

Publicly Initiated Text Amendment – City Council Directed Request to Amend Code Sections 27-147, 27-148, and 27-151.

Amendment Cycle: July 15, 2021

Sec. 27-147. – Amendment initiation.

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

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

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Sec. 27-148. - Procedure for amendment application.

- (a) City Publicly Initiated Text amendments. ~~Every application submission for a~~Amendments to this chapter shall ~~be revised pursuant to the schedule provided by the Code Administrator.~~ contain the information described below. Additional material may be filed at the applicant's option.
- (1) ~~— The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant.~~
- (2) ~~— It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed, and shall include the existing code language and the proposed text changes for review.~~
- (3) ~~— It shall set out, if applicable, any alleged error in this chapter which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct such error.~~
- (4) ~~— It shall set out the changed or changing conditions, if any, in a particular area of the city generally which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.~~
- (5) ~~— It shall set out the manner in which the proposed amendment will carry out the intent and purpose of and provide conformance with the Tampa Comprehensive Plan.~~
- (6) ~~— It shall set out all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.~~
- (7) ~~— The application shall be filed with the code administrator shall for presentation to the city council and referral to the appropriate city departments. Applications for all text amendments related to this chapter shall be processed on a semi-annual basis. The code administrator shall develop and maintain a schedule for processing said amendments (see section 27-151).~~
- (8) ~~— The applicant shall be responsible to pay a fee for the text amendment processing upon filing the application with the code administrator.~~

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

- (a) Public notice generally. For the purposes of compliance with public notice requirements, the statutory notice requirements set forth in this section are required in order to ensure a valid final action on land development decisions. However, the City of Tampa recognizes the importance of community involvement in land development decisions for which notice is not required pursuant to Florida Statutes. In an attempt to facilitate such involvement, and to provide courtesy notification of land development decisions to property owners and residents in affected areas of the City of Tampa, and to other interested parties and organizations, it is the intent of the section to provide a process for supplemental notice. The failure to provide this supplemental notice required herein shall not be construed to invalidate any final action on a land development decision, if discovered after final action has been taken.
- (b) Statutory notice. Statutory public notice for all land development decisions and for text amendments to the Land Development Code, as defined in this chapter, shall be provided for by the City of Tampa in compliance with the requirements of applicable Florida Statutes, including, but not limited to, Section 166.041 and the requirements of the City of Tampa Charter for the matter to be approved. All public hearings will be scheduled in a manner consistent with Tampa City Council Rules of Procedure and any other applicable provision of City of Tampa Code of Ordinances. If there is ever a conflict between City of Tampa Code of Ordinances and applicable Florida Statutes relative to notice, the provisions of Florida Statutes shall prevail and apply, including all publication requirements. The city council may, by resolution, adopt a schedule of fees to be paid in connection with providing statutory notice.
- (c) Supplemental notice. Supplemental public notice shall be provided for all land development decisions as provided for below, unless another provision of City of Tampa Code of Ordinance provides for different supplemental notice requirements. For the purposes of this subsection, the term "applicant" shall also include the "petitioner" in a review proceeding. If the city is pursuing the land development decision, then the city shall be deemed the "applicant." If two (2) public hearings are required, then supplemental notice must be provided prior to the first public hearing.
 - (1) Mailed notice. The applicant shall send the required mailed notice not less than thirty (30) days prior to the date of the public hearing on which the application is scheduled. The notice shall identify the physical address of the subject property; the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the phone number, address, and email address (if available) of the applicant; and a description of land development decision requested including type of application, nature or degree of request and potential uses, and other information as required by the city.
 - a. Property owner. If the property owner for the land development decision is not the applicant, then the applicant shall mail notice to the property owner as listed in the most current ad valorem tax rolls. This notice shall be mailed by "certificate of mailing" through the United States Post Office to the property owner to the mailing address

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listed for the property owner, on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: area rezonings, right of way vacating and HPC applications.

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

Related applications: area and parcel rezonings, special use-1 and -2, variance, design exception-2, request for review, substantial change review for site plan zoning districts, and formal decision of zoning administrator.

- c. Good neighbor notice for participating organizations.
 - i. The applicant shall mail good neighbor notice to all participating organizations registered within the neighborhood area in which the subject property is located. This notice shall be mailed by regular mail to the address of the authorized representative of the participating organization. If the application is for a site plan zoning district or special use request, notice shall include with a copy of the most recently filed site plan.
 - ii. To receive good neighbor notice as a participating organization, an organization shall provide at a minimum, in a format provided by the city, the name, mailing address, telephone number and electronic mail address (if available) of its authorized representative(s) and identify the neighborhood area(s) for which the participating organization is requesting to receive good neighbor notice. Upon request of the city, a participating organization shall provide information showing that it qualifies as a participating organization, as defined in section 27-43.
 - iii. Registration as a participating organization shall be updated on an annual basis as of October 1 of each year. In order to ensure that good neighbor notice is provided pursuant to this section, a participating organization has an obligation to update the information that the city has on file for its authorized representative.

Related applications: area and parcel rezonings, special use-1 and -2, variance, right of way vacating, design exception-2, request for review, substantial change review for site plan zoning districts, formal decision of zoning administrator, and HPC applications.

(2) Posted notice.

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

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

- (3) Affidavit of compliance with supplemental notice requirements. The applicant shall file proof that the supplemental notice requirements have been met by filing an affidavit of compliance with the city clerk or other appropriate official on a form of affidavit provided by the city. The affidavit of compliance (which includes the affidavit along with the required documents) shall be filed with the city clerk or other applicable city official, not less than fifteen (15) days prior to the scheduled public hearing or issuance of a written administrative determination by the applicable city official. The affidavit of compliance shall state that the applicant has complied with all applicable supplemental notice requirements. The following documents shall be attached to the affidavit of compliance:
 - a. The certificate of mailing to the property owner and/or participating neighbors;
 - b. The ad valorem tax rolls used for providing notice to property owners and/or participating neighbors. The official list of property owners and dated variance/buffer notice map upon which the list is based, obtained from the Hillsborough County Property Appraiser's office or via its official website/Web-based GIS service, shall be considered the most current tax roll, so long as the list has been produced no more than six (6) months prior to the date of the filing for the pending application;
 - c. A copy of the mailed notice letter;
 - d. Two (2) photographs of the posted sign which clearly shows the language on the posted sign and two (2) photographs which clearly shows the location where the sign is posted on the subject property; and
 - e. The list of participating organizations that were provided good neighbor notice, including the mailing address and authorized representative.
- (4) Failure to perfect supplemental notice.
 - a. Public hearing-related supplemental notice. If the applicant fails to provide supplemental notice in accordance with this section prior to the public hearing for the land development decision, or if the applicant fails to timely file the complete affidavit

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of compliance, then the public hearing shall be cancelled and reset as a new application, pursuant to the applicable scheduling procedure, to allow compliance with the notice requirements.

- b. Written administrative determination-related supplemental notice. If the applicant fails to provide supplemental notice in accordance with this section, or if the applicant fails to file the complete affidavit of compliance, then the written administrative determination shall not be issued, until the applicant perfects the supplemental notice and related application process timeframes (i.e. open record period), as required by this section.
- (5) Public notice for continued public hearings and amended applications.
- a. Continued public hearings. Supplemental notice shall not be required for a public hearing that is continued by motion or lack of quorum after the date and time of the scheduled public hearing. However, city council may require the applicant to provide additional notice as a condition of granting a continuance request.
 - b. Amended application for purposes of notice. Before the public hearing, the application may be amended to correct an error or omission or to increase the legal boundary of the land, to add new uses and/or adds a more intense zoning district to the application. If this amendment requires re-advertisement of the notice of public hearing, the applicant shall pay an amendment fee, as established by resolution of the city council, to cover the cost and expenses as a result of the amendment at the time the amendment is filed. If notice was not perfected in accordance with this section the applicant shall be required to amend his application and pay an amendment fee. An amended application shall be rescheduled to a date that will provide for compliance with the statutory and supplemental notice requirements, provided pursuant to this section. The applicant shall be responsible for re-notification of the amended application.

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Sec. 27-151. - Comprehensive review of land development code.

The code administrator or designee shall examine the provisions of this chapter and may 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 city council directed 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 code administrator 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 code administrator or city council may initiate a text amendment, outside of the normal text amendment cycle, to

(1) Correct an unintentional error; or

(2) Address strategic initiatives; or

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

(4) for Amendments to procedural matters. Refer to sections 27-148 and 27-149(a).