

*Code
Change*

ORDINANCE NO. 2017-43

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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO GENERAL REVISIONS AND UPDATES**, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING AND LAND DEVELOPMENT); AMENDING SECTION 27-102, MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS, MULTIPLE PROPERTY DESIGNATION OR CONSERVATION OVERLAY DISTRICT; AMENDING SECTION 27-119, MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS, MULTIPLE PROPERTY DESIGNATION OR CONSERVATION OVERLAY DISTRICT; AMENDING SECTION 27-181.4, PUBLIC ART REQUIREMENTS; AMENDING SECTION 27-181.6, MAINTENANCE AGREEMENTS: PUBLIC REALM ZONE; WATERFRONT OVERLAY; RIVERWALK; AMENDING SECTION 27-201, PUBLIC ART REQUIREMENTS; CREATING SECTION 27-201.1, MAINTENANCE AGREEMENTS: PUBLIC REALM; PUBLIC ART; AMENDING SECTION 27-227, PD PLANNED DEVELOPMENT DISTRICT; AMENDING SECTION 27-239, SEMINOLE HEIGHTS RESIDENTIAL OVERLAY DISTRICT DEVELOPMENT DESIGN STANDARDS; AMENDING SECTION 27-284, BUFFERS AND SCREENING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa directed the Planning and Development Department to complete the following amendment to Chapter 27, Code of Ordinances; and,

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on this ordinance and made a finding that it is consistent with the Tampa Comprehensive Plan; and,

WHEREAS, the City Council of the City of Tampa has determined that the following amendment promotes and protects the general health, safety and welfare of the residents of the City of Tampa; and,

WHEREAS, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

E2017-861427

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NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. That “**Sec. 27-102. Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district**” is hereby amended by adding the underlined language as follows:

“Sec. 27-102. Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district.

...(b) Ways to improve the condition of the property. The BLC administrator shall request a meeting with the owner and the tenant when the landmark or contributing structure is in poor repair, and the BLC administrator shall discuss with them ways to improve the condition of the property. After this step the BLC administrator may request the PDD or applicable code enforcement department or official to take action to require correction of defects in any structure designated under this chapter so that such structure shall be preserved in accordance with the purposes of this chapter. In the event emergency conditions dangerous to life, health or property exist, as determined pursuant to subsection (e), the BLC administrator does not have to comply with the provisions of this subsection.

...(e) Emergency conditions. In any case where the PDD, in coordination with the applicable code enforcement department or official, determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, the department may order the remedying of these conditions without the approval of the BLC. The department shall promptly notify the administrator of the BLC of the action being taken. When the emergency conditions do not require demolition, the department shall make every effort to carry out the intent of this chapter and to use the design standards of the BLC when remedying the emergency conditions. Failure to comply with an order issued pursuant to this section, within the reasonable time set within the order for compliance, is a violation of this Code. ...”

Section 2. That “**Sec. 27-119. Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

1 **“Sec. 27-119. Maintenance and repair of landmarks, landmark sites and property in**
2 **historic districts, multiple property designation or conservation overlay district.**

3
4 ...*(b) Ways to improve the condition of the property.* The ARC administrator shall
5 request a meeting with the owner and the tenant when the landmark or
6 contributing structure is in poor repair, and the ARC administrator shall discuss
7 with them ways to improve the condition of the property. After this step the ARC
8 administrator may request ~~the department of growth management and~~
9 ~~development services~~ PDD or applicable code enforcement department or official
10 to take action to require correction of defects in any structure designated under
11 this chapter so that such structure shall be preserved in accordance with the
12 purposes of this chapter. In the event emergency conditions dangerous to life,
13 health or property exist, as determined pursuant to subsection (e), the ARC
14 administrator does not have to comply with the provisions of this subsection.
15

16 ...*(e) Emergency conditions.* In any case where ~~the department of growth management~~
17 ~~and development services~~ PDD, in coordination with the applicable code
18 enforcement department or official, determines that there are emergency
19 conditions dangerous to life, health or property affecting a landmark, a landmark
20 site or a property in a historic district, the department may order the remedying of
21 these conditions without the approval of the ARC. The department shall promptly
22 notify the administrator of the ARC of the action being taken. When the
23 emergency conditions do not require demolition, the department shall make every
24 effort to carry out the intent of this chapter and to use the design standards of the
25 ARC when remedying the emergency conditions. Failure to comply with an order
26 issued pursuant to this section, within the reasonable time set within the order for
27 compliance, is a violation of this Code. ...”
28

29 **Section 3.** That **“Sec. 27-181.4. Public art requirements.”** is hereby
30 amended by adding the underlined language as follows:
31

32 **“Sec. 27-181.4. Public art requirements.**

33
34 ...*(c) Public art fund.* A public art fund shall be created and shall consist of all
35 payments for public art requirements within the Center City (CBD). The public
36 art fund shall be used solely for the selection, acquisition, installation,
37 maintenance, and insurance of public art to be displayed on public property in the
38 Center City, unless otherwise agreed by mutual agreement of a private property
39 owner and the City to be placed on private property (subject to section 27-181.6).
40 Refer to chapter 4, city code. ...”
41

42 **Section 4.** That **“Sec. 27-181.6. Maintenance agreements: Public realm**
43 **zone; waterfront overlay; Riverwalk.”** is hereby amended by adding the underlined
44 language and deleting the stricken language as follows:
45

1 **“Sec. 27-181.6. Maintenance agreements: Public realm zone; waterfront overlay;**
2 **Riverwalk; public art.**

3
4 (a) For certain improvements made by and/or agreed to by a A-property owner, the
5 property owner is required to execute a maintenance agreement and covenant for
6 certain such improvements, within specific areas, as follows:

7 ...(3) Public art funded by Public Art Fund monies that are placed on private
8 property (refer to sections 27-181.4 and 27-183, Table 183). ...

9
10 *...(c) Maintenance of public art on located on private property and maintenance*
11 *covenant.*

12
13 (1) Public art placed on private property and subject of/to a maintenance
14 agreement and covenant executed prior to June 1, 2016, shall continue to
15 be subject to all terms and requirements of such agreement and covenant,
16 unless otherwise agreed to by the city.

17
18 (2) Public art placed on private property, subsequent to June 1, 2016, shall be
19 subject to the maintenance agreement and covenant terms and
20 requirements of this section, unless otherwise agreed to by the city.”

21
22 **Section 5.** That **“Sec. 27-201. Public art requirements.”** is hereby amended
23 by adding the underlined language and deleting the stricken language as follows:

24
25 **“Sec. 27-201. Public art requirements.**

26 ~~(a) *Purpose and intent.* The purpose of the public art requirements is to increase the~~
27 ~~presence of art in public open spaces in the Channel District, ensure that art can~~
28 ~~be enjoyed by the general public, and to support the promotion of the Channel~~
29 ~~District as a cultural, urban neighborhood. The intent of the development~~
30 ~~regulations and review framework set forth herein is to provide the mechanism for~~
31 ~~implementing the above referenced goals.~~

32 ~~(b) *Requirements.* Public art shall be provided in all CD districts for new construction~~
33 ~~only as follows:~~

34 ~~(1) *Each new development shall be assessed .75 percent of the project cost,*~~
35 ~~*with a maximum contribution of two hundred thousand dollars*~~
36 ~~*(\$200,000.00), for placement of ground floor or on-site publicly accessible*~~
37 ~~*art (in accordance with (c) below.)*~~

38 ~~(2) *A property owner may pay a fee in lieu as set forth in section 27-201(e)*~~
39 ~~*below.*~~

40 ~~(c) *Placement of public art.* The placement of all public art as required by this~~
41 ~~subsection shall meet the following provisions:~~

42 ~~(1) *A minimum of seventy five (75) percent of the total public art requirement*~~
43 ~~*shall be placed in places that are clearly visible from the public sidewalk*~~
44 ~~*or public space. The property owner or agent thereof may elect to provide*~~
45 ~~*the entire public art requirement in these areas. The final location of the art*~~

1 piece shall be reviewed and determined through the CD development
2 design review.

3 (2) ~~At the option of the property owner, up to a maximum of twenty five (25)~~
4 ~~percent of the total public art requirement may be placed indoors in~~
5 ~~publicly accessible and clearly visible lobby areas.~~

6 (d) ~~Off site provision of public art. Any property owner or agent thereof required to~~
7 ~~provide public art as set forth in this section may provide the required amount of~~
8 ~~public art off site on another parcel located in the central business district,~~
9 ~~provided the following conditions are met:~~

10 (1) ~~The property owner or agent thereof shall submit a request to provide the~~
11 ~~required public art off site with the application for design approval.~~

12 (2) ~~The placement of the proposed off site public art shall meet the~~
13 ~~requirements of subsection (d)(3) above.~~

14 (e) ~~In lieu payment for public art. Any property owner or agent thereof required to~~
15 ~~provide public art as set forth in this subsection may pay a fee in lieu as set forth~~
16 ~~in this subsection and shall pay the fee in lieu of the required amount of public art~~
17 ~~upon issuance of a certificate of occupancy. The property owner or agent thereof~~
18 ~~may provide a fee for the total public art requirement, assessed at .5 percent of the~~
19 ~~project cost, up to two hundred thousand dollars (\$200,000.00) or a portion~~
20 ~~thereof that is not met through the provisions of (b) above.~~

21 (f) ~~Public art fund. A public art fund shall be created and shall consist of all in lieu~~
22 ~~payments for public art requirements for the Channel District. The public art fund~~
23 ~~shall be used solely for the selection, acquisition, installation, maintenance and~~
24 ~~insurance of public art to be displayed on public property in this district.~~

25 (g) ~~Ownership, maintenance of public art and maintenance covenant. All public art~~
26 ~~pieces shall be owned and maintained by the owner of the property on which the~~
27 ~~public art pieces are located. At the time of issuance of a certificate of occupancy~~
28 ~~all property owners installing public art on site shall be required to execute a~~
29 ~~maintenance agreement and covenant, in a form acceptable to the city attorney, in~~
30 ~~which the property owner agrees to maintain and repair all elements of the public~~
31 ~~art. The covenant shall be recorded in the public records of the county and shall~~
32 ~~be binding on all successors in interest.~~

33
34 (a) Purpose. The purpose of the public art requirements is to:

35
36 (1) Increase the presence of art in the Channel District, visible to the general
37 public;

38 (2) Ensure that art can be enjoyed by the general public; and,

39 (3) Support the promotion of the Channel District as a vital cultural
40 component of the Center City.

1 (b) Requirements.
2

PUBLIC ART (Also refer to sec. 27-201.1)			
<u>Required Contribution Rate</u>	<u>Maximum Fee</u>	<u>Benchmark to Pay Fee</u>	<u>Public Art Fund</u>
<u>Required for New Construction</u> <u>Only: 0.75% x total project development cost</u>	<u>\$200,000.00</u>	<u>Prior to issuance of certificate of occupancy</u>	<u>Fund consists of all payments for public art requirements within the Channel District (CD)</u>

3
4 (c) Public art fund. A public art fund shall be created and shall consist of all
5 payments for public art requirements within the Channel District (CD). The public
6 art fund shall be used solely for the selection, acquisition, installation,
7 maintenance, and insurance of public art to be displayed on public property in the
8 Channel District, unless otherwise agreed by mutual agreement of a private
9 property owner and the City to be placed on private property (subject to section
10 27-201.1). Refer to chapter 4, city code.

11
12 (d) Maintenance of public art on private property and maintenance covenant. Refer
13 to section 27-201.1.”

14
15 Section 6. That “Sec. 27-201.1. Maintenance agreements: Public realm;
16 public art.” is hereby created as follows:

17
18 “Sec. 27-201.1. - Maintenance agreements: Public realm; public art.

19
20 (a) For certain improvements made by and/or agreed to by a property owner, the
21 property owner is required to execute a maintenance agreement and covenant for
22 such improvements, within specific areas, as follows:

- 23 (1) Construction/installation of Channel District streetscape improvement(s)
24 within the public right-of-way.
25 (2) Public art funded by Public Art Fund monies (refer to sections 27-201).
26

27 (b) The maintenance agreement and covenant shall be executed and compliant with
28 the following:

- 29 (1) The document(s) shall be in a form acceptable to the city attorney;
30 (2) The property owner shall maintain and repair all elements of the
31 improvement(s); and
32 (3) The document(s) shall be recorded in the public records of Hillsborough
33 County and shall be binding on all successors in interest.
34

1 (c) Maintenance of public art on located on private property and maintenance
2 covenant.

3 (1) Public art placed on private property and subject of/to a maintenance
4 agreement and covenant executed prior to April 15, 2017, shall continue to
5 be subject to all terms and requirements of such agreement and covenant,
6 unless otherwise agreed to by the city.

7 (2) Public art placed on private property, subsequent to April 15, 2017, shall
8 be subject to a maintenance agreement and covenant terms and
9 requirements of this section, unless otherwise agreed to by the city.”

10
11 **Section 7.** That “**Sec. 27-227. PD Planned Development District.**” is hereby
12 amended by adding the underlined language as follows:

13
14 **“Sec. 27-227. PD Planned Development District.**

15
16 ...*(e) Site development plan.* In addition to the requirements of section 27-138, the
17 following information shall be included on the site development plan for a
18 planned development district:

19
20 ...*(9) Southern Florida Building Code definitions for types of construction*
21 *proposed and existing. ...”*

22
23 **Section 8.** That “**Sec. 27-239. Seminole Heights Residential Overlay**
24 **District Development Design Standards.**” is hereby deleted in its entirety and reserved.

25
26 **Section 9.** That “**Sec. 27-284. Buffers and screening.**” is hereby amended by
27 adding the underlined language and deleting the stricken language as follows:

28
29 **“Sec. 27-284. Buffers and screening.**

30 In order to reduce the impacts of a use of land on adjacent uses which are of a
31 significantly different character, buffers and screening shall be required in accord with
32 the following provisions of this section:

33
34 ...*(2) Screening required.*

35 a. Five- and ten-foot buffers shall consist of at least the following, together
36 with any additional specifications of the city tree and landscaping
37 ordinance:

38 ...4. Items (2)a. ~~through~~ and (2)e. may be credited toward meeting the
39 requirements of the tree and landscaping code, where applicable.
40 ...”

41
42 **Section 10.** That should a court of competent jurisdiction declare any part of
43 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
44 such determination as to the invalid part.

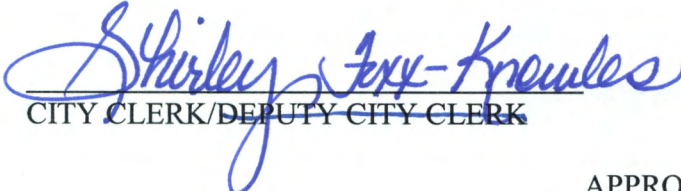
1 **Section 11.** That all ordinances or parts of ordinances in conflict herewith are
2 hereby repealed to the extent of any conflict.

3
4 **Section 12.** That this ordinance shall take effect on April 15, 2017.
5

6
7 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
8 TAMPA, FLORIDA, ON MAR 16 2017.

9
10 ATTEST:

11
12 
13 _____
14 CHAIRMAN/CHAIRMAN PRO-TEM
15 CITY COUNCIL

16
17 
18 _____
19 CITY CLERK/DEPUTY CITY CLERK

20 APPROVED BY ME ON MAR 21 2017

21
22 
23 _____
24 BOB BUCKHORN, MAYOR

25
26 APPROVED AS TO LEGAL
27 SUFFICIENCY BY:

28
29 _____ E/S
30 REBECCA M. KERT
31 SENIOR ASSISTANT CITY ATTORNEY
32
33