

Chapter 9: Plan Administration

Legal Status of the Plan

General

After this Comprehensive Plan has been adopted, no land development regulation nor land development code nor amendment thereto shall be adopted by the Tampa City Council until such regulation, code or amendment has been referred to the Local Planning Agency for review and recommendation as to the relationship of such proposal to the adopted Comprehensive Plan. For purposes of this section, “land development regulations” or “regulations for the development of land” includes any City zoning, subdivision, building and construction or other regulations controlling the development of land. All land development regulations enacted or amended shall be consistent with the adopted Comprehensive Plan.

All land development regulations enacted or amended shall be consistent with, further, particularize and implement the intent of the City’s growth management and development policies as expressed in the adopted Comprehensive Plan or as interpreted by the Tampa City Council. Any land development regulations existing at the time of adoption of this Comprehensive Plan which are not consistent with the adopted Comprehensive Plan shall be amended so as to be consistent.

The staff of the Local Planning Agency will review requests to be acted upon by the Tampa City Council or other regulatory bodies, for rezoning, and for conditional uses and similar approvals relating to land use, for the purpose of assessing their consistency with the adopted *Tampa Comprehensive Plan* and reporting thereon to the appropriate regulatory body.

Relation to Zoning

Any proposed zoning or rezoning action, in order to be approved by the Tampa City Council, must be consistent with the language and the intent of the adopted *Tampa Comprehensive Plan* as expressed in the adopted Comprehensive Plan, or as interpreted by the Tampa City Council.

Vested Rights

In implementing this Comprehensive Plan, the City of Tampa shall adopt a process for the purposes of determining whether a person or legal entity’s right to develop is vested under a previously adopted version of the Comprehensive Plan. This vesting process shall

include consideration of the following:

1. That the person or legal entity owned the parcel proposed for development at the date of adoption of this Comprehensive Plan, February 2009 or the person had a contract or option or purchase the parcel on such date; and
2. That there was a valid, unexpired act of an agency or authority of the City of Tampa upon which the person or legal entity reasonably relied upon in good faith; and
3. That the person or legal entity, in reliance upon this act of government, has made a substantial change in position or has incurred extensive obligations or expenses; and
4. That it would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the person or legal entity.

The vesting process prescribed by this section shall require an application for a vested rights determination and a timeframe upon which vested rights applications will be accepted. This vesting process shall also define a time period in which the failure to file an application will constitute an abandonment of any claim to vested rights.

Notwithstanding anything within this section, parcels which are subject to valid Developments of Regional Impact (“DRI”) shall not be subject to this vesting process and shall be deemed vested pursuant to applicable Florida Statutes.

Status of Future Land Use Map

The Future Land Use Map is one of the comprehensive plan tools, and it shall be used to assist in determining the permissible locations for various land uses and the maximum possible levels of residential densities and/or non-residential intensities. The Goal, Objectives and Policies of this comprehensive plan shall provide additional guidance in making these determinations.

Application of Interpretative Power

In the event that an interpretation of the text is requested it shall be directed to the Executive Director of the Local Planning Agency for an initial determination. An appeal from an interpretation of the text of the Plan by the Director of The Planning Commission shall be decided by the Tampa City Council.

Adopting and Amending Plan

- a. The Tampa City Council shall have the power to adopt and amend the Tampa Comprehensive Plan in accordance with the provisions of Chapter 97-351, Laws of Florida, as amended; Chapter 163, Florida Statutes; and the provisions of this section.

- b. The Local Planning Agency may submit to the Tampa City Council proposals for amending the Tampa Comprehensive Plan:

Citizens owning or having a substantial interest in property may submit to the Local Planning Agency proposals for amending the Tampa Comprehensive Plan. The Tampa City Council shall review any such proposal for the purpose of assessing its appropriateness in light of the Goal, Objectives and Policies of the Tampa Comprehensive Plan, and after receiving recommendations from The Planning Commission and Tampa City Administration, shall provide final interpretation of the Tampa Comprehensive Plan and take action.

- c. All citizens, whether they are directly or indirectly affected, shall be given an opportunity to contribute to the planning and policy-making process through public meetings and hearings. However, all questions of standing shall be reviewed pursuant to relevant law.

Amendment to the Adopted *Tampa Comprehensive Plan*

- d. Amendment of any aspect of the comprehensive plan represents a major policy decision by the Tampa City Council. An amendment of the Future Land Use Map, in particular, is a declaration that growth and development pattern initially sought by the City in a particular location, through thoughtful adoption of the comprehensive plan, is no longer appropriate. A significant change in circumstances affecting the suitability of property in a particular area for the kind of development intended by the Tampa Comprehensive Plan, which was not contemplated at the time the comprehensive plan was adopted, may justify a reconsideration of the land use category into which that area has been placed on the map. Future Land Use Map changes not functionally related to the overall purposes expressed in the Map and policies contained herein could seriously undermine the integrity of the Map and other provisions of the comprehensive plan itself. Amendments therefore should not occur with the same frequency as parcel rezoning amendments; and their effect upon the entire Comprehensive Plan, including the practical consequences of the policy shift signified by the amendment shall be considered. It is a stated public purpose that growth and change in Neighborhoods must be managed so that the quality of life in this part of the City Form is maintained or enhanced. The plan amendment process is one tool that will be used to achieve this.

Assessing a Proposed Amendment

- e. In assessing the merits of a Plan amendment, the Local Planning Agency and the Tampa City Council shall consider the policy implications the amendment would have on the Future Land Use Map in the general area of the affected property and the development pattern and growth policies currently being pursued there. In order that the Tampa City Council may be able to fully assess the consequences of approving the proposed change, the Local Planning Agency's report to the City Council shall include:
 1. An assessment of the consistency of the proposed change with other portions and features of the Plan, and
 2. Recommendations for whatever further amendment would be advisable in conjunction with the proper amendment, and
 3. An analysis of infrastructure requirements for service necessitated and the benefits generated by the proposed amendment, and/or
 4. A finding, if applicable, based on information currently available, that an error or mistake had been made in the original land use designation shown on the Future Land Use Map.

If a development proposal is not supported by the Goals, Objectives and Policies within the Plan, serious consideration should be given to making modifications to the proposal, or the following criteria should be used to determine if a Comprehensive Plan Amendment would be justified.

- the character of the adjacent neighborhood;
- the zoning and uses of nearby properties;
- the suitability of the property for the uses allowed under the current zoning designation;
- the type and extent of positive or detrimental impact that may affect adjacent properties, or the community at large, if the request is approved;
- the impact of the proposal on public utilities and facilities;
- the length of time that the subject and adjacent properties have been utilized for their current uses;
- the benefits of the proposal to the public health, safety, and welfare compared to the effect on the applicant if the request is not approved;
- comparison between the existing Future Land Use Plan Map and the proposed change regarding the relative conformance to the goal and policies; and
- consideration of professional staff recommendations.

In the case of more comprehensive proposals (such as a capital improvements program, or a subarea plan/study), a more extensive evaluation may be required to identify potential revisions to the proposal or to the Plan. The report should include an evaluation which includes the following:

- description of the proposal;
- identification of elements of the Comprehensive Plan that would be affected by the proposal;
- evaluation of the effects of the proposal on the Comprehensive Plan, by Element. If the proposal supports the Plan, the evaluation should also indicate; but if it conflicts with the Plan, the nature and extent of the conflict should be identified; and
- identification of adjustments to the Plan or the proposals that would reduce any noted conflicts or negative impacts. If adjustments to the Plan are proposed, they should be undertaken and adopted per the Comprehensive Plan Amendment process before final action is taken on the comprehensive proposal.

Review Criteria for Plan Amendment Requests

In considering a plan amendment, City Council shall review the following criteria:

1. The requested land use category meets the intent of the general character description of the City Form component in which it is being requested and is otherwise consistent with the Comprehensive Plan.
2. In approving any request for a land use category that provides for an increase in density, intensity or for a broader range of uses, than the existing land use category, City Council shall determine whether:
 - a. a land use category of similar density or intensity is located on at least one (1) side of the subject site, and
 - b. the subject site is within 1320' (1/4 mile) of a designated transit station or designated transit corridor, and
 - c. if the subject parcel is located adjacent to a parcel which has a land use classification of R-6 or R-10, the subject site is located within 660' (1/8 mile) of a designated transit station or designated transit corridor.
3. In the event that City Council determines that the above criteria are not met, then City Council may deny the amendment or make a determination that the existing land use classification is no longer in the best interests of the public. In this event, then City Council may approve the amendment or direct the local planning agency to propose an alternative amendment to the existing land use classification.

4. If a land use is changed based on this criteria, the property owner shall process through a site plan district and, if provided for in the City's land development regulations, shall meet the "Development Performance Incentive Criteria," unless the development is within an approved Community Planning Area/Adopted Form Based Code Area, in which case a site plan zoning may not be required, as provided for in the specific plan in the land development regulations.

Transition to Regulation Under the Comprehensive Plan

Within one year from the date this Comprehensive Plan is submitted to the state land planning agency for review pursuant to Section 163.3184(3), Florida Statutes, the Tampa City Council shall adopt or amend and enforce land development regulations that are consistent with, and implement, the adopted Comprehensive Plan. It is the intent of the Tampa City Council that the adoption and enforcement of the referenced land development regulations shall be based on, related to, and a means of implementation of the adopted Comprehensive Plan.

Resolution of Conflicts Between the Tampa Comprehensive Plan and Land Development Regulations

The extent that the terms, conditions, covenants and restriction contained in existing or future land development regulations conflict with the terms, conditions, covenants and restrictions contained in the adopted Comprehensive Plan, the *Tampa Comprehensive Plan* shall control. Until such time as implementing regulations are adopted, all development of property within the City of Tampa shall take place in accordance with existing land development regulations.

Severability

If any provision of this ordinance or the application thereof to any person or circumstances shall be held invalid, the invalidity shall not affect other provision or applications of this ordinance or the Comprehensive Plan for the City of Tampa, which will be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

Effective Date and Interim Rezoning

Applications for rezoning filed on or after the described effective date shall be reviewed in accordance with the provisions of the Comprehensive Plan. All actions taken in regard to development orders by the City of Tampa shall be consistent with such Plan or Element as adopted, pursuant to Chapter 163.3194(1) (a), Florida Statutes.

General Provisions

The intent of the Legislature is to see that the Comprehensive Plan is implemented. In addition to plan implementation, it requires that the Plan identify the five-year monitoring, updating, and evaluation procedures to be followed in the preparation of the required five year evaluation and appraisal reports. The purpose of this Chapter is to describe how the City of Tampa programs, activities and land development regulations will be initiated, modified or continued to implement the Comprehensive Plan in a consistent manner.

One of the tools of implementation for the *Tampa Comprehensive Plan* is the Future Land Use Map and the land use plan categories. These are followed by other implementation tools that further define the intent of the Future Land Use Map and the land use plan categories.

Plan implementation is also achieved through the Goals, Objectives, and, particularly, the Policies. The intent of the *Tampa Comprehensive Plan* is to translate the community's vision of itself into reality. Implementation creates that reality.

Plan implementation is achieved on a day-to-day basis as well as on a year-to-year basis. The day-to-day implementation mechanisms include the general strategies such as defining the land use map and categories, and how density and intensity are calculated and reviewing development petitions for consistency with the plan. Long-term implementation is in the form of specific strategies, and includes those land development regulations which must be amended to achieve Plan consistency, and special studies.

Annual Monitoring: On at least an annual basis, a report and responsibility matrix shall be prepared on the progress made toward achieving the stated Objectives and Policies set forth in *Tampa Comprehensive Plan*. The schedule for the completion of this report in accordance with the established time table and procedures required by the State for submitting Plan updates and changes. This report will list each Objective and Policy of the plan and the progress that has been accomplished, together with any recommendations for change.

Implementation

Planning is an ongoing and iterative activity that continues after the long-range comprehensive plan is completed and adopted. Often times, plans fail because they are treated statically and quickly become outdated and irrelevant to their users. Successful planning guides strategy which, in turn, guides implementation and successful implementation then informs and refines planning which, in turn, informs and refines strategy and so on and so forth.

This ongoing and dynamic relationship of planning and implementation fosters progressive decision making where resources are allocated more holistically, there is greater potential to achieve more win-win solutions with competing interests, and the overall best interests of the community are maximized to the extent possible.

The dynamic that links planning to strategy to implementation and then back around again to planning is evaluation. The broad overall planning directives are evaluated for translation into strategy. Strategy is then evaluated and given direction through implementation. Evaluation of the implementation then tells us if the overall, broader planning is working as originally intended. If not, the original planning purposes and directives are evaluated and refined to adjust to the realities of the implementation. The iterative circle of planning continues.

Strategies at their simplest level are the tasks necessary to carry out the plan. The plan identifies many strategies to start and more may be developed outside of the comprehensive plan. Strategies are developed by bringing in the expertise of people that know about the subject matter and using opportunistic investigation (such as SWOT – Strengths, Weaknesses, Opportunities, Threats analysis) to identify strategies that maximize many different variables. The evaluation of strategy will then rely on working with the experts who understand the subject matter at hand and the methods that can be used to carry them out. For example, the process to evaluate water conservation strategies may involve water engineers, resource planners, environmentalists and budget analysts. Successful evaluation must include a full range of expertise needed to evaluate the strategy.

Implementation is the act of making the strategies reality. The water conservation strategy may be to build a re-claimed water pipeline. Overall implementation of that strategy could be the actual construction of that pipeline (of which there are many, other interim steps that have to be implemented first). Successful evaluation of implementation includes the experts of the people that designed the steps needed to implement the strategy. That might include engineers, construction workers, private sector businesses that sold the pipe, and water engineers. The end users, such as the public, may also be invited to participate too.

Like the evaluation of strategy, the successful evaluation of implementation must have a full complement of the expertise that was needed to originally create the implementation steps.

It is not expected, nor is it likely to be possible, that this could be accomplished for every planning purpose and directive in the plan. It would be overwhelming. However, to the extent provided for by law, it is very possible that many key planning purposes/directives could be selected and evaluative techniques could be developed within an overall iterative framework. This would ensure that some of the most important areas of the comprehensive plan are being dynamically considered throughout time.

Zoning District/Land Use Designation Matrix

The future land use plan category sets out the long term development direction for all areas of the City. It is helpful to think of the future land use plan category as an ‘umbrella’, and underneath that ‘umbrella’ there are a number of zoning districts which may be considered compatible. For example, in the R-10 land use plan category, there are number of single family residential zoning districts which may be considered. However, the zoning district/land use designation matrix shows that the light industrial zoning district is not permitted in the R-10 land use plan category. In this case, if someone wanted to rezone to the light industrial zoning district, they would first have to change the future land use plan category (the ‘umbrella’) to a future land use category that would permit consideration of the light industrial zoning district. This is called a ‘plan amendment’. If the plan amendment petition were successful, then that person could then apply for a rezoning to the light industrial zoning district

The purpose of this matrix is to streamline the rezoning process for more effective Plan implementation. While most Plan categories permit the consideration of the Planned Development district, regulations established under the applicable single use zoning districts will serve as guidelines in the review of such projects that are adjacent to residential uses.

Density Calculations

Density is calculated on a gross residential basis. Net residential acreage is defined as those acres of a development proposal to which the owner has surface development rights for residential uses, community facility uses (e.g., schools, community centers, churches, streets, and utility rights-of-way), public and private parks and recreation sites, and public facilities (e.g., drainage facility and utility sub-stations). Lands for commercial, office, industrial or any other non-residential uses, conservation and preservation areas as established in the Conservation and Coastal Management Elements, and naturally

occurring water bodies shall not be included as part of gross residential acreage. See Density and Intensity Credits for Environmentally Sensitive Areas.

Although a maximum potential density limit has been established by those land use categories permitting residential uses, maximum densities are not guaranteed. Rather, the actual density on a certain parcel depends upon applicable Plan provisions and development regulations relating to the formal development review and permitting process (e.g., zoning, subdivision and environmental regulations).

The maximum number of dwelling units which can be considered on a given parcel for residential development depends on the respective land use category. The maximum number of dwelling units that can be considered is determined by multiplying the gross residential acreage of each land use category of a project times the maximum density allowed by the respective land use category. Whenever the maximum number of dwelling units calculated is a fraction, the number shall be rounded down. For example, 630.5 dwelling units is 630 dwelling units. The only exception to this is when the resulting calculation is less than 1.0, then the calculation shall be rounded up to 1.0 and the development of the lot shall be governed by the applicable zoning district and the non-conforming provisions of the Land Development Regulations.

Example:

100 gross residential acres X 6 dwelling units/acre (maximum density allowed in Residential 6 land use plan category) = 600 dwelling units (potential maximum development)

5,000 square foot lot in Residential 10: 5,000 square feet = 0.115 acres X 10 dwelling units/acre = 1.15 dwelling units which is round down to 1 dwelling unit (potential maximum development)

Intensity Calculations

Non-residential developments shall be controlled by the floor area ratio. Lands for residential acreage shall be excluded from the acreage used to determine the maximum floor area ratio.

Although a maximum potential floor area ratio has been established by each land use category, maximum floor area ratios are not guaranteed. Rather, the actual floor area ratio depends on the zoning district, applicable Plan provisions, and development regulations relating to the formal development review and permitting process.

The maximum floor area ratio which can be considered on a given parcel for non-residential

development depends on the respective land use category. The maximum floor area ratio that can be considered is determined by multiplying the non-residential acreage of each land use category of a project times the maximum floor area ratio allowed by the respective land use category.

Example:

FAR Calculation for Office In R-20
10 total project acres x 0.5 FAR =
435,600 sq. ft. x 0.5 = 217,800 sq. ft.

Credits for Environmentally Sensitive Areas (ESA)

Environmentally Sensitive Areas (defined as conservation and preservation areas established in the Conservation and Coastal Management Elements) and naturally occurring water bodies within a development proposal shall be included in the density and/or intensity calculation provided that these areas do not exceed 20% of the total project acreage. However, if the ESA exceeds 20% of the total project acreage, then a density or intensity credit shall be given for 25% of the upland (high and dry) acreage.

For the purpose of determining permitted density, water bodies shall be defined to include rivers, lake or pond beds and any other permanently or historically water covered land that occurs naturally at the intended site up to the mean high water level.

Man-made water bodies may be considered for environmentally sensitive area credits if there is a specific written agreement by the developer that the man made water bodies will be developed as conservation or preservation areas in accordance with the Conservation Element and the Hillsborough County Environmental Protection Agency. Man-made water bodies are those water covered lands, either existing or to be created as part of a proposed development including land excavation and lake creation as defined in applicable development regulations.

Formula:

Environmentally Sensitive Credit

$GRA \text{ or } GNRA - ESA = U$
 $U \times 25\% = ESC$
 $(U + ESC \times (du/ac \text{ or } FAR)) = MDU \text{ or } NRA$

Legend:

GRA = gross residential acreage
GNRA = gross non-residential acreage
ESA = environmentally sensitive areas acreage
U = upland acreage

ESC = environmentally sensitive credit
 du/ac = dwelling units per acre
 FAR = floor area ratio
 MDU = maximum number of dwelling units
 NRA = non-residential acres

Example:

Density Credit in Residential-11

100 GRA - 25 ESA = 75 U
 75 U x 25% = 18.75 ESC
 (75 U + 18.75 ESA) x 9 du/ac = 843 MDU

Assuming that a project qualifies for and receives the density bonus with applicable performance bonus standards or a site plan and has environmentally sensitive areas on more than 25% of the total project acreage, the density shall be calculated using the following formula.

Example:

Density Credit Bonus, Residential-10

100 GRA - 25 ESA = 75 U
 75 U x 25% = 18.75 ESC
 (75 U + 18.75 ESC) x 10.0 du/ac = 937 MDU

(With total site plan bonus, 10.0 du/ac is the maximum density in the Residential 10 category).

Example:

FAR Credit in Suburban Mixed Use-6:

10 GNRA - 3 ESA = 7 U
 7 U x 25% = 1.75 ESC
 (7 U + 1.75 ESC) = 8.75 NRA
 8.75 x 0.5 = 190,575 sq. ft.

Transfer of Development Rights

Transfer of rights is a legal mechanism that allows for a certain amount of development rights to be transferred from one property to another. Typically, it is used to protect something on the property from which the development entitlements will be transferred. Generally, that 'something', is being protected is part of a greater public purpose. In other parts of the country, transfer of development rights have been used for things such as: historic preservation, protecting green space, preserving agricultural lands, saving wetlands, reducing development in hazardous areas, such as coastal zones, and focusing growth from area into another.

The development rights being transferred are the amount of development potential above and beyond what is currently built up to the maximum permitted by the underlying future land use plan category. For example, if there is an historic structure that is 5,000 square feet situated on 10,000 square feet of land with a plan category that allows a floor area ratio of 1.5, the maximum amount of development right that could be transferred could be calculated like this:

10,000 square feet of land X 1.5 floor area ratio = 15,000 square feet maximum building potential less 5,000 square feet of building already built there = up to 10,000 square feet maximum development right that can be transferred.

The receiving zone where the transfer of development rights could be used must be carefully determined. It will be an area where growth and change is wanted. The actual transfer of development rights is a private transaction but the government entity that legalized the use of transfer of development rights would have to set up a tracking mechanism.

Transfer of development rights is a complex mechanism and there are legal and market considerations. Successful ones create market driven opportunity, are included in the City codes, and have receiving zones for the transfer that provide a density bonus and/or less rigorous regulatory review process. The City of Tampa is very interested in creating a transfer of development rights process for historic preservation. There are other public purposes the City may want to explore in the future but, initially, historic preservation is the one in which they are most interested.

Locational Criteria for Neighborhood Commercial and Residential Office Uses (Residential Land Use Plan Categories)

Locational Criteria are specific criteria developed to control the location of Commercial and Residential Office uses in areas designated with residential land use categories. The conservation of neighborhoods is a critical component of the *Tampa Comprehensive Plan*. The following locational criteria have been created to ensure that General Commercial, Neighborhood Commercial and Residential Office uses do not intrude into residential areas. These locational criteria specifically apply to the Residential-6, Residential-10, Residential-20, Residential-35, Residential-50, Residential-83 and Suburban Mixed Use-3 land use plan categories. The primary function of these residential and suburban residential categories is to provide areas for residential development to occur.

Under the land use classification system, General Commercial, Neighborhood Commercial and Residential Office uses are eligible for consideration if, among other things, they meet locational criteria described in this section. These standards are applied during the review

of proposed rezonings. Properties with existing General Commercial, Neighborhood Commercial and Residential Office zoning shall not be subject to the locational criteria (see also related policies in this element).

Locational criteria is only one consideration in the review process for proposed General Commercial, Neighborhood Commercial or Residential Office rezonings. Other considerations include land use compatibility, adequacy and availability of public services, environmental impacts, adopted levels of service on affected roadways and other applicable policies of the Comprehensive Plan and zoning regulations. Compliance with locational criteria and development standards and other applicable development standards do not guarantee approval of a proposed General Commercial, Neighborhood Commercial or Residential Office rezoning. The following four paragraphs provide a brief explanation of the policies of the Comprehensive Plan and zoning regulations that are used to determine whether a General Commercial, Neighborhood Commercial or Residential Office use is appropriate.

Paragraphs A, B, C, D and E specify the Locational Criteria to be applied in each of the residential land use plan categories. Applications for rezonings will not be processed where the following criteria is not met.

- A) Residential-6: All rezonings to Neighborhood Commercial and Residential Office uses in Residential-6 are prohibited.
- B) Residential-10: All rezonings to Neighborhood Commercial and Residential Office uses in Residential-10 are prohibited unless the proposed rezoning complies with the following provision:
 - 1) Where existing Commercial zoning represents 50 percent or more of a given blockface's zoning pattern and the proposed Neighborhood Commercial or Residential Office zoning represents appropriate infill development, then the rezoning may be considered for approval as infill development. This does not guarantee that the rezoning will be approved, only that it may be considered.
- C) Residential-20, Residential-35, Residential-50, and Residential-83: All rezonings to Neighborhood Commercial and Residential Office uses in these land use categories must meet the criteria specified in either subparagraph 1 or subparagraph 2 listed below:
 - 1) Neighborhood Commercial or Residential Office rezonings may be considered for approval if all of the following criteria are met:

- a) adequate access can be provided to neighborhood commercial and residential office uses without intruding upon the residential section of the neighborhood; and
 - b) neighborhood commercial uses must have access to a roadway functionally classified as a collector or higher; or if it is a residential office use, it must have a vehicular access point located no further than 250 feet from a roadway functionally classified as a collector or higher; and
 - c) such uses are located to maintain the vehicular capacity of public roads by discouraging linear (“strip”) commercial and office development and the multiple access points which are likely to accompany such linear commercial and office development; and
 - d) the amount and/or location of existing neighborhood commercial and residential office uses are inadequate to meet the demands of the neighborhood.
- 2) Where existing Commercial zoning represents 50 percent or more of a given blockface’s zoning pattern and the proposed Neighborhood Commercial or Residential Office zoning represents appropriate infill development, then the rezoning may be considered for approval as infill development. This does not guarantee that the rezoning will be approved, only that it may be considered.
- D) Suburban Mixed Use-3: All rezonings to General Commercial in the Suburban Mixed Use-3 plan category must meet the criteria specified below:
- 1) All proposed general commercial uses shall be clustered at arterial and collector roadway intersections or be integrated as part of a larger mixed use planned development.
 - 2) Strip development will be discouraged through techniques such as access management and related land development regulations.
 - 3) General Commercial uses must be compatible with residential uses through techniques that emphasize integration of uses and by restricting the location of incompatible uses.
- E) Residential Estate-10: All rezonings to Neighborhood Commercial must meet the criteria listed below:

The maximum amount of neighborhood-service commercial uses permitted in an area shall be as follows:

Major Local/2 Lane or 4 Lane - 5,000 sf
 2 Lane/2 Lane - 20,000 sf
 2 Lane/4 Lane - 30,000 sf
 4 Lane/4 Lane - 40,000 sf

Frontage Width and Building Area for Neighborhood Commercial Uses:

Up to 5,000 sf building area - 330 feet
 5001 sf to 40,000 sf - 660 feet

The maximum intensity (FAR) of proposed Neighborhood Commercial and Residential Office uses will be determined by the underlying land use in place on a site.

The Ybor City Historic District is exempted from the criteria listed herein because it is a unique area of concern. There are provisions in the zoning code specific to Ybor City that address Neighborhood Commercial and Residential Office uses.

Land Use Compatibility

All proposed General Commercial, Neighborhood Commercial and Residential Office uses must be compatible with existing surrounding development. Neighborhood Commercial and Residential Office uses that would have a negative or blighting influence on adjacent residences shall not be permitted. The viability of neighborhoods and the character (residential or commercial) of the surrounding area will also be reviewed. Any Neighborhood Commercial or Residential Office development approved should provide proper buffering between adjacent land uses.

Services and Facilities

All General Commercial, Neighborhood Commercial or Residential Office rezonings must meet the adopted levels of service as provided in the Comprehensive Plan and the Concurrency Management System Ordinance. Additionally, all applicable zoning regulations, health standards, and other applicable regulations must be met.

Environmental Considerations

All proposed General Commercial, Neighborhood Commercial or Residential Office rezonings shall only be permitted where it can be demonstrated that environmental damage will not occur. All applicable development regulations of environmental agencies

such as Southwest Florida Water Management District (SWFWMD), the Hillsborough County Environmental Protection Commission (EPC), and the Florida State Department of Environmental Protection (DEP) must be met.

Transportation

All proposed General Commercial, Neighborhood Commercial or Residential Office rezonings shall only be allowed on roadways meeting the adopted levels of service of the Concurrency Management System Ordinance (unless exempted by the Transportation Concurrency Exception Area) and the Comprehensive Plan and remain at, or above, those levels of service after completion of development. Transportation studies could assess the impact of the proposed development on adjacent roadways.

CBD Periphery Bonus

The Central Business District (CBD) periphery boundaries are shown on the Future Land Use map. Projects located within the boundaries of the periphery of the Central Business District (CBD) may be considered for density and intensity bonuses.

Consideration for a CBD periphery bonus shall be given subject to the following criteria:

- 1) Must be a residential or mixed use project. Mixed use projects may include, but are not limited to, a mixture of residential, office, and retail uses. Permitted uses are controlled by the underlying land use plan category on the site.
- 2) The density/intensity bonuses will be limited to 100% of the maximum density/intensity permitted within the applicable land use plan category.
- 3) The project desiring to utilize the bonus provision, must be rezoned to the appropriate site plan controlled zoning district to ensure that adequate buffering and any other, applicable mitigation measures are afforded to adjacent uses.
- 4) The intensity of projects must be transitioned to protect less intense developments located outside the periphery boundaries. Specific buffering techniques shall be provided within the development regulations. These techniques may include shared park land, intense landscape buffers or feathering of intensity to transition to less intensive development.

Flex Provision

The land use category boundaries depicted on the Future Land Use Map are precise lines. However, with the flex provision, the land use category boundaries shall be deemed to extend 150 feet beyond the precise line in two circumstances:

- 1) Where the existing zoning district is not permitted in the land use category, but lies within 150 feet of a conforming land use category. The flex provision will be deemed to operate to allow the zoning district to be in conformance with the land use designation.
- 2) Where there is a legally existing non-conforming use which could be made conforming through a rezoning utilizing the 150 foot flex.

In consideration of the rezoning, the following criteria must be met:

- a. Only properties adjacent to the Plan designation proposed for flexing may be considered).
- b. It does not violate any Goals, Objectives and Policies of the Comprehensive Plan for the City of Tampa, Florida.
- c. It does not extend into M-AP (Municipal Airport District) zoned areas, environmentally sensitive areas, or historic districts.
- d. It does not disrupt established land use boundaries such as but not limited to railroads, streets, alleys and rear property lines.
- e. The increased density, intensity, or scale of development is compatible with the adjacent uses.
- f. It is adequately served or programmed to be served by acceptable levels of community facilities and transportation network.
- g. It does not extend into Residential-10 or Residential-6 areas.

The Hillsborough County City-County Planning Commission staff has documented which parcels have been made conforming by utilization of the flex provision.

The flex provision described herein shall only apply to parcels made conforming by its provisions on, or before, May 24, 1990 (Ordinance #90-133). However, this flex provision shall not be applied to any additional parcels after May 24, 1990 (Ordinance #90-133). The language herein is for the purposes of providing information as the previously adopted provisions of the Tampa Comprehensive Plan and are not readopted.

Land Use Policy for Limited Access Highways

In discussing a land use policy for limited access highways, two areas must be considered separately: the actual interchange and the areas simply bordering the highways.

Non-residential uses or higher density residential uses with appropriate buffering may be appropriate at the interchange locations. Surrounding neighborhood character, access potential and future plans for specific interchange area will have influence on any requests for non-residential land use.

The areas bordering limited access highways are clearly in a different situation than the interchange areas because in most cases there is no actual access to the highway from the adjacent land uses.

The major problem with residential land uses along limited access highways is finding a way to effectively mitigate the adverse impacts of the roadways. Many urban communities have limited access highways traversing some of their finest residential neighborhoods. Residential areas presently exist along the Interstate 275 and Crosstown Expressway in Tampa. Many of these areas continue to be viable neighborhoods.

The issue again is to mitigate the negative roadway impacts through plantings to buffer visual problems and sound and barrier walls where appropriate, with proper aesthetic design consideration. The Florida Department of Transportation (FDOT) will be rebuilding the interstate system through Tampa. Included within this proposal are ideas to buffer impacts of the Interstate through visual design of the highway itself. Any policies should be closely coordinated with FDOT to coordinate Future Land Use and existing neighborhood protection. Actual land use should be related to the interstate only in terms of access. Any decisions related to the impacts of limited access highways should be dealt with through buffering, landscaping, noise and visual barriers and distance separation.

Corridor Planning

The Intermodal Surface Transportation Efficiency Act of 1991 (Federal Highway Administration, U.S. Department of Transportation) has placed a new emphasis and direction on corridor planning. Three types of corridor planning are included in this section. The first, road widening, is intended to take place at the time that proposed road widening projects are being planned and designed. The second, scenic corridors, addresses unique roadways in the City that have natural characteristics that are worth preserving, and the third, gateways, addresses those roadways which serve as entry points into Tampa. The descriptions for each are not mutually exclusive. It is possible to have a road segment that is being proposed for road widening which may also be a scenic corridor and gateway. Scenic corridor and gateway planning can occur at any time, and there need not be any proposed road improvement project planned in order to trigger a need to study them.

Scenic Corridor Designation

The purpose of the Scenic Corridor designation is to provide a framework for future planning and implementation of standards that can be addressed in the development regulations of the City of Tampa relating to the aesthetic appearance of identified roadways. It will help to preserve and enhance the aesthetic appearance of such facilities with concern for related buffering and landscaping.

Another purpose of the Scenic Corridor designation is to preserve, enhance and expand a system of roadways that will begin to form a boulevard system to connect different neighborhoods within the City. The boulevard system will also form a system of connections between parks and recreational areas and create an open space network throughout the City.

Designation of a Scenic Corridor will be based on the existing and proposed location of a roadway within the community. It will be used to protect and enhance existing arterial and collector roadways where existing land use is predominantly residential. The designation of Scenic Corridor can also be used to protect roadways where significant tree coverage and landscaping already exist from unplanned future commercial development. New roadways planned and the rebuilding of existing roadways through residential areas shall also be considered for Scenic Corridor designation as a method of lessening the impact on existing and proposed neighborhoods.

Criteria

- The Scenic Corridor designation will be applied to road corridors determined to have scenic qualities of local or City-wide significance (i.e., significant tree coverage.)
- Roadways that function as connectors or linkages in the scenic corridor system are also considered for the designation even though their present characteristics would not normally warrant the designation. This will help to unify and connect different neighborhoods in the City with attractive boulevards, improving and enhancing the areas through which they pass.
- The Scenic Corridor designation will also be used to protect existing collector and arterial roadways that have residential characteristics that would be desirable to preserve.

CHAPTER 9

Potential Scenic Corridors

The following roadways may be considered for designation as scenic corridors based upon the above criteria. This list is not intended to be exhaustive:

▪ Bayshore Boulevard*	▪ Westshore Boulevard	▪ Central Avenue
▪ Courtney Campbell Causeway*	▪ Himes Avenue	▪ Hanna Avenue
▪ Tampa Palms Boulevard	▪ Bruce B. Downs Boulevard	▪ Highlands Avenue
▪ Interbay Boulevard	▪ 22nd Street	▪ Tampa Street
▪ El Prado Boulevard	▪ Habana Avenue	▪ Rome Avenue
▪ Nuccio Parkway	▪ MacDill Avenue	▪ Euclid Avenue
▪ Sligh Avenue	▪ 34th Street	▪ Hillsborough Avenue (Rome to Nebraska)
	▪ Linebaugh Avenue	▪ 40th Street

**Denotes roadways that are currently designated a scenic roadway.*

Method

The actual planning for Scenic Corridors should be performed by the City of Tampa in cooperation with Hillsborough County and FDOT with input from citizens' organizations, the development community and private individuals that would be affected by the Scenic Corridor designation. The implementation can be accomplished through community organizations, developers or the City, depending upon the specific roadway being addressed.

These plans should include street tree planting and landscaping plans implemented by either the City, the private sector, citizen organizations or any combination thereof. Specific distance between street tree, the species required and other appropriate landscaping shall be developed as part of the zoning code or landscape ordinance, whichever is more appropriate. Consideration of bicycle and pedestrian access should also be considered as part of the Scenic Corridor development plan. Plans for each roadway should address the character, residential, commercial or mixed use, and require treatments that are most suitable for the area.

The Scenic Corridor designation should attempt to protect roadways which have primarily residential character thought to be desirable. Commercial activities should be limited to established activity centers on those residential roadways. New roadways under construction but designated as Scenic Corridors, or reconstruction or widening projects on existing Scenic Corridors shall require the City to provide a street tree planting plan

and mechanisms for implementation to take place as part of the roadway construction/reconstruction or subsequent private development of the adjacent properties.

Existing roadways that are designated as Scenic Corridors should consider the ultimate design of the roadway in the formulation of the tree planting and landscape plan to be implemented. If the addition of a landscaped buffer zone is not feasible because of existing conditions, then an attempt should be made to incorporate the street tree planting and landscaping within the proposed or existing right-of-way depending on future roadway plans.

Gateways

Some roadways have significance as gateways into the City of Tampa, and they should be considered for application of additional landscaping and street tree planting to enhance their appearance. These roadways may be bordered by a variety of land uses. The additional landscaping and street tree planting can help unify and improve the aesthetics of these Gateway roadways. As with the Scenic Corridor, the implementation of the additional landscaping and street tree planting can help unify and improve the aesthetics of these Gateway roadways. As with the Scenic Corridor, the implementation of the additional landscaping could be accomplished through the public and/or private sector. A plan for planting, however, shall be developed by the public sector with input from the community. The actual planting can either be accomplished in the existing road right-of-way or in a landscaped buffer zone area whichever is more appropriate.



Potential Gateways

The following roadways can be considered Gateways into the City of Tampa and may be suitable for additional landscaping and street tree planting. This list is not intended to be exhaustive.

- Kennedy Boulevard
- Gandy Boulevard
- 22nd Street Causeway
- Courtney Campbell Causeway
- Florida Avenue
- Nebraska Avenue
- Dale Mabry Highway
- Interstate 275
- Crosstown Expressway
- Martin Luther King, Jr. Blvd.
- Hillsborough Avenue
- Fowler Avenue
- Busch Blvd.
- Sligh Avenue
- Waters Avenue
- Armenia Avenue