual development pattern for a radius of one thousand three hundred twenty (1,320) feet from the subject property; and, iv. review the original plat or subdivision documents, prior to determining consistency with the requirements stated in this chapter.

The creation of substandard lot size or setback will cause each new lot created from the original parcel to be a violation to this chapter, and no permits be issued until the violation ceases.

Sec. 27-12. Action where zoning lot contains two or more district designations.

(a) *Nonresidential districts.* In nonresidential districts, where a zoning lot contains two (2) or more district designations with different basic floor area ratio limits, the basic floor area for the zoning lot shall not exceed the sum of the results obtained by multiplying the privately owned land area of the zoning lot in each district by the applicable basic floor area ratio limit for that portion of the zoning lot. Such permitted floor area may be distributed throughout the zoning lot without regard to district boundaries. However, the resulting basic floor area ratio may not exceed that allowed in the land use plan category or categories in which the zoning lot is located.

(b) *Residential districts.* In residential districts, where a zoning lot contains two (2) or more district designations with different density regulations, that is, a differing amount of required lot for each dwelling unit, the density (maximum number of dwelling units) shall not exceed the numeric sum of the maximum number of units that could be constructed on individual portions of the zoning lot in each zoning district. Such density may be distributed throughout the zoning lot without regard to district boundaries. How-

ever, the density shall not exceed that allowed for the acreage in each respective land use category in which the zoning lot is located.

Sec. 27-13. Calculation and rounding.

Where cumulative requirements or limitations are to be computed for an element or series of elements (i.e., the number of parking or loading spaces required for a combination of uses in the same building), fractions shall be carried forward in the summation, and the total rounded to the nearer whole number. When the fraction is $\frac{1}{2}$ or .5, the total will be rounded up to the higher whole number. In density calculations for the number of permitted units, all fractions shall be rounded down to the lower whole number.

Secs. 27-14—27-20. Reserved.

DIVISION 3. CONSISTENCY MATRIX AND ZONING ATLAS

Sec. 27-21. Consistency matrix.

The consistency matrix shall be used to determine consistency of existing Chapter 27 zoning districts with the Tampa Comprehensive Plan and to determine consistency of a proposed rezoning request with the Tampa Comprehensive Plan. Any zoning district which is not consistent with the Tampa Comprehensive Plan, according to the consistency matrix, shall not be permitted, applied for, nor approved.

financed in the applicable definitions for each type of public facility, which estimates the cost of improvements for which the local government has fiscal responsibility, which analyzes the fiscal capability of the local government to finance and construct improvements, which adopts financial policies to guide the funding of improvements, and which schedules the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other comprehensive plan elements.

Capture rate: That percentage of the total parking demand for the specified use which is internally generated from other uses already generating a demand within the central business district.

Cargo storage area: Any outdoor area which is used for bulk, neobulk or general cargo storage and requires free movement for loading, unloading, storage and staging in connection with the pickup and delivery of general cargo, neobulk and bulk material to and from a port.

Catering shop: An establishment whose principal use is the preparation and provision of food served to the customer at a location off the premises. A catering shop may be accessory to a restaurant.

CDD: A community development district as provided in F.S. Ch. 190.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Certificate of appropriateness: The permit issued by the Barrio Latino Commission or the Architectural Review Commission which gives its approval for work to be done on a landmark, a landmark site or within a historic district. The certificate may contain conditions relating to the proposed work, and the applicant will still need permits from other municipal departments before starting his work. A certificate of appropriateness must be issued prior to the issuance of a building permit by the planning and development department (PDD).

Certificate of concurrency: The official document issued by the city upon finding that an application for a final development permit will not result in the reduction of the level of service standards set forth in the Tampa Comprehensive Plan for public facilities and services.

Certificate of occupancy (C.O.): An official document evidencing that a building satisfies the city requirements for occupancy of a building.

Certified local government: A government meeting the requirements of the National Historic Preservation Act, amendments of 1980 (P.L. 96-515), and the implementing regulations of the United States Department of the Interior and the state.

CGO: The city's green officer.

Change of occupancy: A change from one Standard Building Code occupancy class to another.

Changeable copy sign: Any framed sign, illuminated or not, which is principally devoted to, and designed for change or replacement of sign face or lettering or graphics. This definition shall not include electronic message signs.

Change of use: A modification to the use (most intense, legally established use in the public record) of a structure or property to accommodate a more intensive use, which adds floor area, increases density or intensity, or increases occupancy loads, and requires more total parking spaces than the previous use of the property or structure, as determined by the parking table applicable to the underlying zoning district, as set forth in this Code. Such changes will be subject to concurrency review for the net increase only.

- (1) A shopping center of three (3) or more business suites which was designed and permitted for a variety of uses may consider office, retail and personal services as interchangeable. All other changes which require an increase in parking as determined by PKG Table 1 of section 27-283.7 will be reviewed for concurrency.
- (2) An office building which is zoned PD is subject to the ancillary uses identified on the approved PD site plan. An office building which is not zoned PD is limited to the

ancillary uses identified in the approved building plans or permits. Other changes in use which require an increase in parking as determined by PKG Table 1 of section 27-283.7 will be reviewed for concurrency.

Character district: One (1) of the twelve (12) districts in the central business district established to guide development to a desired character and more particularly defined and described in the CBD land use policy plan.

Cigar factory: A commercial enterprise involved in the manufacturing, processing, distribution and warehousing of cigar products.

Circumference: The distance around the periphery of a tree at four and one-half (4½) feet above existing grade.

Clearing: The removal of trees, shrubs and other vegetation from the existing ground surface. Clearing is usually undertaken where subsequent land alteration, construction or agricultural activities are to occur.

Clinic: An establishment used for medical or dental care which is comprised of a variety of medical specialties and which has equipment on site to diagnose and administer treatment on an outpatient basis.

Club: An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Clubhouse (alcoholic beverage): Establishment where alcoholic beverages of any type may be brought and served, but not sold, stored, kept, or maintained on the premises overnight.

College: A degree-granting establishment providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries and professional schools (architectural, dental, engineering, law, medical, etc.).

Commemorative decoration: An ornate embellishment placed to honor a certain event, person or place.

Commercial building: Any building, structure or improvement other than a single-or two-family dwelling.

Commercial communication tower: A ground mounted structure, which is greater than twenty (20) feet in height, intended to support devices used for the transmitting or receiving of television, radio, or wireless telephone communications (excluding those used exclusively for dispatch communication, ham radio, and satellite dishes).

Commercial district: A commercial district is any property which is zoned CN, CG, CI, YC-1, YC-3, YC-5, YC-6, YC-7, YC-9 (approved primarily for commercial uses), M-AP-1, M-AP-2, M-AP-3, M-AP-4, CD-1, CD-2, CD-3, PD and PD-A (approved primarily for commercial uses), SH-CN, SH-CG, SH-CI, SH-PD (approved primarily for commercial uses), U-C and any other site plan controlled districts approved primarily for any of the aforementioned districts.

Commercial equipment: Vehicles, machinery, materials or furnishings owned, used, or designed and/or intended for commercial purposes, except that a personal vehicle (car, one-ton pickup truck or van) used by an individual for transportation to and from home and job sites will not be considered commercial equipment, regardless of any commercial names, insignias or markings advertised on the vehicle.

Commercial nursery: An ongoing business licensed for the planting, growing and sale of plants and trees. A commercial nursery does not include an ongoing silviculture operation.

Communications facility: The plant, equipment and property, including but not limited to, any and all such conduits, cables, poles, wires, supports, ducts, fiber optics, antenna and other structures, equipment, appurtenances and pathways as may be reasonably necessary to be used to provide communications services.

Communications services: The transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including

Electronic message sign: A sign emitting an illuminated message, image or design created electronically by any light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. This definition shall include time, temperature and date signs. An electronic message sign which has copy which moves continuously or appears to be moving, flashing, changes color, pulses or alternates shall be considered an activated sign.

Emergency shelter facility: A facility providing temporary residential housing, rooming-or dormitory-style (with or without board), for persons otherwise homeless or seeking shelter from abuse.

Emitter: A device which is used to control the discharge of irrigation water from lateral pipes. This term is primarily used to refer to the low flow rate devices used in low-volume irrigation devices.

Employee or employees: A person who works for financial or other form of compensation, including but not limited to, the owner or owners of the establishment.

Endangered and threatened species: Flora and fauna as identified by the U.S. Fish and Wildlife Service's "List of Endangered and Threatened Wildlife and Plants" in 50 CFR 17.11-12. Fauna identified by the Florida Game and Fresh Water Fish Commission in Section 9-27.03-05, FAC, and flora identified by the Department of Agriculture and Consumer Services "Preservation of Native Flora Act," F.S. § 581.185 through 581.187. Endangered species are so designated due to manmade or natural factors which have placed them in imminent danger of extinction, while threatened species are so designated due to rapid decline in number of habitat such that they are likely to become endangered without corrective action.

Engineer: A professional engineer registered in the state.

Environmentally sensitive areas: Lands that, by virtue of some qualifying environmental characteristic (e.g., wildlife habitat), are regulated by either the Florida Department of Environmental Protection, the Southwest Florida Water Management District, or any other governmental agency

empowered by law for such regulation. Environmentally sensitive areas include Conservation Areas and Preservation Areas. Conservation Areas include the following types of wetlands (w), natural water bodies (nwb), and uplands (u); freshwater marshes (w), wet prairies (w), hardwood swamps (w), cypress swamps (w), natural shorelines other than natural beaches and dunes (w), Class III Waters (w, nwb), and significant wildlife (w, nwb, u). Preservation Areas include the following types of wetlands, natural water bodies and uplands; coastal marshes (w), mangrove swamps (w), marine grassbeds (w, nwb), natural beaches and dunes (w, u), Class I and II Waters (w, nwb), aquatic preserves (w, nwb), essential wildlife habitat (w, nwb, u), and natural preserves (w, nwb, u).

Erect: Erect shall mean to build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs. This term shall not apply to copy changes on existing permitted signs.

Essential wildlife habitat: Land or water bodies that, through the provision of breeding or feeding habitat, are necessary to the survival of endangered or threatened plant and animal species, or species of special concern, as determined by the Florida Game and Freshwater Fish Commission or the U.S. Fish and Wildlife Service.

Establishment: An establishment is any commercial, industrial, institutional, educational, office, social, business or financial entity.

Excavation: The action or process of creating a depression or hole in the ground by removing the soil in excess of two (2) feet in depth.

Exempt signs: All signs for which permits are not required but which must, nonetheless, conform to the other terms and conditions of this chapter.

Explosive storage and manufacturing: The bulk storage, distribution and/or manufacturing of explosives and fireworks.

Extended family residence: Within a single family residence, a living area designed to provide

independence and privacy by allowing a separate bedroom, bathroom, dining area, and kitchen for an extended family member.

Exterior: The outside surface of any building, improvement, object or structure.

Exterior lighting: Illumination emanating from any source or fixture on the exterior of a building, including walkways, marquees, and hallways exposed toward the property line.

Family: Any number of people related by blood, marriage, legal guardianship, or adoption or not more than four (4) unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, roominghouse, institutional group or the like.

Fence or wall: A partition, greater than twelve (12) inches above grade, erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FGBC: The Florida Green Building Coalition.

Final development permit: Any building permit issued or commercial site plan approved pursuant to chapter 5 of this Code, any construction drawing or final plat approved pursuant to subdivision procedures set forth in chapter 27 of this Code, or any development order or an approved Florida Quality Development or amendment thereto issued pursuant to F.S. § 380.06 et seq.

Final local development order (for the purposes of vesting, means the following):

- (1) A commercial site plan approved pursuant to chapter 5 of this Code on or before January 31, 1990;
- (2) A development of regional impact development order or an approved Florida Quality Development or amendment thereto, issued pursuant to F.S. Ch. 380, which is approved by the city on or before January 31, 1990;
- (3) A building permit issued pursuant to Chapter 5 of this Code on or before January 31, 1990; and

- (4) Construction drawings approved pursuant to subdivision procedures set forth in chapter 27 of this Code on or before January 31, 1990 and a final plat approved pursuant to subdivision procedures set forth in chapter 27 of this Code on or before January 31, 1990 may be considered final local development orders if, pursuant to section 17.5-47(b) of this article, the city attorney determines that vested rights are deemed to exist.

Floor area: The sum of enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies and any belowgrade floor areas used for access and storage. Not countable as floor area are open terraces, patios, atriums, balconies, breezeways and parking.

Floor area ratio, basic: The ratio of permitted floor area to the area of the lot.

Floor area ratio, maximum permitted: The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.

Florida friendly yard or landscape (as provided for in F.S. § 373.185): A landscape that incorporates the Best Management Practices and philosophies described in "A Guide to Florida-Friendly Landscaping", Third Edition, 2006, as may subsequently be amended, and conserves water and protects the environment and are adaptable to local conditions and which are drought tolerant. Florida-friendly landscape principles include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance."

Foot candle: A measurement of light cast on a surface one (1) square foot in area on which one (1) unit of light is uniformly distributed.

Franklin Street Mall: The area of Franklin Street lying between Cass Street to the north and Jackson Street to the south.

Franklin Street Mall Phase II District: The area of Franklin Street lying between Fortune Street to the north and Cass Street to the south,

Yard, side: A yard extending along the side of a lot between the rear line of the front yard and the rear lot line.

Yard, waterfront: A yard required on waterfront property which is defined as property abutting on open water, bays, bayous, lakes over five (5) acres in area, manmade canals and similar navigable waterways.

Zig-zagged: A line or course that proceeds by sharp turns.
(Ord. No. 2013-67, §§ 2, 5, 5-16-2013)

Secs. 27-44—27-50. Reserved.

ARTICLE II. ADMINISTRATION AND GENERAL PROCEDURES

DIVISION 1. ESTABLISHMENT OF ADMINISTRATIVE OFFICER, DUTIES, AND PROCEDURES

Sec. 27-51. Establishment of administrative officer.

The provisions of this chapter shall be administered by the zoning administrator, who shall be designated by the PDD Director.

Sec. 27-52. Duties of the zoning administrator.

(a) The zoning administrator or designee shall have the power to perform the following duties:

- (1) Provide zoning counseling;
- (2) Issue written determinations to property owners on applications for zoning certifications, zoning verifications, code interpretations, vested rights, and nonconforming status;
- (3) Grant or deny alternative design exceptions;
- (4) Grant or deny S-1 permit applications;
- (5) Review and grant or deny business operating permits for zoning compliance;

- (6) Review development permit applications pursuant to City of Tampa Code of Ordinances for zoning compliance;
- (7) Make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this chapter, including rendering opinions regarding this chapter to other appropriate staff;
- (8) Take all necessary action as provided for within this chapter and any other provisions of the City of Tampa Code of Ordinances;
- (9) Make recommendations to city council regarding zoning applications, comprehensive plan amendments, and amendments to this chapter and related land development regulations;
- (10) On a monthly basis, transmit a list of all current or pending applications for rezonings, and special uses and variances to the officially registered neighborhood associations, as feasible; and
- (11) On an annual basis, present all formal decisions to city council for action by resolution placing said determinations in the public records of the city clerk.

In addition, the zoning administrator or designee shall be responsible to maintain all records which are submitted as part of any review process set forth in the chapter.

Sec. 27-53. Written determinations by the zoning administrator generally; types; processes; limitations.

(a) *Types of written determinations.* The zoning administrator or designee shall have the authority to render a written determination on the following after filing the appropriate application and payment of the required fee:

- (1) Certification—Request regarding the zoning classification of a particular parcel and associated permitted uses, based on the Official Zoning Atlas and Zoning Code in effect at the time of the application;
- (2) Interpretation—Request regarding the general meaning of a Code provision, the

effect of a Code provision on a specific property, or whether a proposed use or a proposed site plan (which has not been submitted for approval) complies with Zoning Code requirements;

- (3) Vested rights in accordance with this chapter; and
- (4) Non-conforming status, in accordance with this chapter.

Written communication by the zoning administrator to the mayor and city administration, city council, appointed boards, commissions, special magistrates and hearing officers, city staff and the legal department shall not be considered a written determination pursuant to this section.

(b) *Processes for written determinations.* An application for a written determination must be submitted in writing to the zoning administrator through one (1) of the following processes:

- (1) Formal decision;
- (2) Certification; or
- (3) Advisory opinion.

All applications must be complete and applicable fees shall be paid at time of submittal of any application for written determination.

(c) *Limitations on written determinations.* An application for written determination shall be limited as follows:

- (1) Under no circumstances is the zoning administrator permitted to grant exceptions to the actual meaning of any clause, standard or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use either a building, structure, or land.
- (2) The zoning administrator is not permitted to make changes to this chapter or to vary the terms of this chapter in carrying out their duties, except as specifically set forth in this chapter. Due to that limitation on the zoning administrator's authority, a written determination shall not be construed as a waiver of any provisions of this chapter.

- (3) Interpretations shall not be given to any person based solely on hypothetical facts.
- (4) A decision approving the interpretation proposed in the application shall not authorize the establishment of the use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing and processing of applications for any approvals and permits that may be required by the city's Land Development Code.
- (5) If conflict occurs between the requirements of the Land Development Code and the standards adopted as part of a planned development, development agreement, site plan or annexation agreement, the requirements of the Land Development Code shall prevail.
- (6) The zoning administrator or designee shall base an interpretation on three (3) considerations:
 - a. The defined or common meaning of the words or provision.
 - b. The general purpose of the provision as expressed in the provision.
 - c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.
- (7) The zoning administrator may issue a written determination when the applicant demonstrates compliance with the imposed conditions of this chapter, but shall not consider whether the use or the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

Sec. 27-54. Process for applications for written determinations as formal decisions.

- (a) The following applications shall be reviewed pursuant to the formal decision process:

- (1) Vested rights;
- (2) Non-conforming status;
- (3) A request for written determination regarding a specific parcel of real property

- any additional cost that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness;
- (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
 - (3) Estimated market value of the property, both in its current condition and after completion of the proposed demolition or removal;
 - (4) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - (5) Amount paid for the property, the date of purchase, and the party from who purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any terms of financing between the seller and buyer;
 - (6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - (7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - (8) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - (9) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - (10) Assessed value of the property according to the two (2) most recent assessments;
 - (11) Real estate taxes for the previous two (2) years;
 - (12) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
 - (13) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (b) *Proposed demolitions involving threat to public health and safety.* Regardless of the building's status as a contributing or noncontributing structure as provided in subsection (a) above, where the planning and development department (PDD) shall certify in writing that the structure is an imminent threat to the public health and safety, a certificate of appropriateness shall not be required. However, the department of housing and development coordination shall forthwith furnish a copy of its certification to the commission. (Ord. No. 2013-67, § 2, 5-16-2013)

Sec. 27-104. Termination of certain uses.

(a) Adult uses, temporary help centers and blood donor centers are uses not permitted or permissible within the Original Ybor City Historic District. All adult uses, temporary help centers and blood donor centers legally established on the effective date of the ordinance from which this article was derived shall be terminated within three (3) years of such date and the premises used for uses permitted or permissible within the district.

(b) Pursuant to section 27-177, Table 8-1, and subsection (a) above, adult uses, temporary help centers and blood donor centers are already prohibited in the Original Ybor City Historic District. Additionally, adult uses, temporary help centers and blood donor centers shall not be permitted within the boundaries of the Expanded Ybor City Historic District. If any adult uses, temporary help centers and blood donor centers were legally established and operating with all required permits and licenses within the boundaries of the

Expanded Ybor City Historic District prior to the date of adoption of the ordinance which established the Expanded Ybor City Historic District, then such adult use, temporary help center or blood donor center shall be considered a nonconforming use and shall be governed by the terms, provisions and limitations set forth in section 27-297, Nonconforming uses of major structures or structures and premises in combination.

Sec. 27-105. Compliance.

Compliance with the terms of the certificate of appropriateness shall be enforced by the zoning administrator. Failure to comply with a certificate of appropriateness shall be a violation of this chapter. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of six (6) months shall be considered as a failure to comply with a certificate of appropriateness.

Sec. 27-106. Signs and other encroachments in the Ybor City Historic District.

(a) *Signs.* The following requirements shall apply to awning, wall, marquee, and projecting signs in the Ybor City Historic District and shall be in addition to other sign regulations set forth in this Code. Where inconsistent with the regulations contained elsewhere in this Code, the provisions of this section shall apply and control in the Ybor City Historic District. Placement of any sign in the Ybor City Historic District is subject to the final approval by the Barrio Latino Commission and shall comply with the following specific criteria:

- (1) A minimum distance of fifteen (15) feet shall be required between signs. A minimum clearance of four (4) feet shall be maintained between signs on the same façade.
- (2) Each occupant of commercial space abutting public right-of-way is allowed one sign only. The occupant name may be placed on both faces of the sign. The maximum dimensions for the sign are as follows: Four (4) feet long, eighteen (18)

inches high and six (6) inches thick. The bottom of the sign shall be a minimum of seven (7) feet above the sidewalk.

- (3) Signs shall have no maximum projection into the right-of-way; however, no sign may project within two (2) feet, six (6) inches of that portion of the right-of-way intended for vehicular use.
- (4) Sign placement shall leave street corners free of obstructions to allow for safe traffic movement and placement of utilities.
- (5) If the right-of-way is needed by the city for any reason, the owner shall remove or relocate the sign at his expense within forty-five (45) working days of the written notice by the city.
- (6) A hold harmless agreement in a form acceptable to the city must be signed by the owner and submitted to the city prior to issuance of sign permit.

(b) *Encroachments.* Encroachments into the public right-of-way for awnings or architectural features may be authorized administratively through the commercial site plan review process; provided that any encroachment in the Ybor City Historic District is subject to the final approval by the Barrio Latino Commission, and the encroachments shall comply with the following specific criteria:

- (1) The bottom most portion of the encroachment shall be a minimum of seven (7) feet above grade. There is no maximum projection into the right-of-way; however, no encroachment may project within two (2) feet six (6) inches of that portion of the right-of-way intended for vehicular use.
- (2) Building columns or support poles are prohibited from projecting into the right-of-way.
- (3) Encroachments shall leave street corners free of obstruction to allow for safe traffic movement and proper placement of utilities.
- (4) Lighting underneath encroachments shall be provided and maintained by the property owner.

appear, absent good cause shown, may be grounds for considering the application withdrawn pursuant to subsection (c) below.

(b) *Effect of denial of application.* Denial of rezoning applications by the city council, filed under this section, shall preclude consideration of other rezoning applications for the same zoning classification sought by the denied application involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. However, upon written application to the land development coordination office, the zoning administrator shall consider a request to waive the twelve-month period if in the determination of the zoning administrator the applicant demonstrates:

- (1) A specific or comprehensive amendment to the adopted land use plan became a law subsequent to the certification of the denied application for rezoning; and, the amendment has the effect of altering the land use plan so as to allow for favorable reconsideration of the application; or
- (2) The new site plan rezoning request has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application with the land development coordination office, subject to the current filing schedule as set by the zoning administrator.

(c) *Withdrawal of application.* An applicant, upon written notice to land development coordination and the city clerk, may withdraw his application at any time; provided however, if the request for withdrawal is received after notice of hearing has been provided pursuant to section 27-149, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed for six (6) months following the date of receipt of the notice of withdrawal.

(d) *Refiling.* Where an applicant filing an application for rezoning property fails to perfect his application by not filing the affidavit on time or otherwise fails to perfect the notice or site plan requirements set forth in this chapter, so that the petitioner may not be heard at the scheduled

public hearing, and any of the foregoing acts or omissions occur for two (2) consecutive public hearings scheduled for the subject petition, then no new or amended application involving the same property may be heard for a minimum period of six (6) months from the date of the last public hearing, specifically scheduled for that petition and/or property.

Sec. 27-151. Comprehensive review of chapter.

The zoning administrator or designee shall examine the provisions of this chapter and shall submit a bi-annual report to the city council recommending changes and amendments, if any, that are desirable in the interest of furthering the public health, safety and general welfare. Any text amendment requests for this chapter made by city council, any other city department, any public or quasi-public agency, or any member of the public, shall be submitted to the land development coordination division for review and processing. The deadline for each text amendment cycle shall fall on January 15 and July 15 of each calendar year. Processing of the proposed text amendments shall begin on the deadline date, following a batch process. The zoning administrator or city council may initiate a text amendment, outside of the normal text amendment cycle, to correct an unintentional error or conflict between sections of this chapter or with other chapters, or for amendments to procedural matters. Refer to section 27-148 and 27-149(a).

Sec. 27-152. Review of city council action.

Review of city council action within the procedures established in this article shall be to the circuit court, and shall be in the form of a petition for writ of certiorari.

Sec. 27-153. Reserved.**DIVISION 8. SUBDIVISION PROCEDURES****Subdivision 1. Administrative Provisions†**Subdivision 1.1. General Provisions;
Administrative Authority; Definitions***Sec. 27-153.1. Title.**

This division of this chapter shall be known and may be cited as the "City of Tampa Subdivision Procedures."

(Ord. No. 89-261, § 2(35-1), 10-12-89; Ord. No. 96-241, § 1, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.1.1. Purpose.

(a) The development of a subdivision includes with it the attendant responsibility for the provision and maintenance of streets, drainage and other public or private facilities and services. Therefore, it is essential to the promotion of the public health, safety and welfare that the development of subdivisions be conceived, designed and constructed in accordance with sound rules and proper minimum standards.

(b) The purpose of these procedures is to establish procedures and standards for the development and subdivision of real property within the city in an effort to, among other things: provide mechanisms for bonding and construction of public improvements; ensure proper legal description, identification, monumentation and record-

***Editor's note**—Ordinance No. 2013-67, § (Exh. A), adopted May 16, 2013, readopted in its entirety, renumbered and amended §§ 23-1—23-7, 23-31—23-56, 23-66—23-70, 23-101, 23-116, 23-136, 23-146—23-157 as herein set out under Division 8.

Cross references—Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-12(9); building code, Ch. 5; landscaping, tree removal and site clearing, Ch. 13; concurrency management system, § 17.5-41 et seq.; property maintenance and structural standards, Ch. 19; public improvements, Ch. 20; signs, Ch. 20.5; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; transportation, Ch. 25; utilities, Ch. 26; zoning and land development, Ch. 27.

†Cross reference—Administration, Ch. 2.

ing of real estate boundaries; aid in the coordination of land development in accordance with orderly physical patterns; discourage haphazard, premature, uneconomic or scattered land development; ensure that development protects significant physical features and those areas which are environmentally sensitive; ensure safe and convenient access and traffic control; encourage development of an economically stable and healthful community; prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; provide public open spaces for recreation; ensure that the citizens and taxpayers of the city will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require timely installation by the developer of adequate and necessary physical improvements; ensure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and ensure the development is consistent with the comprehensive plan.

(c) The rules and regulations contained in this chapter are adopted as the city's subdivision code to guide and coordinate subdivision development within the city.

(Ord. No. 89-261, § 2(35-2), 10-12-89; Ord. No. 96-241, § 2, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 5-16-2013)

Sec. 27-153.1.2. Applicability.

(a) *Subdivision of land.* Unless otherwise expressly exempted by law, the provisions of these procedures shall apply to all subdivision of land within the corporate limits of the city, as now or hereafter established.

(b) *Sale or transfer of land.* No person shall sell or transfer any land by reference to a plat, subject to these procedures, before a final plat has been approved and recorded as provided herein. Nothing herein shall be construed as affecting the validity of transfers of title to interests in lands, whether by private act or operation of law.

(c) *Construction permits.* Except as otherwise provided in these procedures, no construction permit shall be issued until a final plat has been duly recorded in the public records of the county.

(d) *Conflict with private provisions.* These procedures is not intended to abrogate any legally enforceable easement, covenant or any other private agreement or restriction; provided that, where the provisions of these procedures are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these procedures shall govern.

(Ord. No. 89-261, § 2(35-3), 10-12-89; Ord. No. 96-241, § 3, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 5-16-2013)

Sec. 27-153.1.3. Administrative authority.

The subdivision procedures shall be administered and enforced by the subdivision coordinator, as defined in this chapter.

(Ord. No. 89-261, § 2(35-5), 10-12-89; Ord. No. 96-241, § 5, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Cross references—Administrative authority of the official, § 1-13; delegation of administrative authority, § 1-14.

Sec. 27-153.1.4. Alternate materials and methods of construction; innovative design.

(a) *Alternate materials and methods of construction.* The subdivision procedures are not intended to prevent the use of alternate materials and methods of construction not specifically prescribed by this chapter, provided any such alternate has been approved by the applicable administrative authority. Any such alternate, shall be approved, provided it is found that the alternate for the purpose intended, is at least the equivalent of that prescribed, in quality, strength, effectiveness, fire resistance, durability and/or safety. The applicant shall be required to provide sufficient evidence or proof to substantiate any claim made regarding the alternate. If these criteria are not met, the request shall be denied.

(b) *Innovative design.* The subdivision procedures are not intended to prevent the use of innovative designs not specifically prescribed by this chapter, provided any such design has been approved by the applicable administrative authority. Any innovative design may be approved, which is at least the equivalent of that prescribed in this chapter in quality, efficiency, durability and/or

safety and addresses design concerns including, but not limited to, wetlands, the environment, affordable housing (subject to legal constraints), new technologies, site constraints and public improvements. The applicant shall be required to provide sufficient evidence or proof to substantiate any claim made regarding the design. If these criteria are not met, the request shall be denied. (Ord. No. 89-261, § 2(35-6), 10-12-89; Ord. No. 96-241, § 6, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.1.5. Cemetery; condominium plats.

(a) Any cemetery, as defined by state law, meeting the definition of a subdivision as defined herein shall be regulated under the provisions of F.S. Ch. 497.

(b) A condominium, as defined by state law, meeting the definition of a subdivision as defined herein, shall be regulated under the provisions of F.S. Ch. 718.

(Ord. No. 89-261, § 2(35-7), 10-12-89; Ord. No. 91-89, § 3, 5-30-91; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Cross reference—Cemeteries, Ch. 8.

Subdivision 1.2. Certificates; Documents; Requirements; Etc.

Sec. 27-153.2. Applications, documentation.

(a) The order, sequence and prerequisites for making applications for service shall be as designated by the subdivision coordinator.

(b) The city may require plans, specifications or drawings and such other information as it may deem necessary and pertinent prior to the granting of approval. If the city determines that the plans, specifications, drawings, descriptions or other information furnished by the applicant is in compliance with this chapter, the rules and regulations of any other department having jurisdiction and any other laws, rules and regulations pertaining to construction, it shall approve the documents.

(Ord. No. 89-261, § 2(35-31), 10-12-89; Ord. No. 96-241, § 7, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 5-16-2013)

Sec. 27-153.2.1. Stages of subdivision review.

Except as provided below, the review and approval for subdivision plats under these procedures shall be divided into three (3) stages: preliminary plat, construction drawings and final plat.

(Ord. No. 89-261, § 2(35-32), 10-12-89; Ord. No. 96-241, § 8, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.2. Phased developments.

(a) *Generally.* Any subdivision involving phased or staged development shall be identified in written and graphic form in the application for preliminary plat review and shall designate, for information purposes only, all construction phases and the proposed development schedule.

(b) *Independent operation.* All construction phases in a development shall be constructed to be capable of operating independently or in conjunction with other constructed phases with respect to drainage, vehicular circulation, utilities and other public improvements and services.

(c) *Modifications to approved phase boundaries.* Modifications to approved phase boundaries may be administratively approved by the department following submission of a new written and graphic description of such modifications, provided that such phasing does not conflict with any previously approved construction drawings or subsection (b) above.

(Ord. No. 89-261, § 2(35-33), 10-12-89; Ord. No. 96-241, § 9, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.3. Preliminary plat—Generally,

The purpose of the preliminary plat is to safeguard the developer from unnecessary loss of time and expense involved in having final engineering drawings and specifications prepared which do not conform to the standards herein. The preliminary plat, therefore, will serve to demonstrate consistency with subdivision standards and with the comprehensive plan. It does not imply ap-

proval of construction drawings or final plat. The preliminary plat requires the scale, dimensions and general location of certain improvements.

(Ord. No. 89-261, § 2(35-34), 10-12-89; Ord. No. 91-89, §§ 4, 5, 5-30-91; Ord. No. 96-241, § 10, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.4. Same—Preapplication plat conference and simultaneous submittal of PD final site plan and preliminary plat.

(a) To facilitate the preparation of a preliminary plat, the developer and/or surveyor, engineer or land planner is encouraged to discuss informally the preliminary studies and sketches for the subdivision of land with the department and other city departments and governmental agencies to facilitate the preparation and design of a plat which conforms with these procedures.

(b) The PD final site plan and preliminary plat may be submitted for review simultaneously provided that the preliminary plat is not approved until the PD final site plan is approved by city council.

(Ord. No. 89-261, § 2(35-35), 10-12-89; Ord. No. 96-241, § 11, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.5. Same—Filing of applications; administrative review.

The owner or owner's authorized representative shall submit to the department the required number of copies of the documents for preliminary plat approval, prepared and submitted in accordance with section 27-153.2.21. Following receipt of this application, all appropriate city departments and other reviewing agencies shall review the plat and return comments to the department.

(Ord. No. 89-261, § 2(35-36), 10-12-89; Ord. No. 96-241, § 12, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.6. Same—Action by city.

(a) Within a reasonable period of time following receipt of the city staff's recommendation, the city shall approve or disapprove the preliminary plat, stating in writing any reasons for disapproval.

(b) When plans have been disapproved, the applicant has three (3) months from the notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code. (Ord. No. 89-261, § 2(35-37), 10-12-89; Ord. No. 96-241, § 13, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.7. Same—Effect of approval.

(a) Approval of a preliminary plat shall acknowledge the basic design of the subdivision and consistency with the comprehensive plan and zoning code. It shall not constitute approval of construction drawings or the final plat; it shall not authorize recording or acceptance of improvements or dedications. Upon approval of the preliminary plat, the developer has six (6) months to submit construction drawings. If the construction drawings are not submitted within six (6) months from the date the preliminary plat is approved, then the preliminary plat approval shall expire. The developer may request an extension of the approval for an additional six (6) months, upon written notice provided ten (10) days before the six (6) month expiration date.

(b) Any person developing a subdivision involving phased development may request a long-term extension of preliminary plat approval by written notice provided before the six (6) month expiration date.

(c) If preliminary plat approval lapses, the plans become subject to any changes in the City Code. (Ord. No. 89-261, § 2(35-38), 10-12-89; Ord. No. 91-89, § 6, 5-30-91; Ord. No. 96-241, § 14, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.8. Construction drawings—Generally.

(a) The purpose of the review and approval of construction drawings by the city is to ensure satisfaction of the city design and specification requirements for the improvements that are to be constructed to serve the subdivision.

(b) Prior to submission of the final plat, the developer shall submit construction drawings for the installation of improvements that are to be constructed to serve the subdivision.

(Ord. No. 89-261, § 2(35-39), 10-12-89; Ord. No. 91-89, § 7, 5-30-91; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.9. Reserved.

Sec. 27-153.2.10. Same—Filing of application; administrative review.

(a) *Filing of application.* The owner or his authorized representative shall submit to the department the required number of copies of documents for construction drawing approval, prepared and submitted as required by section 27-153.2.22. Construction drawings, which are consistent with the preliminary plat, may be submitted simultaneously with the preliminary plat. Following receipt of these documents, all appropriate city departments shall review the construction drawings and return comments to the department.

(b) *Conformance with preliminary plat.* Construction drawings shall substantially conform to the approved preliminary plat; provided, however, that the construction drawings shall be subject to subdivision, zoning, environmental, health and all other applicable regulations in effect at the time of construction drawing submission.

(c) *Administrative review.*

(1) After receipt of construction drawings, all reviewing agencies shall approve or disapprove the construction drawings, stating in writing any reasons for disapproval.

(2) When plans have been disapproved, the applicant has three (3) months from notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code.

(d) *Commencement of construction activities.* Except as provided herein, no clearing, grading, drainage or other construction activities con-

nected with the subdivision application, except testing, land alteration activities and brush removal necessary to complete surveying, shall commence on the site until all required construction drawings are approved and all applicable permits are obtained. Authorized brush removal shall not be deemed to include the removal or damaging of any trees protected by the City Code.

(e) *Townhome developments.* For townhome development projects, the developer may submit one (1) set of plans containing all of the information required for construction drawings and commercial site plan review. The subdivision coordinator shall coordinate the plan review for the subdivision construction drawing review and the commercial site plan review as one review. Construction shall not commence until the plans have been approved for both. Upon completion of the commercial site plan review and the construction drawings review and approval of the plans, the developer may begin construction to the extent prescribed in section 27-153.2.11 of this Code.

(Ord. No. 89-261, § 2(35-41), 10-12-89; Ord. No. 91-89, § 9, 5-30-91; Ord. No. 96-241, § 16, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.11. Same—Effect of approval.

(a) Upon approval of the construction drawings and obtaining the applicable permits, the developer may:

- (1) Obtain those permits to construct those improvements described on the approved construction drawings; or
- (2) File for final plat approval and pursuant to section 27-153.2.15 elect to post performance security prior to city council approval of the plat.

(b) Upon approval of the construction drawings, the developer may submit building permit applications to construct model homes/sales centers, golf courses, swimming pools, pool cabanas, perimeter walls, and entry features including, but not limited to, wall signs, security guard stations and entry walls.

(c) Upon approval of the construction drawings, the developer has six (6) months to begin construction of the required improvements as

shown on the approved construction drawings. If construction does not begin within six (6) months, the developer may request an extension for a maximum of six (6) months by providing written notice to the department before the original six (6) months expiration date. The request will be forwarded to all infrastructure departments for review. Should revisions to the plans be necessary, then a resubmittal of the plans will be required.

(d) If construction drawing approval lapses, the plans become subject to any changes in the City Code.

(Ord. No. 89-261, § 2(35-42), 10-12-89; Ord. No. 91-89, § 10, 5-30-91; Ord. No. 96-241, § 17, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.12. Final plat—Generally.

(a) The purpose of the review and approval of the final plat by the city is to ensure that all requirements of these procedures have been satisfied.

(b) The developer may submit a final plat for approval for the entire subdivision when any one (1) of the following conditions exist:

- (1) All private improvements, if any, have been installed and approved by the city and all public improvements, if any, have been installed and accepted by the city;
- (2) In the absence of the completion of all improvements referenced in subsection (b)(1) above, provision of security for such installation as required by section 27-153.2.15; or
- (3) In the absence of any required improvements, as determined by the preliminary application conference.

(c) The developer may submit a final plat for review prior to construction drawing approval. However, the final plat will not be accepted until one (1) cycle of the construction drawing review has been completed. The submission of the final plat does not imply approval of the construction drawings.

(d) Any project that is subject to commercial site plan review may be submitted for that review simultaneously with the preliminary plat review

and/or construction drawing review. The developer may submit one (1) set of plans containing all of the information required for preliminary plats or construction drawings and commercial site plan review. The subdivision coordinator shall coordinate the plan review for the subdivision preliminary plat or construction drawing review and the commercial site plan review as one (1) review. If preliminary plat and/or construction drawings are not required for a particular project, the commercial site plan may be submitted with the final plat as one (1) set of plans containing all of the information required for commercial site plan review and final plat review for a simultaneous review coordinated by the subdivision coordinator, provided that the commercial site plan is not approved before the city council approves the final plat and it is recorded in the public records of Hillsborough County.

(Ord. No. 89-261, § 2(35-43), 10-12-89; Ord. No. 91-89, § 11, 5-30-91; Ord. No. 96-241, § 18, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.13. Same—Filing of application; administrative review.

(a) *Filing of application.* The owner or owner's authorized representative shall submit to the department an original and the required number of copies of documents required for final plat approval. Such documents shall be prepared and submitted in accordance with section 27-153.2.23. Following receipt of these documents, they shall be reviewed by all appropriate city departments, and comments from the reviewing city departments will be submitted to the department.

(b) *Administrative review.*

- (1) Upon receipt of the application for final plat approval, the department shall forward copies to all appropriate city departments for review. Because final plats cannot be conditionally approved and must be accurate for recording in the public records, the developer, engineer of record, surveyor or other appropriate parties may be called upon to make appropriate corrections. Once a determination is made by city staff that the plat and all supporting

documents conform to city requirements, the final plat will be forwarded to the city council for approval.

- (2) When plans have been disapproved, the applicant has three (3) months from the notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code.

(Ord. No. 89-261, § 2(35-44), 10-12-89; Ord. No. 96-241, § 19, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.14. Same—Standards for approval; effect of approval.

(a) *Standards for approval.* No final plat shall be approved for recording, unless:

- (1) The final plat is substantially in conformance with the approved preliminary plat;
- (2) The final plat is in compliance with all applicable regulations, approved construction drawings and as-built drawings;
- (3) All improvements have been installed, inspected and accepted in accordance with section 27-153.3.4 of these procedures or, when approved by the city, the developer has provided adequate performance security in accordance with section 27-153.2.15 of these procedures and the developer provides to the city adequate defect security in accordance with section 27-153.2.16 of these procedures;
- (4) The developer has paid all application and recording fees required by the city;
- (5) When construction of improvements is required, a subdivision agreement in substantial conformance with the model agreement provided by the city has been executed by the developer; and
- (6) The developer has provided one (1) copy of all homeowners documents (articles of incorporation, bylaws, and deed restrictions) for review by the city attorney and three (3) copies of the approved homeowners documents.

(b) *Contingent approval.* Final plat approval shall be contingent upon the developer providing proof of:

- (1) All required permits from the Florida Department of Transportation, Department of Environmental Protection and the U.S. Corps of Engineers;
- (2) Filing with the Department of State of the bylaws and articles of incorporation for the Homeowners Association; and
- (3) All required state and local permits for wells and septic tanks.

(c) *Effect of approval.* No lot may be sold until all contingencies have been fulfilled.

(Ord. No. 89-261, § 2(35-45), 10-12-89; Ord. No. 91-89, § 12, 5-30-91; Ord. No. 96-241, § 20, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.15. Performance security.

(a) *Performance security required.*

- (1) *Full performance security.* In order to receive final plat approval before the installation of all improvements, the developer shall provide and maintain sufficient full performance security guaranteeing the installation and approval of all private on-site or off-site improvements and the installation and acceptance of all public on-site or off-site improvements, except sidewalks. When providing full performance security, the developer shall submit the performance security on forms provided by the city two (2) weeks before to city council action; such security shall be effective as of the date city council approves the subdivision. Such performance security shall comply with all statutory requirements, the requirements of section 27-153.2.22(7) of this Code, and be satisfactory in form to the city attorney and appropriate city staff and be in an amount equal to one hundred twenty-five (125) percent of the developer's contract for the work or a certified engineers estimate, subject to approval of the appropriate city staff. When providing a bond for

performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book."

- (2) *Partial performance security.* In order to receive final plat approval after installation and approval of a specific private improvement or the installation and approval of a specific public improvement but prior to installation and approvals of all private improvements and the installation and approval of all public improvements, the developer shall provide sufficient partial performance security guaranteeing the installation of any remaining improvements not yet installed in the amount of twenty (20) percent of the developer's contract for the installation of the entire of the improvements being partially secured. Partial performance may be provided at the point the city and the developer deem the improvement substantially complete as certified by the developer's engineer of record. Partial performance security may be posted for the completion of a particular improvement, although other improvements are yet to be completed. Partial performance security may not be posted if only a percentage of a particular improvement is completed. Approval for posting a partial performance security must be given by the appropriate infrastructure department as it relates to the improvement. When providing partial performance security, the developer shall submit the partial performance security on forms provided by the city two (2) weeks prior to city council action; such security shall be effective as of the date of city council approval of the subdivision. Such performance security shall comply with all statutory requirements, be satisfactory in form to the city attorney subject to approval by appropriate city staff and be in an amount acceptable to the city so as to equal the full estimated cost adjusted to cover inflation and administration for installation of any remaining improvements not yet installed, approved and/or accepted; in no case will the amount be less than one

hundred twenty-five (125) percent of the developer's contract for the installation of the remaining improvements.

(b) *Performance security not required.* If all private improvements have been approved and inspected by the city and all public improvements have been approved and accepted by the city, the developer shall not be required to provide performance security upon final plat approval by staff prior to city council action.

(c) *Effective period; extensions.* The effective period of the performance security shall not be less than one (1) year from the date city council approves the subdivision; provided, however, that the city may permit or require extensions by renegotiation of the security amount and execution of a new security and subdivision agreement. Performance security for streetlights will not be extended more than the allotted twelve-month time frame if one-third ($\frac{1}{3}$) or more of the total number of units in the subdivision have received their certificates of occupancy. Under no circumstances will performance security for streetlights be extended beyond one (1) year from the expiration date of the original security provided.

(d) *Default of performance security.* Where approved performance security has been provided and the improvements have not been installed according to the approved construction drawings, the City Code or the terms of the performance security instrument, the city may, upon ten (10) days' written notice to the parties to the instrument, declare the performance security to be in default and exercise the city's rights thereunder. Upon default, no further permits or approval shall be granted for the project until adequate progress toward completion of the remaining improvements is shown as determined by the city.

(e) *Release of performance security.* Subject to the terms of such security and subdivision agreement, the performance security shall be released by the city when all private improvements are installed, inspected and approved and when all

public improvements are installed, inspected and accepted pursuant to section 27-153.3.4 of these procedures.

(Ord. No. 89-261, § 2(35-46), 10-12-89; Ord. No. 91-89, § 13, 5-30-91; Ord. No. 96-241, § 21, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Cross reference—Sureties of persons dealing with city to be licensed by state, § 2-231.

Sec. 27-153.2.16. Defect security; release of defect security.

(a) *Defect security.* Upon final acceptance of improvements by the city, the developer shall post security, in an amount equal to ten (10) percent of the actual construction costs of improvements for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the city attorney. The effective period for such security shall be one (1) year and thirty (30) days following the city's acceptance of the installed improvements. Upon default, the city may exercise its rights under the defect security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument.

(b) *Release of defect security.* Subject to the terms of such security and subdivision agreement, the defect security shall be released by the city at the expiration of its effective period. (Ord. No. 89-261, § 2(35-47), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.17. Final plat—Effect of approval.

(a) Upon approval of the final plat by city staff, the city council shall:

- (1) Approve or disapprove the final plat and any legal instruments;
- (2) Authorize the recording of the plat and supporting documents for all purposes under state law.

(b) Application for building permits may be submitted after final plat recordation. (Ord. No. 89-261, § 2(35-48), 10-12-89; Ord. No. 96-241, § 22, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.18. Same—Recording and re-producing.

(a) Following approval by the city council, the original final plat and original copies of any supporting legal documents required to be recorded in the public records shall be submitted by the developer to the department who will in turn submit such plat and supporting documentation directly to the clerk of the circuit court for recordation within the public records of the county. Following recording of the plat, the clerk of the circuit court, in coordination with the department, shall have prints and reproducible copies of the final plat made for distribution.

(b) In addition to the above, copies will be prepared for the developer upon prior written request to the department. The actual cost of recording and preparing all required copies, prints and reproducibles shall be paid by the developer.

(c) Notwithstanding any other provisions of these procedures, if a final plat is not recorded within six (6) months from the effective date of the resolution approving the final plat for the subdivision, then administrative approval of the preliminary plat, construction drawings and final plat previously approved shall expire. (Ord. No. 89-261, § 2(35-49), 10-12-89; Ord. No. 96-241, § 23, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.19. Same—Requirements subsequent to recording.

(a) Upon construction completion and acceptance of improvements, a defect security bond shall be required pursuant to section 27-153.2.16.

(b) When installation of improvements has occurred subsequent to final plat recordation, the surveyor's certificate of installation of P.C.P.'s, P.R.M.'s, etc., in accordance with F.S. § 177.091(8), shall be submitted. (Ord. No. 89-261, § 2(35-50), 10-12-89)

Sec. 27-153.2.20. Same—Amendments.

(a) *Vacating and replatting.* Whenever land comprising all or part of an existing plat of record is proposed as all or part of a new plat, it shall be properly vacated prior to final plat approval of the new subdivision in accordance with the procedures set forth in F.S. § 177.101(3), (4), (5).

(b) *Revision of final plat after recordation.* No changes, erasures, modifications or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted to the city council for its approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat as provided by law.

(c) *Minor amendments.*

(1) When it is necessary to modify a plat which has been duly recorded, the applicant may do so through the minor amendment or single amendment process.

a. The minor amendment process shall consist of submission of a final plat to the department including the modifications for recording in the public records of the county. The minor amendment process shall apply if two (2) or more of the following modifications are proposed:

1. Lot line adjustment, provided that the number of lots does not increase and the individual lot sizes still meet the minimum lot sizes prescribed in Chapter 27 of this Code;
2. Minor adjustments in street alignments;
3. Release or dedication of easements; or
4. Street name changes.

b. The single amendment process shall apply where only one (1) modification described in subsection (c)(1)a. is necessary. The single amendment process shall consist of submission of a final plat or, at the city's option, submission of an alternate document recordable in the public re-

cords as prescribed by the department, provided that the changes are approved by the city council and recorded in the public records of the county.

(Ord. No. 89-261, § 2(35-51), 10-12-89; Ord. No. 91-89, § 14, 5-30-91; Ord. No. 96-241, § 24, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.21. Application submission requirements for preliminary plats.

All applications for preliminary plat approval shall be submitted to the department in the required number of copies and shall include the information as specified in the subdivision review technical manual, provided that the department or other appropriate departments may waive or modify such submittal requirements if a determination is made that such information is currently available to the city or is otherwise unnecessary. All determinations to waive or modify submittal requirements shall be made at the preapplication conference. The application for preliminary plat approval shall include the following:

- (a) *Boundary drawing.* A sketch showing a metes and bounds description of the property proposed to be platted, total acreage, existing easements, utilities, streets, general topography, floodplain and flood zone boundaries and other significant features existing at the time of submission;
- (b) *Legal description.* A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission. The legal description shall include the total acreage of the parcel or tract of land to be platted;
- (c) *Vicinity map.* A vicinity map at a convenient scale showing the site, including existing roads and waterways, street rights-of-way and street intersections on all four (4) sides;
- (d) *Development schedule and plan.* A proposed development schedule indicating the

approximate starting and completion dates for the entire project and any phases, complete with a plan identifying and describing such phases;

- (e) *Subdivision name.* The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet included. Such name shall not be so similar to another recorded subdivision in the city or county so as to confuse their identities. Subdivision names are subject to approval by the city;
- (f) *Transportation analysis.* A transportation analysis shall be prepared by a professional traffic engineer. The analysis shall include the total trips generated by the project and the distribution of the trips onto adjacent streets. Institute of traffic engineers (ITE) trip generation rates or another approved source shall be used as the basis for trip generation calculations. (Note: Required only if analysis not previously prepared in association with another development approval, i.e., DRI, rezoning, etc., approved for the same project.) This requirement may be waived if the transportation division determines that the transportation impact will not be significant. In addition, the detailed traffic analysis shall include, but not be limited to, the following:
 - (1) Level of service calculations at each project access point for both the a.m. and p.m. peak hours;
 - (2) A determination of need for auxiliary lanes;
 - (3) A determination of need for traffic signalization or other control devices;
 - (4) Other transportation factors as may be appropriate as determined by the city's transportation division, based upon generally accepted traffic engineering practices;

(g) *Concurrency review for transportation.* All submissions for preliminary plat review shall include an application for a concurrency management transportation review. The transportation division will determine if the proposed project is concurrent. If a project is found not to be concurrent, the developer will be advised to schedule a methodology meeting with the city's traffic engineer. When a project is in compliance with concurrency, a temporary certificate of concurrency will be issued upon approval of the construction drawings. The final certificate of concurrency will be issued upon recordation of the final plat. The final certificate of concurrency will be required to apply for all building permits;

(h) *Preliminary plat.* A preliminary plat prepared in accordance with and including the following information:

(1) *Graphic standards.*

- a. *Sheet size.* Drawings shall be on one (1) or more sheets twenty-four (24) inches by thirty-six (36) inches in size. A three-inch margin shall be provided on the left edge and one-half-inch margin on the remaining three (3) edges of all sheets;
- b. *Scale.* All plans shall be at a scale which is no smaller than one (1) inch equals one hundred (100) feet;
- c. *Dimensions.* All dimensions shall be feet;
- d. *North arrow.* All drawings shall have a north arrow pointing to zero degrees north; and
- e. *Title block.* A title block shall be located in the lower right corner of the format of all sheets and shall contain the following information:
 1. Subdivision name;
 2. City, county and state;

3. Sheet number and total number of sheets;
4. Name, address and phone number of the responsible individual or professional; and
5. Preparation date and date of any revisions;

(2) *Existing site conditions.*

- a. The location of the property with respect to adjoining development, together with the existing zoning on adjoining property and existing land uses adjacent to the property (one-hundred-foot band at a minimum);
- b. The name, location and width of existing or platted streets and street rights-of-way within or contiguous to the site;
- c. The size and approximate location of sewers, water mains, storm drains and other underground facilities within or in close proximity to the site;
- d. The location and width of easements for all utilities, such as electric power lines, within and adjacent to the site;
- e. Topographic contours at one-foot intervals (five-foot contours in areas of steep slope when authorized by the department of public works), based on mean sea level datum. Topographic information shall be furnished by USGS, SWFWMD or a certified land surveyor;
- f. National flood insurance program's flood zone boundaries and categories;
- g. The location of trees or tree groupings and watercourses and other significant natural features, which shall be by reference on an aerial photograph at a scale of not less than one (1)

inch equals one hundred (100) feet and the location and gross acreage of all wetlands and jurisdictional areas; and

- h. The location and nature of existing land uses, historic sites and structures, buildings and existing zoning;

(3) *Subdivision design.*

- a. The location and approximate dimensions of all lots. All lots shall be numbered. In mixed-use developments, general designations of intended use shall be included;
- b. The location, nature and intended purpose of any proposed easements, reservations or dedications;
- c. The location and approximate dimensions of reserved or dedicated recreational open space, including the total acreage of open space;
- d. The nature, location and approximate dimensions of any buffer or other areas;
- e. The name, location, width and curve radii of all proposed streets and rights-of-way;
- f. The nature, location and approximate dimensions of all sidewalks, pedestrian ways and bike ways;
- g. The general location and method of the potable water source;
- h. The general layout of the stormwater management system, designed to specifications of the city; and
- i. The approximate location of any proposed security guard houses, entry walls, entry gates, fences, perimeter walls and street medians; and

- (4) All other information reasonably required by the city.

(Ord. No. 89-261, § 2(35-52), 10-12-89; Ord. No. 91-89, §§ 15—17, 5-30-91; Ord. No. 96-241, § 25, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.22. Submission requirements for construction drawings.

All construction drawings shall be submitted to the department in the required number of copies and shall conform to specifications and requirements of the city and the requirements listed in the subdivision review technical manual. Construction drawings shall be prepared and certified for all improvements by a state-registered professional engineer. All revisions shall be prepared and submitted as required for original drawings. Construction drawings shall include the following:

- (a) *Legal description.* A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission;
- (b) *Existing site conditions.*
 - (1) Location, size, elevation and other appropriate descriptive information of existing facilities and features shown on the approved preliminary plat and the point of connection to proposed facilities and utilities. All water bodies shall show approximate high- and low-water elevations;
 - (2) Topographic contours at one-foot intervals, based on mean sea level datum. Topographic contours may be shown at the same scale as presented in the approved preliminary plat; and
 - (3) Flood elevation data and flood zones delineated;

(c) *Subdivision design.*

- (1) Proposed grading and/or spot elevations at sufficient detail to define the proposed drainage patterns;
- (2) Lot, block and street design showing radii of all curves and corners;
- (3) Profiles depicting existing and proposed elevations along centerlines of all roads and intersections;
- (4) Cross sections of all street intersections;
- (5) Plans and profiles depicting the location and typical cross sections of all required improvements;
- (6) Details illustrating connections to existing and proposed utility systems;
- (7) Details showing sidewalks, all traffic-control, striping and street signage in accordance with requirements of the city; and
- (8) Location of fire hydrants;

(d) *Other information submitted in graphic and/or narrative form.*

- (1) All stormwater calculations and descriptions, prepared by a state-registered engineer, needed to show compliance with city, state and federal requirements;
- (2) Type and location of any erosion and sedimentation controls which will be used during the construction process;
- (3) All calculations and descriptions, prepared by a state-registered engineer, used in sizing water and sewer mains, including any impact on existing systems and fire flow requirements;
- (4) All plans, calculations and descriptions necessary to show that the sewage disposal system is in compliance with all applicable federal, state, county and city requirements;
- (5) All plans, calculations and descriptions required to determine that the

potable water supply system is in compliance with all applicable federal, state, county and city requirements;

- (6) Copies of permits or approvals from the Environmental Protection Commission and Southwest Florida Water Management District;
- (7) Identification of all wetland encroachments;
- (8) Calculations for storage lane capacity, where applicable; and
- (9) All additional information as required by the city; and

(e) *Graphic standards.*

- (1) *Sheet size.* Drawings shall be on one (1) or more sheets twenty-four (24) inches by thirty-six (36) inches in size. A three-inch margin shall be provided on the left edge and one-half-inch margin on the remaining three (3) edges of all sheets;
- (2) *Scale.* All plans and profiles shall be at a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals five (5) feet;
- (3) *Dimensions.* All dimensions shall be feet and decimals of a foot;
- (4) *North arrow.* All drawings shall have a north arrow pointing to the top of the drawing zero degrees north; and
- (5) *Title block.* A title block shall be located in the lower right corner of the format of all sheets and shall contain the following information:
 - a. Subdivision name;
 - b. City, county and state;
 - c. Sheet number and total number of sheets;
 - d. Name, address and phone number of the responsible individual or professional; and

- e. Preparation date and date of any revisions.

(Ord. No. 89-261, § 2(35-53), 10-12-89; Ord. No. 91-89, §§ 18, 19, 5-30-91; Ord. No. 96-241, § 26, 10-31-96; Ord. No. 96-241, § 26, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.23. Submission requirements for final plats.

All final plats shall be prepared in compliance with these procedures and other applicable laws. An original and the required number of copies shall be submitted to the department and include the information specified in the subdivision review technical manual:

- (a) *Application form and required processing fees.* On forms provided by the city, a complete application and affidavit bearing the signatures and acknowledgement of all current property owners of record and all processing fees required by the city;
- (b) *Certification required on final plat.* In conformance with forms established by the city, all final plats shall be prepared to include the following certifications which shall be printed on the original plat:
 - (1) Certificate of survey;
 - (2) Certificate of approval of the city council;
 - (3) Certificate of ownership and dedication and, when desired, separate mortgagee's joinder in and ratification of subdivision plat and all dedications and reservations thereon may be submitted as a separate instrument; and
 - (4) Certificate of approval of the clerk of the circuit court;
- (c) *Certificates, legal instruments and other documents required.* In conformance with forms established by the city and in addition to the certifications required in subsection (b) and the requirements specified

in section 27-153.3.4, the following shall be provided prior to final plat approval by the city council:

- (1) When improvements are constructed, completed and accepted prior to final plat recordation, the following documents shall be provided:
 - a. Title certification;
 - b. Subdivision agreement;
 - c. Certificate of cost estimate (or actual installation cost)
 - d. Defect security bond;
 - e. Surveyor's certificate of installation of P.C.P.'s in accordance with F.S. § 177.091(8); and
 - f. Signed and sealed as-built drawings;
- (2) When improvements are constructed, completed and accepted subsequent to final plat recordation, the following documents shall be provided:
 - a. Title certification;
 - b. Subdivision agreement;
 - c. Certificate of cost estimate (or actual installation cost);
 - d. Performance security bond; and
 - e. Defect security bond (after improvements are accepted for maintenance by the city); and
- (3) When a subdivision is a replat of subdivided lands, the appropriate documentation shall be recorded as prescribed by the city;
- (d) *Provision and assurance for maintenance of common facilities.*
 - (1) All documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the state and satisfactory to the city attorney, to establish a means of common ownership and management of all common areas, facilities or improvements intended for use by some or all of

the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense;

- (2) Any subdivision project which will remain in single ownership need not create a separate legal entity to guarantee maintenance of required improvements. However, deed restrictions which provide for maintenance of the improvements must be submitted; and
 - (3) All documents that are required pursuant to the provisions of this section must be recorded by the city at the developer's expense subsequent to approval by the city attorney's office and before or simultaneous with the recording of the plat in the public records of Hillsborough County.
- (e) *Flood data.* Flood zones and flood elevation data, if applicable, shall be provided;
 - (f) *Original mylars.* The applicant shall provide an original Mylar, and two (2) reproducible Mylars prior to submission to the city council. The scale on the original Mylar and the copy shall be no smaller than one (1) inch equals one hundred (100) feet. The two (2) sets of reproducible Mylars shall be at a scale of one (1) inch equals two hundred (200) feet;
 - (g) *Final plat.* In addition to required certifications, final plats shall be prepared to include the following:
 - (1) *Graphic standards.*
 - a. *Material.* An original drawing made with black permanent drawing ink on a good grade linen tracing cloth or stable base film a minimum of .003 inches thick. Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black draw-

ing ink. A print or photographic copy of the original drawing shall be submitted with the original drawing;

- b. *Size, margin.* The size of each sheet shall be eighteen (18) inches by twenty-four (24) inches and shall be drawn with a marginal line or may be printed completely around each sheet and placed so as to leave at least a one-half-inch margin on each of three (3) sides and a three-inch margin on the left side of the plat for binding purposes;
- c. *Multiple sheets.* When more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin;
- d. *Scale.* The scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided;
- e. *Subdivision name.* The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet included. Such name shall not be so similar to another recorded subdivision in the city or county so as to con-

fuse their identities. Subdivision names are subject to approval by the city;

- f. *North arrow.* A prominent north arrow shall be drawn on every sheet, including showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend; and

- g. The plat shall include in a prominent place, the following statement:

"NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."; and

(2) *Required information.*

a. *Location.*

- 1. *Coordinates.* Each plat shall show the section, township and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where state plane coordinates have been established, the legal description shall refer to the coordinates;
- 2. *Jurisdiction.* The names of the "City of Tampa," "Hillsborough County," and "State of Florida" shall appear under the name of the plat;
- 3. *Property description.* Each plat shall show a description of the lands subdivided, and the description shall be the same as in the title certification. The description must be so complete that from it, without

reference to the plat, the starting point and boundary can be determined;

- 4. *Section lines; metes and bounds; land grants.* All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner;
- 5. *Contiguous properties; resubdivisions.* All contiguous properties shall be identified by subdivision title, plat book and page or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision or a part of the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat;

- b. *Permanent reference monuments.* Each P.R.M. shall be shown on the plat by appropriate designation;
- c. *Permanent control points.* All P.C.P.'s shall be shown on the plat by an appropriate designation. It is the land surveyor's responsibility to furnish the clerk or recording officer of the county his certificate that the P.C.P.'s have been set and the dates the P.C.P.'s were set, in accordance with a surveyor's certification form established by the county; and
- d. *Design.*
 - 1. *Streets, waterways.* Location, width and names of all streets, waterways or other rights-of-way shall be shown on the plat;
 - 2. *Easements.* Location and dimensions of all easements shall be shown on the plat, shall be described in the notes or legend as necessary and their intended use shall be clearly stated;
 - 3. *Lot and block numbers.* All lots shall be numbered by progressive numbers and, if numbered by blocks, each block shall be progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions;
 - 4. *Corner radii.* Block corner radii dimensions shall be shown;
 - 5. *Survey data.* Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street and all other dimensions, except to irregular boundaries, shall be shown to a minimum of hundredths of feet. Sufficient angles, bearings or azimuth to show direction of all lines shall be shown, and all bearings, angles or azimuth shall be shown to the nearest second of arc. All measurements shall refer to horizontal plane and in accordance with the definition of a foot or meter adopted by the United States Bureau of Standards;
 - 6. *Curvilinear lots.* Curvilinear lots shall show the radii, arc distances and central angles or radii, chord and chord bearing or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated;
 - 7. *Street centerlines.* The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, P.C.'s, P.T.'s, P.R.C.'s, P.C.C.'s, arc distance, central angles, tan-

- gents, radii, chord and chord bearing or azimuth or both;
8. *School, park and recreation parcels.* School, park and recreation parcels, as applicable, may be so designated or the developer may provide a schedule of uses;
 9. *Excepted parcels.* All interior excepted parcels shall be clearly indicated and labeled "not a part of this plat";
 10. *Dedications and reservations.* The purpose and location of all areas dedicated or reserved must be clearly indicated or stated on the plat;
 11. *Conservation and preservation areas.* Exact locations of all conservation and preservation areas, including natural wetlands, mitigated wetlands and upland preserves, shall be identified;
 12. *Curve details.* When it is not possible to show curve detail information on the map, a tabular form may be used; and
 13. *Street-lighting plan.* In conformance with the standards of the department of public works, shall be submitted with the application for final plat.
- (h) *Covenants, etc.* A draft of any proposed protective covenants, property owners association articles of incorporation and by-laws; and
 - (i) *Itemized cost estimate of improvements or bid.* When posting performance security under the provisions of section 27-153.2.15, itemized cost estimates of all required improvements made by a state registered engineer or a bid from a reputable bondable contractor shall be submitted prior to final plat approval of construction drawings.
 - a. If the engineers cost estimate is determined to be inadequate when compared to the city's cost to install the improvements, then the city shall modify the engineers estimate to meet city cost.
 - b. If a developer chooses to utilize the bid from the contractor who was awarded the job and the city finds the bid amount to be inadequate when compared to the city's cost to install the improvements, then the following requirements are applicable:
 1. The contractor's bonding company must have no less than a B+ rating as determined by Best Bond Book; and
 2. If the contractor's total bid is insufficient when compared to the city's cost to install the improvements, then the city will require a certified letter from the contractor on the contractor's stationery stating that the contractor will install the improvements for the City of Tampa at the same bid price contracted with the developer.
 3. The city will require a certified letter from the developer stating that the bid for infrastructure was awarded to a specific contractor, naming the contrac-

tor and stating the total bid price under contract for the required improvements.

- (j) Application for streetlight assessment program.

(Ord. No. 89-261, § 2(35-54), 10-12-89; Ord. No. 91-89, §§ 20, 21, 5-30-91; Ord. No. 96-241, § 27, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.24. Express subdivision review.

(a) *Small subdivisions.* Small subdivisions are eligible for express subdivision review. Small subdivision review allows for the waiver of both the preliminary plat and construction drawing requirements; provided that all lots within the proposed subdivision are for single-family use, have approved access and existing potable water and sanitary sewer facilities.

(b) *Minor subdivisions.* Minor subdivisions are eligible for express subdivision review. Minor subdivision review allows for the waiver of the preliminary plat requirements in certain circumstances as set forth in subsection (c)(1).

- (c) *Criteria for express subdivision review.*

- (1) In order to waive the preliminary plat requirement, a preliminary application conference must be requested by the developer. Upon scheduling the conference, the developer shall provide the city with a survey of the proposed subdivision. The subdivision coordinator may waive the preliminary plat requirements in any of the following circumstances:

- a. All of the single-family residential lots within the proposed subdivision have approved access and existing potable water and sanitary sewer facilities;
- b. The proposed subdivision includes a maximum of two (2) lots which will be developed for commercial, industrial, or multifamily uses, and all of the lots within the subdivision have approved access and existing adequate improvements and utilities; or

- c. The proposed subdivision relates solely to roadways, provided that code requirements for construction drawings and a final plat materials are otherwise fulfilled.

- (2) In order to waive the construction drawing requirement, a preliminary application conference must be requested by the developer. Upon scheduling the conference, the developer shall provide the city with a survey of the proposed subdivision. The subdivision coordinator may waive the construction drawing review requirements in any of the following circumstances:

- a. No improvements are required by these procedures or any other provision of the City Code;
- b. All required improvements will be installed by the city and the developer has paid for such improvements;
- c. All of the lots within the proposed subdivision have approved access and existing adequate improvements and utilities;
- d. The proposed subdivision includes a maximum of two (2) lots which will be developed for commercial, industrial, or multifamily uses, and all of the lots within the subdivision have approved access and existing adequate improvements and utilities; or
- e. The proposed subdivision relates solely to roadways, provided that code requirements for construction drawings and a final plat materials are otherwise fulfilled.

(Ord. No. 96-241, § 28, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.25. Affordable housing subdivisions.

Exceptions to the requirements of these procedures may be made for subdivisions which have been certified by the city as affordable housing subdivisions and have been underwritten through

the Mayor's Challenge Fund or other bona fide housing programs administered through the community redevelopment agency as follows:

- (a) Affordable housing subdivisions may be exempt from the requirements of installing a stormwater retention/detention facility located within a common area and establishing a homeowners association which addresses stormwater requirements if:
 - (1) A subdivision is certified by the City of Tampa as affordable housing project and is so recorded on the final plat;
 - (2) The subdivision is comprised of less than ten (10) platted lots;
 - (3) The subdivision is not located in a stormwater management redline area;
 - (4) The subdivision is not located in a volume sensitive basin; and
 - (5) The subdivision would not be contributory to an identified flooding problem.
- (b) Affordable housing subdivisions may also be exempt from subdivision technical requirements if the project incorporates or is an innovative design.

- (c) The developer shall not be required to provide defect security upon the final acceptance of all required improvements by the city.
- (d) Affordable housing subdivisions may be eligible for express subdivision review. (Ord. No. 96-241, § 29, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.26. Electronic data.

Developers are encouraged to provide the required subdivision documentation in an electronic data form pursuant to the criteria listed below.

- (a) The following basic requirements apply in any case in which electronic data is submitted:
 - (1) Drawing files must be submitted in AUTOCAD.dwg format or in the form of .DXF files;
 - (2) Each electronic file must be supplied on a three and one-half (3½) inch disk;
 - (3) Each disk must be clearly labeled with the name of the electronic file stored on the disk;
 - (4) File compression through PKZIP is permitted provided that, if extraction by PKUNZIP is used, then the compressed files must have an extension of .ZIP; and
 - (5) Each drawing must be made in decimal units at a scale of one equals one (1=1), and must have a line scale of forty (40).

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- (b) Electronic files must conform to the following layer formats:

<i>LAYER NAME</i>	<i>COLOR</i>	<i>LINETYPE</i>	<i>DESCRIPTION</i>
0	7 (WHITE)	CONTINUOUS	BORDER, TITLE, NORTH ARROW
SECTL	1 (RED)	PHANTOM	SECTION & MID-SECTION
BORTEXT	7 (WHITE)	CONTINUOUS	TEXT (WITHIN TITLEBOX)
ROW	7 (WHITE)	CONTINUOUS	RIGHT OF WAY LINES
SHORE	5 (BLUE)	CONTINUOUS	SHORELINE, RIVER EDGE, LAKE
LOT	3 (GREEN)	CONTINUOUS	LOT LINES
LOTNUN	4 (CYAN)	CONTINUOUS	LOT NUMBERS
SECNUM	1 (RED)	CONTINUOUS	ADJOINING SECTION NUMBERS
BLOCKNUM	7 (WHITE)	CONTINUOUS	BLOCK NUMBERS
SUBNAME	7 (WHITE)	CONTINUOUS	SUBDIVISION NAME

<i>LAYER NAME</i>	<i>COLOR</i>	<i>LINETYPE</i>	<i>DESCRIPTION</i>
SUB- BOUND	252 (GRAY)	DASHED	SUBDIVISION BOUNDARY
ESMT	4 (CYAN)	DASHED	EASEMENTS
VACATED	7 (WHITE)	HATCH	VACATED STREETS & EASEMENTS
STREETIN	7 (WHITE)	CONTINUOUS	STREET NAMES WITHIN RIGHT-OF-WAY
STREETOUT	7 (WHITE)	CONTINUOUS	STREET NAMES OUTSIDE RIGHT-OF-WAY
RR	7 (WHITE)	CONTINUOUS	RAILROAD
LIMITS	1 (RED)	CENTER	CITY LIMITS
DIMROW	6 (MAGENTA)	CONTINUOUS	RIGHT-OF-WAY DIMENSIONS
DIMLOT	6 (MAGENTA)	CONTINUOUS	LOT DIMENSIONS
GNOTES	7 (WHITE)	CONTINUOUS	GENERAL NOTES
DESCRI	7 (WHITE)	CONTINUOUS	LEGAL, DEDICATION LANGUAGE

- (c) All text must be provided in Standard Font, based upon the scale of one (1) inch equaling two hundred (200) feet (1" = 200'), as noted below:

Dimensions	= 15'
Lot numbers	= 15'
Block numbers	= 30'
Street names	= 15'
Easements	= 15'
Dedication language	= 20'
Description	= 20'
Subdivision name	= 50'/100'
General notes	= 15'

(Ord. No. 96-241, § 30, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

*Subdivision 1.3. Fee Authority and Types;
Permits; Inspections*

Sec. 27-153.3. Fees—City council to establish.

The city council shall have the authority to set fees by resolution.

(Ord. No. 89-261, § 2(35-71), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.1. Same—Types enumerated.

Fees may be charged for the following:

- (1) Plans examination;

- (2) Recording fees;
(3) Reproduction of mylars; and
(4) Resubmittal fee.

(Ord. No. 89-261, § 2(35-72), 10-12-89; Ord. No. 96-241, § 32, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.2. Land alteration prior to construction drawing approval.

(a) Upon submission of a preliminary plat and submission and approval of all necessary site clearing and drainage and earthwork permits, land alteration may commence to conduct excavation for improvements and temporary stockpiling. A land alteration plan shall be submitted and may include property outside of the preliminary plat but within the master planned project.

(b) The land alteration plan shall include the following:

- (1) Legal description of the entire area to be altered;
(2) Total acreage of the entire area to be altered;
(3) Approximate location of trees or tree groupings, ponds, lakes and watercourses and other significant natural features. Locations may be by reference to aerial photo-

graphs at a scale of one (1) inch equals one hundred (100) feet, unless otherwise approved by the city;

- (4) Location of temporary stockpiles and erosion control devices to be utilized on stockpiles;
- (5) Approximate location and gross acreage of all wetlands and jurisdictional areas proposed and environmental protective devices to be utilized;
- (6) General location of planned streets, haul roads and other public or common areas; and
- (7) Drainage and earthwork plan (at a scale of one (1) inch equals two hundred (200) feet, unless otherwise approved by the city), including location and approximate dimensions of cut and fill volumes.

(c) Land alteration undertaken prior to approval of construction drawings is done at the sole risk of the developer, irrespective of permit issuance by the city. Review and approval of preliminary plats and construction drawings shall not take into consideration land alteration which commenced, under this section, prior to approval of construction drawings. The city may require that land be returned to its original state or that other remedies be effected by the developer, if land alteration conducted under this section does not conform to subsequently approved construction drawings.

(Ord. No. 89-261, § 2(35-73), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.3. Model homes/sales centers.

Following approval of construction drawings and subject to the requirements and limitations of section 27-282.2 of the zoning chapter and all requirements listed below, building permits for model homes/sales centers may be issued.

- (a) All model homes/sales centers shall be constructed and located in such manner as to comply with all requirements of this Code and all other applicable laws, including adequate water and sewer service.

(b) All homes shall be provided with adequate access to an approved and constructed street by completion of their construction and so situated to minimize pedestrian or vehicular traffic through areas of ongoing construction activity. This shall occur prior to the issuance of a certificate of occupancy.

- (c) No more than fifteen (15) percent of all lots or units or a maximum of fifteen (15) units, whichever is less, in each plat may be permitted as model homes or sales centers. A subdivision proposing ten (10) units or less or lots on a plat may be permitted for one (1) model home or sales center.

(Ord. No. 89-261, § 2(35-74), 10-12-89; Ord. No. 96-241, § 33, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Cross reference—Model dwelling units and preconstruction sales offices in certain zoning districts, § 27-282.2.

Sec. 27-153.3.4. Inspections; approval of private improvements; acceptance of public improvements.

(a) *Inspections; as-built drawings; test reports.* The installation of all improvements shall be subject at all times to inspection by the city. The developer shall employ a state-registered engineer to observe the work during construction to ensure compliance with approved plans. Upon completion, the engineer of record shall certify that the improvements have been installed and completed in accordance with approved construction drawings. Further, the developer shall submit to the city all required test reports, and the required number of copies of high quality, reproducible Mylar as-built drawings prepared to specifications of the city and certified by the engineer of record, showing the actual installation of all improvements.

(b) *Approval of private improvements.* Upon satisfactory final inspection of any private improvements, receipt of as-built drawings and required test reports, the city shall approve all such improvements. Such approval shall be evidenced by a written or stamped approval of improve-

ments executed by appropriate city departments. Maintenance of such private improvements remains the sole responsibility of the developer.

(c) *Acceptance of public improvements.*

- (1) Upon satisfactory final inspection of any public improvements, such improvements may be approved by the city. Approval of such improvements does not imply acceptance for maintenance by the city.
- (2) Upon satisfactory final inspection of any public improvements, acceptance of as-built drawings and required test reports, the city shall accept responsibility for the maintenance of such improvements, provided that such improvements are on land which the city owns or for which it has accepted an offer of dedication or easement. Such acceptance shall be evidenced by a written or stamped acceptance of improvements executed by appropriate city departments. Unless and until the city acquires such interests, maintenance of such improvements shall remain the sole responsibility of the developer.

(Ord. No. 89-261, § 2(35-75), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Cross reference—Inspections generally, § 1-27.

Subdivision 2. Sanctions; Appeals; Boards

Subdivision 2.1. Generally

Secs. 27-154.1—27-154.1.10. Reserved.

Subdivision 2.2. Action Authorized to Mitigate Violations

Sec. 27-154.2. Stop work and emergency orders.

Upon notice from the subdivision coordinator, work on any system that is being done contrary to the provisions of these procedures or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent or the person doing the work or posted at the job site and shall state the conditions under which work

may be resumed. Where an emergency exists, oral notice by the subdivision coordinator shall be sufficient to require the stoppage of work.

(Ord. No. 89-261, § 2(35-91), 10-12-89; Ord. No. 96-241, § 34, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 4, 5-16-2013)

Secs. 27-154.2.1—27-154.2.10. Reserved.

Subdivision 3. Technical Provisions

Subdivision 3.1. Authority to Establish/Publish Technical Standards

Sec. 27-155.1. Technical standards may be established.

The subdivision coordinator may establish technical standards setting forth: administrative guidelines governing the enforcement of these procedures; requirements not specifically addressed in these procedures but necessary to the effective pursuit of the purpose of these procedures; and any other information needed for the uniform and orderly administration of these procedures. Such standards are to be published in a technical manual, which manual shall be on file in the office of the city clerk at least seven (7) days prior to adoption thereof and shall be made available to the public for inspection and for duplication at cost.

(Ord. No. 89-261, § 2(35-121), 10-12-89; Ord. No. 96-241, § 36, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 4, 5-16-2013)

Cross reference—Requirements not covered by Code may be required by the official, § 1-17.

Secs. 27-155.1.1—27-155.1.10. Reserved.

Subdivision 3.2. Adoption of Standards by Reference

Sec. 27-155.2. Technical standards adopted.

The technical manuals and standards set forth and adopted for sanitary sewers (wastewater) transportation, water, site clearing, tree removal and landscape, and stormwater management,

which are on file in the office of the city clerk, are herein adopted by reference and, therefore, have the force and effect of law.

(Ord. No. 89-261, § 2(35-136), 10-12-89; Ord. No. 90-23, § 1, 2-8-90; Ord. No. 96-241, § 36, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Secs. 27-155.2.1—27-155.2.10. Reserved.

Subdivision 3.3. Specific Technical Requirements

Sec. 27-155.3. General requirements.

No subdivision plat shall be approved under the provision of these procedures unless the subdivision satisfies the following standards and requirements:

- (a) *Consistency with the comprehensive plan.* All proposed subdivisions shall be consistent with the comprehensive plan adopted by the city.
- (b) *Conformance with applicable regulations.* All subdivisions shall be designed and constructed in conformance with all requirements of these procedures, this Code and all other federal, state and city laws and regulations applicable to the subdivision, development and the sale of land.
- (c) *Flood protection.* No subdivision or part thereof shall be approved unless it conforms with all minimum requirements of Chapter 5, Section 5-111, flood damage control technical requirements, of this Code.
- (d) *Floor elevations.* Subject to limitations in subsection (c) above, all building floor elevations for living space shall be a minimum of one and one-half (1½) feet above the elevation of the center of the street pavement or street surface adjacent to the building, unless an exception is approved by the department of public works, and the site shall be graded to provide adequate drainage.

(Ord. No. 89-261, § 2(35-141), 10-12-89; Ord. No. 96-241, § 37, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-155.3.1. Improvements required; minimum design and construction standards.

(a) *Improvements required.* In addition to other requirements of these procedures, all subdivisions shall include certain improvements or facilities which are designed and constructed to comply with minimum standards of the city. The adequacy and availability of these public or private facilities shall be considered in reviewing such plats and shall include, but not be limited to:

- (1) Streets, emergency access and other traffic circulation improvements;
- (2) Sidewalks and other pedestrian circulation improvements;
- (3) Street signs, lighting and pavement markings;
- (4) Water;
- (5) Sanitary sewer;
- (6) Storm sewers and drainage system components;
- (7) Environmental/conservation areas; and
- (8) Survey monuments.

(b) *Minimum design and construction standards.* All subdivision improvements shall be designed and constructed to conform to or exceed the city's design and materials criteria, standards and specifications set forth in the city's technical manuals. These manuals shall be periodically updated as necessary to reflect changes and additions to the criteria, standards and specifications.

(c) *Additional improvements.* Where appropriate, the following shall be provided in accordance with the requirements of the city:

- (1) Emergency services;
- (2) Sanitation service;
- (3) Education sites; and
- (4) Recreation areas.

(Ord. No. 89-261, § 2(35-142), 10-12-89; Ord. No. 96-241, § 38, 10-31-96; Ord. No. 96-241, § 38, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.3.2. Private street, drainage and other improvements.

Should the developer wish to plat the subdivision with privately owned and maintained street, drainage and other improvements, the following requirements shall apply:

- (a) The preliminary and final plats must indicate that both the street and drainage rights-of-way are to be privately owned and maintained. Ownership and maintenance responsibilities for these improvements must be the sole responsibility of the subdivision property owners association.
- (b) All street and drainage rights-of-way within the subdivision are to be shown on the final plat as common areas dedicated to the property owners association of the subdivision for ownership and maintenance. Such dedication must include the right of ingress and egress, as well as contain a utility easement for the installation and maintenance of all utility lines serving the subdivision. If off-site drainage is to be routed through areas or easements within the subdivision, a drainage flow-through easement over such streets, areas or easements shall also be dedicated to the city to allow for emergency maintenance of drainage facilities.
- (c) All minimum design, construction and material standards of these procedures and the city departments must be met. Departmental standards for public and private improvements may vary.
- (d) All utilities, i.e., electricity, gas, etc., serving the subdivision must be owned and maintained by the respective utility company up to the meter or outside edge of the adjacent public right-of-way, as appropriate. All utilities must be kept within the street right-of-way lines whenever possible.
- (e) All private improvements within the road and drainage rights-of-way are to be owned

and maintained by the subdivision property owners association or community development district.

- (f) Prior to final plat application, the developer shall have prepared a property owners association document that contains the following requirements as a minimum:

- (1) Membership in the association must be mandatory for all lot owners;
- (2) A declaration that all improvements within the road and drainage rights-of-way within the subdivision, other than those owned by a private or public utility, are to be owned, maintained, repaired and replaced by and at the expense of the lot owners, not by the city; and
- (3) A funding mechanism to ensure that maintenance, repair and replacement costs are available must be established. The funding mechanism must be mandatory for all lot owners and include a sinking fund provision for replacement of all private improvements including, but not limited to, private roads, sidewalks, storm sewers, water and sanitary sewer systems.

(Ord. No. 89-261, § 2(35-143), 10-12-89; Ord. No. 96-241, § 39, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.3. Streets.

(a) *Access to public streets.* Every subdivision and lot within a subdivision shall immediately touch, adjoin and abut an approved private street, an approved access easement or a street dedicated to the public which has been accepted for maintenance by the city.

(b) *Relation to adjoining and /or proposed street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing principal streets from adjoining areas or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provision for

such future streets shall be made. Where a subdivision abuts or contains an existing or proposed arterial street, it may be required that the following be provided: marginal access street, screen planting, deeper lots or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Unless specifically required by the city, all screening plantings and buffers shall be contained on individual lots or within privately owned easements and shall not be the responsibility of the city for maintenance.

(d) *Street names.* New streets which are extensions of or in alignment with existing streets shall bear the name of the existing street. The street names "boulevard" and "parkway" shall be reserved for special designations of arterial streets which hold special historical or geographic importance. All others shall be named in the following manner:

<i>Direction</i>	<i>Long</i>	<i>Short*</i>
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or circles

*Less than 1,000 feet.

Street names shall be approved by the department, and in no case shall a name for a proposed street duplicate an existing street name, irrespective of whether the street is further described as an avenue, boulevard, driveway, place or court. (Ord. No. 89-261, § 2(35-144), 10-12-89; Ord. No. 96-241, § 40, 10-31-96; Ord. No. 96-241, § 40, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.4. Sidewalks.

(a) A master sidewalk plan shall be designed for ease of pedestrian movement throughout the subdivision and to existing streets adjacent to the subdivision in conformance with the standards established by the department of public works.

(b) Sidewalk handicapped ramps, designed to city specifications, shall be provided at all intersections when possible.

(c) Sidewalks within residential or commercial subdivisions are required improvements and do not require performance security. The developer shall install the sidewalks and obtain city ap-

(c) *Improvements within rights-of-way.* No walls, fences, gates, signs or other obstructions shall be constructed or placed within the right-of-way unless otherwise approved by the department of public works. Some existing trees may be allowed to remain and others planted, if approved by the department of public works and the department, when in accordance with all city plans, programs and regulations.

proval before the city may issue any certificates of occupancy for structures within the subdivision. Sidewalks associated solely with roadways must be bonded or constructed prior to final plat approval.

(Ord. No. 89-261, § 2(35-145), 10-12-89; Ord. No. 96-241, § 41, 10-31-96; Ord. No. 96-241, § 41, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.5. Streetlights.

(a) The developer shall be required, as a condition of his subdivision plat approval, to provide street lighting meeting the standards established by the department of public works and establish the funding mechanism.

(b) The developer shall install underground wiring unless the area is determined by the department of public works to be an existing overhead wiring area. Poles must meet the specifications of the department of public works and Tampa Electric Company for lighting along public

rights-of-way. Specifications for poles along private rights-of-way must also be approved by the department of public works.

(c) The developer or an existing neighborhood or commercial area may make an up-front lump sum payment, bond the cost or request that the city or CDD levy a special assessment for the cost of streetlights.

- (1) *Lump sum and bonded payment.* The lump sum payment or bond shall be due to the city during the final plat process. The lump sum payment or bond shall cover the base facility charge for twenty (20) years (the average life of the lighting system).

- a. *Streetlight formula.* The streetlight formula employed by the city to determine the lump sum payment or the amount of the bond is as follows
(Base facility charge + pro rata share of franchise fee) × number of locations × 12 months × 20 years

- b. *Streetlights on public rights-of-way.* The following shall apply to streetlights installed on public rights-of-way:

1. *Payment.* The developer may either
 - i. pay the lump sum amount pursuant to the streetlight formula, or
 - ii. post a performance bond to insure that the lump sum will be paid in the future.
2. The developer's streetlight cost shall include the equipment, material and installation costs (base facility charge).
3. The city shall pay the fuel, energy and maintenance costs. The city shall contract with TECO to install the streetlights and pay the entire TECO monthly bill.

- c. *Streetlights on private rights-of-way.* The following shall apply to streetlights installed on private rights-of-way:

1. *Payment.* The developer may either
 - i. post a performance bond using the streetlight formula as, or
 - ii. provide the city with a copy of an executed agreement with the company which will install the streetlights. The agreement must be approved by the city attorney's office and the department of public works.

- d. If a developer chooses to bond the streetlight cost, the bond shall not be extended if one-third ($\frac{1}{3}$) or more of the total number of units in the subdivision have received a certificate of occupancy.

- (2) *Special assessment.* A developer or an existing neighborhood or commercial area of any subdivision may apply at the final plat submission to the city for a special assessment to be levied against the lots in the subdivision for the full amount of the streetlight costs on public rights-of-way in the subdivision including all administrative expenses associated with the special assessment on a yearly basis.

- a. *Public hearing to establish.* After public notice city council shall hold a public hearing to establish a special assessment program for the area in the application.
- b. *Levy.* The special assessment shall be levied by the city pursuant to F.S. § 197.3632, the Uniform Method for the Levy, Collection, and Enforcement of Non-ad Valorem Assessments.
- c. *Interim costs.* At the final plat submission between the date of final plat approval and the inclusion of the subdivision or area in the special

assessment program, the developer shall contract directly with TECO for the installation of the streetlights and payment of the streetlight costs until the date the special assessment is effective.

- d. *Assessments.* The special assessments shall be divided into master improvement streetlights and local streetlights and shall be levied according to the benefit provided by the streetlights to each lot. The benefit to each lot shall be determined by the size of each lot. Lots of the same approximate size in a subdivision shall be subject to the same rate(s). City council shall determine if the lots in a subdivision are of the same approximate size; provided, however lots which are of the same approximate size shall not vary more than one thousand five hundred (1,500) square feet in size. The special assessment shall be based on the type of pole and fixture and all associated costs, including administrative costs.

(Ord. No. 89-261, § 2(35-146), 10-12-89; Ord. No. 91-89, § 22, 5-30-91; Ord. No. 96-241, § 42, 10-31-96; Ord. No. 99-177, § 1, 8-5-99; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.6. Blocks.

(a) *Nonresidential block sizes.* Blocks designed for other than residential use shall be of a shape and size as may be suitable for their prospective use.

(b) *Residential block sizes.* The width of any residential block shall be sufficient to allow two (2) tiers of lots of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway or a land use other than residential. Proper buffering and/or additional lot depth of the residential lots shall be provided where lots abut major streets or nonresidential uses.

(c) *Crosswalks.* In blocks over one thousand two hundred (1,200) feet in length or where otherwise deemed necessary to pedestrian access

to schools, local shopping centers and parks, rights-of-way for crosswalks, with a minimum width of ten (10) feet, shall be provided.

(Ord. No. 89-261, § 2(35-147), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.7. Easements.

(a) *Drainage easements.* Drainage easements shall be provided in accordance with the standards of the stormwater management division of the department of sanitary sewers.

(b) *Utility easements.* Utility easements shall be centered on rear or side lot lines where required. Easements shall be provided in accordance with city and utility company standards. Wherever utility easements are planned adjacent to the subdivision boundary, the full width necessary shall be provided within the proposed subdivision.

(c) *Nonexclusive easements.* Whenever possible, the city shall endeavor to allow nonexclusive easements for stormwater and utilities so that the utilities can be located in one (1) easement area. (Ord. No. 89-261, § 2(35-148), 10-12-89; Ord. No. 91-89, § 23, 5-30-91; Ord. No. 96-241, § 43, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.8. Lots.

(a) *Double frontage.* Lots having parallel double street frontage shall be avoided, except where essential to provide separation of residential development from railroad or arterial rights-of-way or nonresidential or other more intensive uses. In such cases, provision shall be made either for marginal access streets or for lots backing onto the rights-of-way. Lots backing and fronting upon rights-of-way shall have additional depth so that buffering may be provided.

(b) *Lot lines.* Whenever possible, lot lines shall intersect streets and each other at right angles, and in no case shall a lot have an interior angle of less than thirty (30) degrees.

(c) *Lot size.* All lots shall have dimensions which conform to the applicable zoning regulations of the city. All new subdivisions shall have corner lots which have a width at least ten (10) percent greater than the minimum width re-

quired in Chapter 27 of this Code. Replatting existing lots of record which can still meet building setbacks as required in Chapter 27 will not be required to meet this criteria. In cases where private water and/or sewerage systems are contemplated, lot sizes may be increased as required by the city or state regulations. All odd or leftover pieces of land shall be included within adjoining full lots.

(d) *City limits and lot lines.* Lots shall not be designated so as to be divided by the city's boundary lines, except where unavoidable and upon approval of the city council.

(e) *Lots with wells and/or septic tanks.* If water and/or sewage disposal are to be provided by individual wells and/or septic tanks, respectively, then the final plat of the subdivision must be submitted to the appropriate state and local government agencies for their approval before approval of the final plat.

(Ord. No. 89-261, § 2(35-149), 10-12-89; Ord. No. 91-89, § 24, 5-30-91; Ord. No. 96-241, § 44, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.9. Underground utilities.

Except when prohibited by the city, all utilities to be installed in the subdivision; including, but not limited to, those required for distribution lines, electric services, telephone, telegraph and CATV, shall be installed underground. Appurtenances, such as transformer boxes, pedestal-mounted terminal boxes and meter cabinets, may be placed aboveground.

(Ord. No. 89-261, § 2(35-150), 10-12-89; Ord. No. 96-241, § 45, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.10. Permanent reference monuments and control points.

Permanent reference monuments and permanent control points shall be installed in accordance with the requirements and specifications of F.S. Ch. 177.

(Ord. No. 89-261, § 2(35-151), 10-12-89)

Sec. 27-153.3.11. Platting multiple unit structures.

The reconfiguring and platting of lots for multiple unit structures may be permitted. However, the total area of land to be platted will establish the entire subdivision as one (1) zoning lot. Therefore, individual lots within the zoning lot may not be separately developed unless the lot meets all applicable zoning requirements.

(Ord. No. 91-89, § 25, 5-30-91; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Secs. 27-154, 27-155. Reserved.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT REGULATIONS

DIVISION 1. GENERAL ZONING DISTRICTS

Sec. 27-156. Official schedule of district regulations.

(a) *Schedule of statements of purpose and intent.* The following array presents for the several districts the statements of purpose and intent applicable to each district.

- (1) *Single-family residential districts.* Single-family districts provide for detached residential housing development on a variety of lot sizes in accordance with the Tampa Comprehensive Plan. Accessory uses, compatible related support uses for residential development and special uses are also permitted.
 - a. RS-150 residential single-family. This district provides areas primarily for low density single-family detached dwellings on spacious lots, wherein a property owner may obtain reasonable assurance of compatible development.
 - b. RS-100 residential single-family. This district provides areas primarily for low density single-family detached dwellings similar to those provided

- for in the RS-150 residential single-family district, but with smaller minimum lot size requirements.
- c. RS-75 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150 and RS-100 residential single-family districts, but with smaller minimum lot size requirements.
 - d. RS-60 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150, RS-100 and RS-75 single-family districts, but with smaller minimum lot size requirements.
 - e. RS-50 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150, RS-100, RS-75 and RS-60 single-family districts, but with smaller minimum lot size requirements.
 - f. PD and PD-A planned development districts approved primarily for single-family residential uses.
- (2) *Multiple-family residential districts.* The following multiple-family districts provide for residential development at a variety of densities in accordance with the Tampa Comprehensive Plan. Accessory uses, compatible related support uses to residential development and certain special uses are also permitted.
- a. RM-12 residential multiple-family. This district provides primarily for low-medium density residential uses including single-family and two-family developments. Multiple-family development may be permitted through the special use permit procedure.
 - b. RM-16 residential multiple-family. This district provides primarily for low-medium density residential uses, similar to those provided in the RM-12 district, including single-family and two-family developments, at an increased density. Multiple-family development may be permitted through the special use permit procedure.
 - c. RM-18 residential multiple-family. This district provides primarily for low-medium density residential uses, similar to those provided in the RM-12 district, including single-family and two-family developments, at an increased density. Multiple-family development may be permitted through the special use permit procedure.

sparkplugs, ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

- (2) Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current state license plates, or motor vehicles designated by the state as qualifying for an antique or horseless carriage designation.
- (3) Such repairs shall be performed only at the address shown on the vehicle registration.

Cross reference—Repairing vehicles on streets, § 25-174.

Sec. 27-282.2. Model dwelling units and preconstruction sales offices.

(a) In any residential district where residential dwelling units are allowed, the developers or their agents may operate one (1) model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

- (1) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
- (2) Signs shall not be illuminated after 9:30 p.m.
- (3) The model dwelling unit shall not be used for any business activity later than 9:30 p.m.
- (4) A subdivision having three (3) or less model dwelling units shall provide two (2) independently functional parking spaces per unit. A subdivision having four (4) or more model dwelling units shall provide an off-street parking lot within three hundred (300) feet of the sales office with a minimum of five (5) spaces for four (4) model units plus one additional space for each additional model. Due to the temporary nature of the parking lot, the parking area shall be treated with a suitable temporary surface.

- (5) The model dwelling unit shall not be used as a means to sell similar units located elsewhere in the city.
- (6) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.

Model dwelling units may be erected or displayed in districts that exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

(b) In those zoning districts where multifamily dwelling uses are permitted, a temporary structure may be used as a preconstruction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to the following restrictions:

- (1) The structure shall be limited to one (1) story in height.
- (2) The structure shall be appropriately landscaped and shall be subject to the requirements of section 27-284.
- (3) The structure shall be subject to the same front setback requirements as the principal structure to be erected and shall otherwise be subject to all setback requirements for this district.
- (4) Adequate off-street parking facilities and access driveways shall be developed only within those locations approved for such facilities in conjunction with the permanent apartment structure, and no additional parking areas or access driveways shall be permitted.
- (5) Signs shall be permitted only in accordance with the regulations set forth for such use within the district.
- (6) The structure shall comply fully with all existing building codes and ordinances of the city.

- (7) The structure shall be completely and totally removed within six (6) months from the date of the issuance of a building permit for same or upon the completion of the permanent residential dwelling structure, whichever date is later.
- (8) In the event that the structure should not be removed or demolished by the owner or other parties in interest within the terms of this subsection, the city, acting through its building official, is authorized to vacate, demolish or remove, either with city forces or by independent contractor submitting the lowest and best bid, any such building or structure. The city shall assess the entire cost of such vacation, demolition or removal against the owner or other parties in interest.

Cross reference—Model homes/sales centers in subdivisions, § 27-153.3.3.

Sec. 27-282.3. Garage and yard sales.

(a) A limited number of garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to one (1) during each six-month period, for a duration not to exceed three (3) days.

(b) All such sales shall be conducted in compliance with the licensing provisions of chapter 24 of this Code.

Sec. 27-282.5. Home occupations.

The following specific standards shall apply to all home occupations:

- (1) A home occupation shall include, but not be limited to, the following: domestic crafts such as seamstresses, sewing, tailoring, weaving, washing and ironing; beauty shops and barbershops (one-chair operations only); dog grooming (provided no overnight keeping of animals); repair of small household appliances; private tutoring and instruction (limited to five (5) pupils at any one (1) time); and professional services.

- (2) No person shall be employed other than members of the immediate family residing on the premises.
- (3) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and no outside display, storage or use of land is permitted.
- (4) There shall be no change in the outside appearance of the building or premises as a result of such occupation, with the exception of a nameplate which shall be attached to the principal structure, shall not be illuminated, and whose maximum size shall not exceed two (2) inches by twelve (12) inches.
- (5) No home occupation shall be conducted in any accessory building.
- (6) No mechanical equipment shall be used for storage on the premises, except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.
- (7) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.
- (8) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.
- (9) A home occupation shall not be interpreted to include activities such as, but not restricted to, auto repair and tune-up, clinic, welding shop, animal hospital or kennel.
- (10) The use can qualify for all local, state and federal licenses, certificates and permits.

Sec. 27-282.6. Commercial communication towers regulations.

(a) *Purpose.* The purpose of these supplemental regulations are to promote the health, safety and general welfare of residents of the City of Tampa, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations, and to protect the natural features and aesthetic character of the city with special attention to residential neighborhoods, historic districts and landmarks and the city rights-of-way.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

(b) *Development standards.*

- (1) *Commercial communication tower location requirements.* It is the intent of this section to identify appropriate locational requirements for commercial communication towers. Locational requirements seek to minimize the visual obtrusiveness of commercial communication towers to surrounding areas, to allow for the establishment of an efficient telecommunication network through the use of commercial communication towers, when necessary, and to provide high quality service while minimizing the number of commercial communication tower sites.
 - a. Height, setback and separation distance requirements for site location in various areas are identified in Table 6-1.

Commercial Communication Towers Locational Requirements

Table 6-1

<i>CATEGORY</i>	<i>CG & OP</i>	<i>CD-1, CD-2, CD-3</i>	<i>CI</i>	<i>OP-1, IG, & IH</i>
Required Tower Type	Monopole	Monopole	Monopole	Monopole
Maximum Height	80 ft.	100 ft.	140 ft.	200 ft.
Minimum Setback	Underlying District	Underlying District	Underlying District	Underlying District
Minimum Separation from Residential use	100% of Tower Ht.	100% of Tower Ht.	100% of Tower Ht.	100% of Tower Ht.
Minimum Separation from Local Historic Dist. or Landmark site.	300% of tower height	300% of tower height	300% of tower height.	300% of tower height

NOTE: Commercial telecommunication towers seeking to locate in Commercial General (CG) and Office Professional (OP) are considered a Special Use 2 (S-2) subject to compliance with all sections of Article II, Division 5, Special Use Permits set forth herein.

NOTE: Distance separation shall be measured from the base of the tower to the residential, historic or landmark site property line.

NOTE: Distance separation from right-of-way shall be consistent with the requirements of the underlying zoning district.

NOTE: Requests for commercial communication towers in National Historic Districts shall be considered through a special use S(2) public hearing before city council.

NOTE: The construction of commercial communication towers is prohibited in the Accident Potential I and II Zones (APZ) around MacDill Air Force Base as noted on the Future Land Use Map of the City of Tampa Comprehensive Plan.

- b. Communication equipment and communication towers owned and operated by governmental agencies responsible for public safety (e.g. city police and fire department, sheriffs office, federal aviation authority) are not subject to the maximum height restrictions and may be located in any zoning district. The use of guyed or lattice tower, to achieve the necessary height, is allowed only through a special use, S(2) public hearing before city council.
 - c. The applicant may petition through the special use, S(2) process to reduce setback and separation requirements or increase maximum tower height listed in Table 6-1. The applicant must submit a petition in sufficient detail to demonstrate compliance with all other provisions in the code not specifically called out for a consideration to be changed. City council may approve such reductions, alterations or changes if it can be demonstrated that the application meets the requirements of 1., 2., or 3. set forth below and the requirements of 4., 5., and 6. are satisfied:
 - 1. Techniques which have the effect of significantly reducing or eliminating visual obtrusiveness are incorporated into the design of the commercial communication towers. The tower site, associated equipment shelters, fencing and appurtenances are designed to reflect the physical character, massing, scale, architecture and historic nature (where applicable) of the surrounding neighborhood.
 - 2. Full compliance with all setback or separation requirements would result in the removal of a grand tree, as set forth in Chapter 13, City of Tampa Code of Ordinances, which would otherwise be saved by reducing the setback or separation.
 - 3. The approval of the variance request will result in multiple carriers (three (3) or more) on the tower.
 - 4. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the tower.
 - 5. The variance is in harmony with and serves the general intent and purpose of the chapter and the adopted Tampa Comprehensive Plan.
 - 6. Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the chapter and the individual hardships that will be suffered by a failure of the city council to grant the variance.
- (2) The applicant shall demonstrate by an affidavit from a registered professional engineer or the tower's manufacturer that the commercial communication tower will support the specified number of antennas as set forth below to accommodate collocation, and that it will be constructed to the EIA/TIA 22-E Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable City of Tampa Building Codes.
- a. All commercial communication towers, except camouflaged structures, over eighty (80) feet and up to and including one hundred forty (140) feet in height shall be structurally designed to accommodate at least two (2) antenna arrays.
 - b. All commercial communication towers, except camouflaged structures, exceeding one hundred forty (140) feet in height shall be structurally designed to accommodate at least three antenna arrays.

- (3) The proposed commercial communication tower shall be designed and constructed to ensure that the structural failure or collapse will not create a safety hazard to adjoining properties.
- (4) The applicant shall demonstrate that the antenna(s) to be attached to the tower comply with the FCC and other applicable federal or state regulations relative to telecommunications and radio frequency emission levels.
- (5) The commercial communication tower shall not be used for, nor contain signage, designs or logos for private, political or commercial advertising.
- (6) If visible from surrounding properties accessory buildings, structures or appurtenances serving the commercial communication tower site shall be designed to be compatible with the architecture and physical character of the immediate neighborhood.
- (7) The commercial communication tower may be located on a zoning lot containing other principal uses. The commercial communication tower may be located on a parcel smaller than the minimum lot size of the underlying zoning district. This parcel shall be known as the "commercial communication tower site." The commercial communication tower site, and not the entire zoning lot, shall be subject to requirements of this Code. However, where public notice is required, the entire zoning lot shall be considered for calculation of the required area for which notice is to be provided. The creation of the "commercial communication tower site" shall not cause the reduction of required parking, landscaping or other code requirements for the use of the parent tract.
- (8) A minimum eight-foot high finished masonry wall or other decorative type fence shall be required around all portions of commercial communication tower sites adjacent to or visible from residentially zoned or used property or public road rights-of-way. However, in industrial zoned districts, the fence may be a chain link fence or other type security fence. Wooden slat fences shall not be allowed in any zoning district. For purposes of this section, a finished masonry wall includes, but is not limited to stucco, brick, or any other decorative cover or finish.
- (9) The landscaping buffer shall consist of a row of evergreen shade trees a minimum of fifteen (15) feet tall with a four (4) inch caliper. They shall be spaced a maximum of fifteen (15) feet apart around the outside perimeter of the security fence or wall. In addition, a row of evergreen shrubs such as viburnum, ligustrum, holly or juniper, four (4) feet high, seven (7) gallon container, will be planted eight (8) feet on center, in order to maintain eighty (80) percent opacity within one (1) year of planting. This landscaping will be maintained through an irrigation system approved by the Planning and Development Department (PDD) during the term of the lease or the operation of the commercial communication tower, whichever is longer.
 - a. When the base of a commercial communication tower site is visible from public right-of-way or residentially zoned or used property, it shall be screened with the required landscape buffering located outside of the security fence.
 - b. Existing trees and vegetation shall be preserved to the maximum extent possible and may be used as a substitute towards meeting the landscaping requirements if they are of equal quality and provide effective screening. Any vegetation that is preserved or used as a substitute must be maintained throughout the term of the lease or the operation of the commercial communication tower.
 - c. Intervening buildings or other structures which provide the equivalent screening from view from residentially zoned or used properties and

public rights-of-way may be used as a substitute toward meeting the screening requirement.

- d. Where it can be demonstrated that the provision of the required trees and/or vegetation would present a safety hazard (such as around an electrical substation) alternative for compliance with the vegetative requirements may be approved by the zoning administrator.

- (10) Commercial communication towers shall not be artificially lighted except to ensure human safety or as required by the FAA.

(c) *Location overlay sites.* The purpose of location overlay sites is to allow for a greater flexibility for the location of commercial communication tower sites, provide for areas which are pre-approved allowing for greater ability to pre-plan multiple sites, maximize the use of sites which have been under utilized and to reduce the number of commercial communication tower sites which are visually obtrusive.

Designated public and private facilities and structures may be considered for the location of commercial communication towers without regard to the underlying zoning district prohibitions if certain conditions, called out below, can be met (NOTE: The construction of commercial communication towers in the APZ I and II zones is prohibited). However, the landscape buffer and screening requirements of section 27-282.6(b)(10) apply. If one (1) of the sites identified below is within a zoning district that has less restrictive setback, height or separation requirements the less restrictive requirement shall apply. In addition, if a site is located within a local historic district, a Certificate of Appropriateness (C/A) is still required and the ARC or Barrio Latino Commission may require the tower to be camouflaged.

- (1) Commercial communication towers (monopole) are permitted by right in all utility easements of one hundred (100) in width or greater when they maintain a distance separation equal to or greater than one hundred ten (110) percent of the tower height from a residentially zoned or used property. An existing utility transmission

pole can be changed out and increased in height for the purpose of adding one (1) or more communication antennas regardless of the above distance separation requirement, up to seventy-five (75) percent of the existing pole height or one hundred twenty (120) feet whichever is taller. The maximum height of the changed out pole shall be limited to two hundred (200) feet.

- (2) Commercial communication towers are permitted by right in the right-of-way of the Veterans Expressway, the Leroy Selmon Expressway, Interstate 4, Interstate 75 and Interstate 275 when being installed as a lightpole change out, provided there is not a reduction of the distance separation to a residentially zoned or used property.
- (3) Monopoles of one hundred forty (140) feet or less are permitted by right in designated city parklands and recreation facilities when they maintain the following distance separation:
 - a. Towers over one hundred (100) feet in height three hundred (300) feet from a residentially zoned or used property; or
 - b. Towers one hundred (100) feet or less in height two hundred (200) feet from a residentially zoned or used property. The tower site must meet the landscape and screening requirements of sections 27-282.6(b)(8) and (9). Alternatives to these requirements may be approved by the city parks department.
- (4) Monopoles of one hundred forty (140) feet or less may be erected within designated utility transfer or electrical substations which have a minimum lot size of ten thousand (10,000) square feet. A visual screening and vegetative hedge must be installed which does not create an electrical safety hazard.
- (5) Monopoles of one hundred forty (140) feet or less may be permitted by right on

designated Hillsborough County School Board sites when they maintain the following distance separation:

- a. Towers over one hundred (100) feet in height three hundred (300) feet from a residentially zoned and used property or;
 - b. Towers one hundred (100) feet or less in height one hundred (100) feet from a residentially zoned or used property.
- (6) Monopoles of one hundred forty (140) feet or less may be permitted by right on designated city owned sites when they maintain the following distance separation:
- a. *Towers over one hundred (100) feet in height*—Three hundred (300) feet from a residentially zoned or used property or
 - b. *Towers one hundred (100) feet or less in height*—One hundred (100) feet from a residentially zoned or used property.
- (7) The sites described in subsections (2) through (6) above shall be identified and illustrated on a map which shall be approved and adopted by resolution of city council. The approved map shall be maintained and kept on file by the zoning administrator as Map 27-1.

(d) *Replacement and modification of existing commercial communication towers.* To encourage the use of sites on which existing commercial communication towers are already located, and which create a visual or height impact, modifications or replacements of such facilities may occur subject to the following conditions:

- (1) Commercial communication towers existing prior to the adoption of this section shall be considered legal nonconforming uses. Such facilities may be used, repaired, replaced or modified in accordance with this section. An existing commercial communication tower may be modified or replaced to accommodate the co-location of antenna(s). An existing commercial com-

munication tower which, when modified or replaced, will not conform to the requirements of the Code, may be increased in height, one (1) time, up to forty (40) feet above the existing height and/or may be relocated on the same zoning lot, one (1) time, within seventy-five (75) feet of the existing location, with administrative review and without conformance to the distance separation requirements contained herein. For purposes of this section, only those towers which were legally permitted and in existence prior to the adoption of this section shall be considered "existing commercial communications towers."

- (2) A commercial communication tower which is modified or replaced to accommodate the collocation of additional antenna(s) shall be either of the same type as the existing commercial communication towers or shall be a monopole.
- (3) The existing commercial communication towers shall be removed within ninety (90) days of replacement.

(e) *Commercial communication towers site review process.* Any applicant or agent thereof proposing to erect or construct a commercial communication tower or modify or replace an existing commercial communication tower by increasing the height or by altering the existing site after the effective date of this ordinance is required to comply with the provisions of this section.

- (1) *Submission of application.* An application for the construction or alteration of a commercial communication tower site shall be submitted to the Planning and Development Department (PDD) as part of the application for commercial site plan review as required by Chapter 5 of this Code. The city shall retain a technical expert, such as a registered professional engineer with expertise in the telecommunications field, to participate in the review of the application. The cost of the review by the technical expert shall be borne by the applicant.

(2) *Review procedure.*

- a. *Preapplication conference.* Any applicant or agent thereof required to obtain a commercial communication tower site permit shall schedule a courtesy review with the City of Tampa Planning and Development Department prior to the submission of the permit application, in order to review the requirements of this section. The applicant shall bring to the conference the legal description of the proposed commercial communication tower site and zoning lot, a conceptual plan of the commercial communication tower site, and an elevation drawing of the commercial communication tower site improvements.
- b. *Submission requirements.* All applications for a commercial communication tower site permit shall contain the following items:
 1. The applicant shall be the commercial communication tower owner or their authorized agent. The application shall be signed and notarized by the owner of the property upon which the commercial communication tower is being constructed with the property owner's acknowledgment of the requirements relating to abandonment of the tower as set forth in section (f) below. Documentation shall be submitted as to the telecommunication carrier(s) utilizing the commercial communication tower.
 2. Site and landscape plan (including vegetative pallet) drawn to scale, legal description of commercial communication tower site and zoning lot, north arrow and demonstration of compliance with applicable land development regulations.
 3. An elevation, drawn to scale, of the zoning lot's view from city right-of-way and any abutting residential use or property,
 4. Documentation of compliance with F.A.A. and local aviation authority regulations,
 5. Documentation to assure that the antennas to be placed on the tower meet all relevant FCC regulations and radio frequency emission standards.
 6. Copies of any relevant easements,
 7. The applicant must include in the application an affidavit of its good faith intent to allow the collocation of wireless communication antennas by other telecommunication carriers at a reasonable market rate. The cost of modifying the commercial communication tower to accommodate the collocated antennas shall be borne by the collocating telecommunication carrier,
 8. The applicant shall provide a notice of the proposed location to other telecommunication carriers with potential interest in collocation by "certificate of mailing" through the United States Post Office. Copies of the letters must be submitted with the application. Notice shall direct the carriers interested in collocation to contact the zoning administrator. If a potential user requests collocation in writing to the zoning administrator, the burden shall be on the applicant to demonstrate that collocation can not be accommodated pursuant to the standards set forth in subsection (10), below.

9. The applicant shall provide the applicable propagation models, search ring maps and other relevant documentation for the telecommunication carrier which has demonstrated an intent to locate a wireless communication antenna on the proposed tower ("intended carrier") and shall identify all existing structures within the telecommunication carrier's search ring of equal or greater height than the proposed commercial communication tower.
10. The applicant must demonstrate to the satisfaction of the city's technical expert that the wireless telecommunication antenna to be attached to the proposed commercial communication tower cannot be accommodated on the identified existing structures or on a commercial communication tower within the telecommunication carrier's search ring due to one (1) or more of the following reasons:
 - i. Both the owner/operator of the existing commercial communication tower and the applicant have verified that an additional antenna array would exceed the structural capacity of the existing commercial communication tower or structure, and the existing commercial communication tower or structure cannot reasonably be replaced with a new tower;
 - ii. The city's technical expert has verified that the existing structure(s) will not fulfill the design objective and approach of the intended carrier.
 - iii. The city's technical expert has verified that the wireless telecommunication antennae would cause RF or other type of interference or be interfered with by the operation of existing or proposed wireless telecommunication antennas, located on or near the existing structure;
 - iv. The existing commercial communication tower does not have the space or availability at the required height, or adequate area upon which to locate and operate the necessary equipment effectively and reasonably;
 - v. The lease terms on an existing tower are not economically reasonable and are substantially higher than current market rates.
11. Documentation establishing the structural integrity for the commercial communication tower's proposed use.
12. An affidavit from the property owner acknowledging acceptance of the requirements of section 27-282.6.(d).
13. A lease agreement demonstrating that one (1) or more telecommunication carriers intend to locate wireless communication antenna(s) on the proposed tower.
14. An affidavit from the applicant documenting the specific number of antennas the proposed tower is designed to support.
15. Prior to issuance of a certificate of completion, the tower owner shall document liability coverage for the tower and shall submit a sealed survey (completed by a licensed Florida surveyor)

verifying the finished tower height is consistent with the approved permit.

- c. *Action on application.* The Planning and Development Department (PDD) shall review the application for compliance with the requirements of this section. Commercial communication tower site permits shall be issued when such compliance is met. A commercial communication tower site permit shall have a built-out deadline of one (1) year. The built-out deadline shall be deemed to be met if the holder of the permit has completed fifty (50) percent of the permitted construction and is proceeding with the remainder of the construction under an active permit. If it is determined that an application does not comply with the provisions of this section, the commercial communication tower site permit shall be denied.

(f) *Removal of abandoned commercial communication towers.*

- (1) Each commercial communication tower site permit application must include an acknowledgement by the property owner and applicant that if the use of any commercial communication tower is discontinued for more than one hundred eighty (180) days, it shall be deemed to be abandoned. The property owner shall notify the city of the tower abandonment by certified mail within thirty (30) days.
- (2) Determination of the date of abandonment shall be made by the zoning administrator who shall have the right to request documentation and/or affidavits from the commercial communication tower owner/operator regarding the active use of the commercial communication tower.
- (3) The zoning administrator shall provide notice by certified mail to the property owner that the final determination of abandonment has been made.

- (4) The property owner shall have ninety (90) days from the date of the notice of abandonment to either,
 - a. Cause the reactivation of the use of the commercial communication tower; or
 - b. Dismantle and remove the commercial communication tower.
- (5) At the earlier of ninety-one (91) days from the date of the notice of the zoning administrator's determination of abandonment without reactivation, or upon completion of dismantling and removal, any site approval for the use of the commercial communication tower shall automatically expire.
- (6) The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the commercial communication tower is not removed within ninety (90) days of abandonment, the city may initiate the legal proceedings to do so and assess the costs against real property.

(g) *Inspections.* The planning and development department shall conduct on-site inspections of all tower sites at regularly scheduled intervals in order to ensure that each site is currently operational and not considered abandoned as set forth in (f)(1) above, is being maintained and is in compliance with its approved site plan.

(Ord. No. 2013-67, § 2, 5-16-2013)

Sec. 27-282.7. Performance standards for industrial, manufacturing and processing operations.

(a) Industrial, manufacturing and processing operations shall observe the following performance standards:

- (1) Direct illumination resulting from the operation shall not fall upon any land not covered by the application for a zoning compliance permit for the operation.

- (2) Equivalent sound levels shall not exceed the following standards:
 - a. If the receiving use is residential:
 - Between 7:00 a.m. and 10:00 p.m.—60 dBA

transport the same) shall be setback five (5) feet from the front property line.

2. No vehicle or craft shall be parked in a location in the front yard that causes a sight obstruction to any pedestrian or operator of any vehicle by either materially impeding or obstructing the visibility of oncoming traffic or the visibility of a lawfully placed traffic control device.
3. No more than one (1) vehicle (including crafts) shall be parked in the front yard.
4. The vehicle or crafts may only be parked within the front yard on an existing driveway area which was designed and intended to provide ingress and egress of vehicular traffic from the street.
5. The height limitation on vehicles and crafts shall be ten (10) feet and the length limitation shall be twenty-six (26) feet. Height shall be measured from the highest point of the vehicle or craft to the lowest point of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof). Length shall be measured from the longest distance from the front of the vehicle or craft to the back or end of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof).

*For purposes of this subsection it shall be deemed "not feasible" to park a vehicle or craft in accordance with subsection (5)a. above if the vehicle or craft, including the trailer or equipment used to transport the same, is of such a size that

existing structures, or trees or landscaping (which cannot be removed without a permit as required by chapter 13), completely prevent or impede such vehicle or craft from being maneuvered into and located within the side and corner and rear yards.

- c. The board of adjustment is authorized to vary the limitations set forth in subsections b.1, b.3., b.4., and b.5. above in accordance with the criteria set forth in section 27-80; however, the limitation set forth in subsection b.2. may not be varied.
- (6) If a craft is parked or stored outside of an enclosed garage, it shall be located on a trailer with tires, and if a vehicle is parked or stored outside of an enclosed garage, it shall be on wheels.
- (7) All vehicles, crafts and trailers parked anywhere on residential property shall be licensed in accordance with all laws of the State of Florida.

(b) *Commercial equipment in residential districts.* The parking of commercial equipment in any residential district is prohibited. This requirement shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential district and shall not prevent temporary parking of vehicles on a lot as accessory to a lawful commercial use of the same residential lot or require such vehicles to be garaged. Parking is, however, permitted within any entirely enclosed structure which meets the regulatory requirements for the applicable zoning district.

(c) *Commercial equipment in office and commercial districts.* The parking of commercial equipment in the office, CN and CG districts is limited to two (2) vehicles per establishment. The maximum size of the vehicles shall be standard van or one-half-ton pickup truck.

Cross reference—Parking, Ch. 15.

Sec. 27-283.12. Off-street parking space standards.

- (a) Regular car off-street parking layout:

PKG TABLE 2

<i>Dimension (in feet)</i>	<i>On Dia- gram</i>	<i>0°</i>	<i>45°</i>	<i>60°</i>	<i>75°</i>	<i>90°</i>
Stall width perpendicular to stall length of line	A	9.0	9.0	9.0	9.0	9.0
Stall length of line	B	24.0	27.0	23.2	20.4	18.0
Stall depth to wall	C	9.0	19.1	20.0	19.7	18.0
Aisle width between stall lines	D	12.0	11.0	18.0	22.0	24.0
Module width wall to wall	E	30.0	49.2	58.2	61.4	62.0
Bumper overhang ¹ (optional)	F	2.0	2.0	2.0	2.0	2.0
Back-up width	G	—	—	—	—	7.0
Cross-aisle one-way	H	10.0 (min.) and 15.0 (max.)				
Cross-aisle two-way	H	20.0 (min.) and 30.0 (max.)				

Note:

¹ Bumper overhang not permitted over landscaping or sidewalk area.

(b) Compact car off-street parking requirements and stall layout:

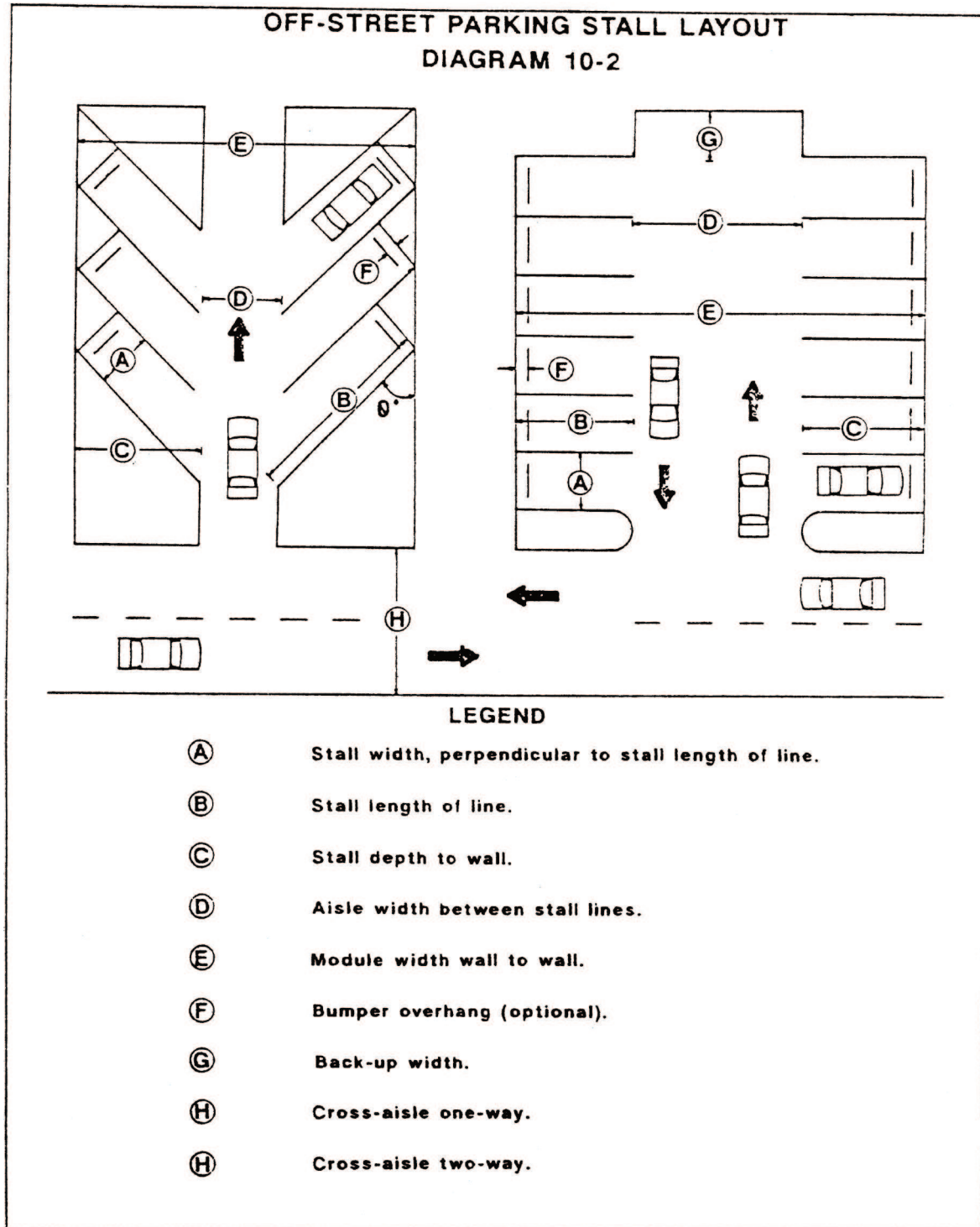
- (1) Compact car parking may be allowed for up to sixty-five (65) percent of the required spaces. Compact car parking may be provided for up to one hundred (100) percent of the spaces in excess of the required number of spaces.

- (2) For ninety-degree compact parking, the minimum stall width shall be eight (8) feet and the minimum stall length shall be sixteen (16) feet. There need to be no provision for bumper overhang for compact parking.
- (3) Compact parking spaces shall be clustered in groups and located within easy access of an entrance so as to be desirable and fully utilized.
- (4) Compact parking spaces must be designated as being for the exclusive use of compact cars through the use of signage or marking.
- (5) The overall design must be reviewed and approved by the Planning and Development Department (PDD), with consultation with the department of public works, if required.
- (6) The parking layout dimensions (in feet) for eight-foot compact parking stalls at various angle is shown below in PKG Table 3.
- (7) The off-street parking stall layout for compact cars is also controlled by PKG Graphic-2.
- (8) Compact parking spaces shall not be utilized for single-family detached, semi-detached, attached, two-family, or multi-family townhouse style units, which are located within a garage or in tandem. Please refer to "27-283.12(a) Regular car off-street parking layout" for required dimensions.

PKG TABLE 3**COMPACT CAR OFF-STREET PARKING LAYOUT**

<i>Dimension (in feet)</i>	<i>On Diagram</i>	<i>0°</i>	<i>45°</i>	<i>60°</i>	<i>75°</i>	<i>90°</i>
Stall width perpendicular to stall length of line	A	8.0	8.0	8.0	8.0	8.0
Stall length of line	B	22.0	24.0	20.6	18.1	16.0

<i>Dimension (in feet)</i>	<i>On Diagram</i>	<i>0°</i>	<i>45°</i>	<i>60°</i>	<i>75°</i>	<i>90°</i>
Stall depth to wall	C	8.0	17.0	17.8	17.5	16.0
Aisle width between stall lines	D	12.0	11.0	18.0	22.0	24.0
Module width wall to wall	E	28.0	45.0	53.6	57.0	56.0
Bumper overhang (optional)	F	—	—	—	—	—
Back-up width	G	—	—	—	—	6.0
Cross-aisle one-way	H	10.0 (min.) and 15.0 (max.)				
Cross-aisle two-way	H	20.0 (min.) and 30.0 (max.)				



Off-Street Parking Stall Layout—PKG Graphic-2

- (3) *Inspections required.* Foundation, final.
(Ord. No. 2002-67, §1, 2-28-02)

Sec. 27-289.5. Permits when required

(a) *Permit required for signs.*

- (1) A sign shall not be erected, demolished, altered, rebuilt, enlarged, extended, relocated, attached to, suspended from or supported by a building or structure unless a permit for the same has been issued by the building official or unless the sign is specifically exempted from permit procedures.
- (2) Any repair work on a sign affecting the structural integrity of the load bearing elements shall require a permit. Simple, nonstructural maintenance of a sign does not require a permit.
- (3) Repairs to a sign may be conducted prior to obtaining a permit in the event of an emergency imposing an imminent threat to life or property. Provided, however, that any necessary permit is obtained on the first business day thereafter. Emergency repairs shall be limited to returning the sign to its original permitted state.

Sec. 27-289.6. Allowable signs; permits; when required.

(a) The following signs may be exempt from permit requirements of this Sign Code, unless otherwise stated herein or required pursuant to other provisions of the City of Tampa Code of Ordinances:

- (1) Government signs. No permit is required if a government sign is necessary for the purposes of public health and safety, or is used to identify public services or public facilities, for traffic control, for neighborhood identification, for events of officially registered neighborhood associations, for wayfinding or directions or to provide information on community events. Otherwise a government sign must comply with requirements of this chapter. Any govern-

ment sign which contains an electronic message must operate in compliance with subsection (20) herein.

- (2) Flags, emblems, or insignias of any nation, state, political subdivision, religious, charitable, political, social or fraternal organization when displayed on a single pole or other supporting structure.
- (3) Holiday, seasonal or commemorative decorations, provided that such signs are not displayed for a period of more than sixty (60) days.
- (4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface.
- (5) Two (2) directional signs per driveway located in a commercial, industrial and office districts which signs shall be located on and pertaining to a parcel of private property. Each sign shall not exceed four (4) square feet in sign area nor thirty (30) inches in height. If such sign is to be illuminated, then an electrical permit shall be obtained in accordance with chapter 5, City of Tampa Code. Directional signs may be placed with a zero foot setback from the right-of-way, provided that such signs meet all of the applicable regulations. The square footage of directional signs shall not be counted as part of the maximum allowable square footage for all parcel.
- (6) One (1) temporary nonilluminated sign in residential zoning districts not to exceed six (6) square feet in area and six (6) feet in height.
- (7) One (1) nonilluminated real estate sign per street frontage, subject to the following restrictions:

In residential zoning districts:

Four and one-half (4½) square feet in area where the property being advertised has a street frontage of less than five hundred (500) feet.

Eight (8) square feet where the property being advertised has a street frontage of five hundred (500) feet or more.

Such signs shall not exceed six (6) feet in height and shall be removed within thirty (30) days after the sale of the property.

In all other districts:

Eight (8) square feet where the property being advertised has a street frontage less than two hundred (200) feet.

Sixteen (16) square feet where the property being advertised has a street frontage of two hundred (200) feet or more.

Such signs shall not exceed ten (10) feet in height and shall be removed within thirty (30) days after the sale of the property.

- (8) Multiple listing strips, broker identification strips and sold signs are allowed when attached to a real estate sign. Signs shall be removed when ownership has changed or the property is no longer for sale, rent or lease. Multiple listing strips, broker identification strips and sold signs shall not be counted as part of the maximum square footage permitted for real estate signs nor shall real estate signs be considered as part of the maximum square footage permitted on any parcel.
- (9) Construction signs, authorized or required by the division of inspectional services of the Planning and Development Department (PDD), provided that the following conditions are met:
 - (i) Such sign is not illuminated; and
 - (ii) Such sign shall be authorized only when active building or construction is taking place; and
 - (iii) Such sign shall contain only on-site advertising; and

- (iv) All such signs shall be removed or made to conform to the provisions of this chapter before a certificate of occupancy may be issued; and

- (v) The height of all construction signs shall be limited according to the following restrictions:

In residential zoning districts:

Four and one-half (4½) square feet in area where the property being advertised has a street frontage of less than five hundred (500) feet. The sign shall not exceed six (6) feet in height.

Eight (8) square feet where the property being advertised has a street frontage of five hundred (500) feet or more. The sign shall not exceed six (6) feet in height.

In all other districts:

Eight (8) square feet where the property being advertised has a street frontage less than two hundred (200) feet. The sign shall not exceed ten (10) feet in height.

Sixteen (16) square feet where the property being advertised has a street frontage of two hundred (200) feet or more. The sign shall not exceed ten (10) feet in height.

- (10) In addition to any other signage allowed on a parcel pursuant to this Code, each parcel shall be allowed one (1) nonilluminated political campaign sign per candidate or issue not to exceed eight (8) square feet in area, and six (6) feet in height. In no event shall the aggregate sign area of political campaign signs allowed pursuant to this subsection exceed thirty-two (32) square feet per parcel. A political campaign sign shall not be attached to a building or fence or placed in such a manner as to prevent ingress and egress through any door or window. Political campaign signs shall be erected no

more than sixty (60) days prior to an election and shall be removed within seven (7) days following the election. In no event shall a political campaign sign be placed in the right-of-way. Failure to comply with this subsection will constitute a violation of this Code and violations shall be required to come into compliance within five (5) days of citation.

- (11) Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.
- (12) Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.
- (13) Interior signs which are displayed on the inside of a building and not visible from a public place. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.
- (14) "No trespassing" or "no dumping" signs not exceeding four (4) in number per acre and no one (1) sign exceeding two (2) square feet in area.
- (15) Temporary, miscellaneous signs which are less than four (4) square feet.
- (16) Warning signs, provided that warning signs do not exceed four (4) square feet in surface area.
- (17) One (1) temporary on-site banner or pennant may be displayed for a period not to exceed thirty (30) consecutive calendar days, nor more than sixty (60) days in a single year (up to ninety (90) days in the Central Business District as defined in Chapter 27, City of Tampa Code of Ordinances, provided:
 - (i) No such banner or pennant may be displayed at a height of more than fifteen (15) feet (except in the Central Business District as defined in Chapter 27, City of Tampa Code of Ordinances, a banner or pennant attached to a building may not exceed the height of the building upon which the banner or pennant is attached) such banner or pennant be any larger than a building sign allowed for the parcel on which the banner or pennant is displayed;
 - (ii) The banner or pennant shall be displayed only in non-residential zoning districts, as well as within non-residential designated areas of planned development districts;
 - (iii) The banner or pennant shall be attached to the building in a manner as provided for in Chapter 5 of the City Code and shall not be affixed to vehicles or utility poles except as provided for in Chapter 22 of the City Code;
 - (iv) The banner or pennant shall be made of mylar material; and
 - (v) The banner or pennant shall be maintained in a state of good repair, and pennants or banners that are frayed, torn or otherwise in disrepair are prohibited. A permit is required prior to the installation of any temporary pennant or banner.
- (18) Signs announcing public or semipublic events and functions shall be permitted as follows:
 - a. One (1) nonilluminated, temporary sign shall be permitted on the site of a public, social, charitable, educational or religious institution where the event is to take place.
 - b. Such sign shall not exceed eight (8) square feet in area, nor more than six (6) feet in height in residential districts and sixteen (16) square feet in area, no more than ten (10) feet in height in commercial, industrial and office districts.

- c. Permits for such signs shall be issued. Such signs shall be allowed for a period of not more than thirty (30) consecutive days nor more than sixty (60) days in any one (1) year.
 - d. Signs announcing public or semipublic events or functions shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.
- (19) A permit is not required to change or replace the advertising copy, message or sign face on changeable copy signs. Provided, however, that said change or replacement of advertising copy, message or sign face does not enlarge or increase the sign surface area nor adversely affect the original design integrity. If, in order to change or replace the advertising copy, message or sign face, the supporting sign structure must be unfastened, loosened or removed, then and in that case, a sign permit shall be required. Copy cannot be replaced such that the sign changes from an on-site sign to an off-site sign.
- (20) Electronic message signs may be permitted in place of part or all of the allowable sign area, as provided herein and the sign surface area of an electronic message sign shall limited to the allowable sign surface area of a freestanding sign, as provided for in section 27-289.12(c)(1) or a building sign, as provided or in section 27-289.12(c)(2), herein. The placement and orientation of an electronic message sign shall be limited to arterial and/or collector street roadways (as identified in the City of Tampa Department of Public Works "Roadway Functional Classification System"). The copy on all electronic message signs, including government signs, shall not change more than once in a five-minute period unless otherwise allowed by law and shall comply with the operational standards in section 27-289.10(d)(5)c.—h. Traffic control devices and related signs and government signs which are necessary for public health and

safety are exempt from this paragraph. Replacement of an existing sign with an electronic message sign shall be considered a structural alteration and will require all appropriate permits pursuant to the City of Tampa Code of Ordinances.

- (21) One (1) address sign of no more than two (2) square feet of total sign face area in residential zoning districts and no more than three (3) square feet of total sign face area in office, commercial or industrial zoning districts shall be allowed. The square footage for the address sign shall be allowed in addition to the total sign surface area allowed for freestanding and/or building signs.
- (22) General merchandise signage applied to outdoor furniture, including umbrellas, in association with a legal use of an establishment. The general merchandise signage shall consist of one (1) line of letters or an identification emblem, initials or insignia, or other feature painted on the furniture.
- (23) Signs which are required pursuant to the City of Tampa Code of Ordinances, Florida Statutes or other regulations in the location and up to the size required by the applicable regulation shall be allowed. Such legally required signage shall be allowed in addition to the total sign surface areas allowed for other signage provided for in this Sign Code.

(Ord. No. 2013-67, § 2, 5-16-2013)

Sec. 27-289.7. Types of sign inspections; when required.

- (a) *Sign.*
 - (1) *Foundation:* To be made after the hole is excavated, forms erected and reinforcing steel is in place.
 - (2) *Final:* To be made after the sign is completely installed.
 - (3) *Electrical:* Illuminated signs require an electrical inspection to be made after the electrical work is complete. Underground wiring requires an inspection to be made