

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, ESTABLISHING AN INTERIM DEVELOPMENT CONTROL ORDINANCE UPON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR RE-ZONINGS UTILIZING FLOOR AREA RATIO (FAR) FOR SINGLE-USE RESIDENTIAL DEVELOPMENT CONSISTING OF “DWELLING, MULTI-FAMILY”, INCLUDING MID-RISE AND HIGH-RISE (AS DEFINED IN THE LAND DEVELOPMENT CODE), WITHIN THE URBAN MIXED USE-60 (UMU-60), COMMUNITY COMMERCIAL-35 (CC-35), AND COMMUNITY MIXED USE-35 (CMU-35) FUTURE LAND USE CATEGORIES; PROVIDING FOR THE DURATION OF THE INTERIM DEVELOPMENT CONTROL ORDINANCE; PROVIDING FOR INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa regulates the use of land through the Imagine 2040 City of Tampa Comprehensive Plan (“**Comprehensive Plan**”) and Chapter 27, City of Tampa Land Development Code (“**Land Development Code**”); and

WHEREAS, during the 2019 and 2020 calendar years, the City Council of the City of Tampa considered numerous applications to rezone parcels of property requesting approval for single-use residential developments; and

WHEREAS, the use of Floor Area Ratio (FAR) for single-use residential developments consisting of “dwelling, multi-family” resulted in developments located throughout the City with densities which exceeded the maximum density permitted by the underlying future land use categories; and

WHEREAS, the City Council of the City of Tampa has directed staff to review and update the Comprehensive Plan with a focus on how to better plan for areas of growth with consideration given to the impact of increased residential density within single-use developments consisting of “dwelling, multi-family”; and

WHEREAS, City Council, pursuant to Resolution No. 2021-273 approved on April 1, 2021, directed staff to take all necessary actions to prepare an amendment to the Comprehensive Plan as described herein; and

WHEREAS, in order to protect and preserve the public health, safety and welfare, the City Council finds it necessary to adopt an interim development control ordinance suspending the acceptance and processing of applications for re-zonings utilizing FAR for single-use residential development consisting of “dwelling, multi-family”, including mid-rise and high-rise (as defined in the Land Development Code), within the Urban Mixed

1 Use-60 (UMU-60), Community Commercial-35 (CC-35) and Community Mixed Use-35
2 (CMU-35) future land use categories, for a limited duration and until the Comprehensive
3 Plan is updated; and
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5 **WHEREAS**, the City Council finds it necessary to impose an interim development
6 control ordinance in order to preserve the status quo within the Urban Mixed Use-60
7 (UMU-60), Community Commercial-35 (CC-35) and Community Mixed Use-35 (CMU-35)
8 future land use categories to avoid a crisis being created by the impact of additional
9 single-use residential development consisting of “dwelling, multi-family use” based upon
10 FAR;
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12 **WHEREAS**, specific authority for this ordinance includes but is not limited to
13 Article VIII, Section 2, Florida Constitution of 1968; Chapters 163 and 166, Florida Statutes;
14 and Sections 163.3161, 163.3194, and 163.3201, Florida Statutes; and
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16 **WHEREAS**, the City Council of the City of Tampa has determined that an interim
17 development control ordinance of six (6) months [180 days] in duration is the minimum
18 reasonable period of time needed to complete the amendment to the Comprehensive
19 Plan; and,
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21 **WHEREAS**, duly noticed public hearings as required by law were held by the City
22 Council of the City of Tampa, at which public hearings all residents and interested persons
23 were given an opportunity to be heard.
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26 **NOW, THEREFORE,**
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29 **BE IT ORDAINED BY THE CITY COUNCIL**
30 **OF THE CITY OF TAMPA, FLORIDA:**
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33 **Section 1. Recitals.** That the foregoing “Whereas” clauses are hereby ratified and
34 affirmed as being true and correct and are incorporated as if fully set forth herein.
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37 **Section 2. Purpose and Intent.** That the purpose of this Ordinance is to preserve
38 the status quo during the period of time necessary to process the amendment to the
39 Comprehensive Plan as directed pursuant to Resolution No. 2021-273.
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42 **Section 3. Interim Development Control Imposed.** That, effective June 1, 2021,
43 the City shall suspend the acceptance and processing of applications for re-zonings
44 utilizing FAR for single-use residential development consisting of “dwelling, multi-family”,

1 including mid-rise and high-rise (as defined in the Land Development Code), within the
2 Urban Mixed Use-60 (UMU-60), Community Commercial-35 (CC-35) and Community
3 Mixed Use-35 (CMU-35) future land use categories. Applications deemed 'complete', as
4 of 5:00 p.m. May 31, 2021, pursuant to Section 27-148(c), Land Development Code, shall
5 be processed in the ordinary course of the City's business for consideration by the City
6 Council.

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8 During the pendency of this Ordinance, the City will not accept any applications
9 for re-zoning utilizing FAR for single-use residential development consisting of "dwelling,
10 multi-family", including mid-rise and high-rise (as defined in the Land Development Code),
11 within the Urban Mixed Use-60 (UMU-60), Community Commercial-35 (CC-35) and
12 Community Mixed Use-35 (CMU-35) future land use categories. It is not the purpose of
13 this Ordinance to permanently deny development orders and permits for other uses that
14 are permitted by right and that otherwise comply with all applicable codes, ordinances,
15 regulations, and policies.

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17 This Ordinance shall remain in effect for 180 days or upon the adoption of an
18 ordinance amending the Comprehensive Plan as directed pursuant to Resolution No.
19 2021-273, whichever event shall first occur. The interim development control ordinance
20 shall be deemed to be in effect within the UMU-60, CC-35 and CMU-35 future land use
21 categories within the City.

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24 **Section 4. Implementation/Interpretation.** That the proper officers and
25 employees of the City are hereby authorized to do all things necessary and proper to carry
26 out the provisions of this Ordinance. The Director of Development & Growth
27 Management shall make interpretations of this Ordinance.

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30 **Section 5. Conflicting Ordinances.** That all ordinances or parts of ordinances in
31 conflict with the provisions of this Ordinance are hereby repealed to the extent of such
32 conflict.

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35 **Section 6. Severability.** That should a court of competent jurisdiction declare any
36 provision of this Ordinance or the application thereof to any person or circumstance
37 unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected
38 by such determination as to the invalid part.

Section 7. Effective Date. That this Ordinance shall take effect June 1, 2021.

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

ATTEST:

CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON _____

JANE CASTOR, MAYOR

APPROVED AS TO LEGAL
SUFFICIENCY BY:

CATE WELLS
CHIEF ASSISTANT CITY ATTORNEY