

Sec. 27-60. Alternative design exception.

- (a) The designated official(s) or designee(s) are hereby authorized to grant administrative, alternative design exceptions, from the strict application of this chapter and any associated land development regulations, subject to the limitations described in this section. The process is specifically intended to promote high standards of site design, and to provide flexibility in the administration of standards in recognition of site-specific conditions, and to establish conditions to ensure compatibility and consistency in the interpretation and application of applicable standards, where those standards are modified.
- (b) Prior to submitting an application for an alternative design exception, the applicant must schedule a pre-application meeting with the reviewing official or designee and/or other appropriate city staff as needed, in order to determine the scope of the request and what documentation will be necessary to support the application.
- (c) *Types of applications.* Applications for alternative design exception are classified as follows:
 - (1) *Design exception-1:* Applications for minor design changes related to the following development standards (refer to specific code sections below for applicable, designated reviewing official):
 - a. Article III, Division 2: Special Districts (design/dimension standards);
 - b. Article IV, Overlay Districts (design/dimension standards);
 - c. Article VI Supplemental Regulations:
 - 1. Division 3: Access, parking, loading;
 - 2. Division 4:
 - i. Subdivision 2: Section 27-284.2.2;
 - ii. Subdivision 3: Section 27-284.3.3;
 - iii. Subdivision 5: Wetlands;
 - iv. Subdivision 6: Upland habitat;
 - 3. Division 7, section 27-290.1: Fence(s)/wall(s): height, framing, orientation; and
 - d. Other such minor changes to design oriented requirements of this Code, all within the limits set forth in their respective sections.
 - (2) *Design exception-2:* Applications for minor changes to building setback and height limitations, as follows:

Table 60. Design Exception-2		
Code Section, Table	Planning District [1]	General Limitations [2]
Section 27-156(c), Table 4-2	New Tampa South Tampa Westshore	- Up to 10% for front, corner, rear yard - Up to 1' for side yard - Up to 25% for side yard (only to preserve specimen or grand trees) - Up to 10% for building height
	University Central Tampa	- Up to 25% for front, corner, rear yard - Up to 1' for side yard

		- Up to 25% for side yard (only to preserve specimen or grand trees) - Up to 10% for building height
Notes:		
[1] Refer to section 27-20 for district boundaries and descriptions.		
[2] Refer to section 27-156(c), Table 4-2 "Notes", which in certain circumstances may allow for variations to the general limitations stated above.		

(d) *General requirements.* An applicant shall provide a complete application and applicable fee to the reviewing official for review and determination, which shall include all information contained in this section. All alternative design exception applications shall include documentation sufficient to justify the request. In addition, an application for an alternative design exception shall address the following issues, as applicable:

- (1) Description:
 - a. Project description (general information, typical section, etc.);
 - b. Code section(s) from which the exception(s) are being requested;
 - c. Description of alternative design exception (specific project conditions related to alternative design exception, controlling design element, and proposed cost for project);
 - d. The compatibility of the design and operation; and
 - e. If the project is in a special, overlay, or historic district, applicable City of Tampa Code of Ordinance provisions or design standards.
- (2) Analyses (narrative and visual depiction) related to:
 - a. Dimensional standards of underlying zoning classification;
 - b. Landscaped/buffer area dimensions and materials proposed (i.e. fence/wall materials, plant species/sizes, etc.);
 - c. Parking counts, layout/function, demands for specific use;
 - d. Amount and character of traffic using facility; and
 - e. Design concept and relationship to intent of applicable overlay requirements.
- (3) If applicable, the alternative design exception application shall also contain a recommendation by the professional engineer responsible for the project design elements, unless the reviewing official determines that such a recommendation is not necessary given the scope of the request.

(e) *General process.* Applications for alternative design exceptions shall be processed as follows:

- (1) The applicant shall file a complete application, including any supplemental documentation, with the reviewing official or designee.
- (2) Public notice shall be required for any alternative design exception-2 requesting a reduction in the required setback. Upon receipt of a complete application for an alternative design exceptions-2 and payment of the appropriate fee, the reviewing official shall direct the applicant to provide public notice. The procedures for required public notice shall be

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- governed by section 27-149. The required affidavit of compliance shall be filed with the zoning administrator.
- (3) The reviewing official or designee, upon review of the application, may request additional information from the applicant related to the request or applicable criteria.
 - (4) The reviewing official or designee shall grant or deny the request within thirty (30) calendar days of the filing of the complete application, the affidavit of compliance pursuant to (2) above, and all appropriate and necessary documents and supplemental information provided pursuant to subsections (1) and (3) above.
 - (5) In reviewing the application, the reviewing official shall apply the following criteria:
 - a. That the exception neither interferes with the rights of others as provided in this chapter, nor is injurious to the public health, safety or general welfare; and
 - b. That the exception provides a reasonable allowance of use under the specified circumstances of each application (not applicable to decisions regarding tree removal); and
 - c. That the exception achieves the general intent of this chapter and the Tampa Comprehensive Plan; and
 - d. That the exception is the minimum possible exception under specific circumstances; and
 - e. ~~The approval of the exception of standards includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and~~
 - f. The exception is consistent with any applicable specific plans in place for the subject property; and
 - g. Specific to applications for alternative design exceptions ~~2~~ for setback reductions, that such request(s) clearly demonstrate(s) that the exception is warranted, due to unique circumstances of the property, such as:
 1. Location of existing protected or grand trees;
 2. Location of existing buildings or structures;
 3. Existing property elevations (grades); or
 4. Other unique, existing physical conditions of the property (above or below grade) that are otherwise protected from or limited for alteration, due to other applicable development regulations;
 5. Location and condition of existing specimen and/or grand tree(s) (specific to twenty-five (25) percent side yard, refer to Table 60 above).
 - (6) The reviewing official may impose reasonable conditions upon any exception to ensure that the public health, safety and general welfare are protected and substantial justice is done. A violation of any imposed conditions shall be a violation of this chapter.
 - (7) An approved alternative design exception shall be valid for a period of one (1) year from the approval date, during which the property owner must begin the associated
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development/construction work. If no development/construction activity occurs on the land related to the approved exception within the one-year period, the approval shall expire.

(Ord. No. 2015-105, § 1, 10-15-2015; Ord. No. 2019-54, § 14, 4-18-2019; Ord. No. 2020-166, § 8, 12-17-2020)

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