

ORDINANCE NO. 2001-148

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE AREA WIDE DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 19, 1985, pursuant to Ordinance No. 9035-A, on file with the City Clerk's office, the City Council of the City of Tampa ("City Council") approved the petition to file an Areawide Application for Development Approval ("ADA") for the Westshore Business District area, legally described in Composite Exhibit "B" to City of Tampa Ordinance No. 88-1, on file with the City of Tampa Clerk's office (the "Clerk's office"); and

WHEREAS, on July 2, 1986, the Developer filed an ADA, supplemented by sufficiency responses filed October 1986, January 1987, and March 1987, which ADA together with such sufficiency responses and all other supporting documents (hereinafter collectively referred to as the "ADA"), were filed with the City of Tampa, Florida (the "City") for the development of the Areawide DRI area (the ADA is on file with the City Clerk's office as Composite Exhibit "C" of Ordinance No. 88-1); and

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida, on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), an Areawide Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Order"); and

WHEREAS, Ordinance No. 88-1 specifically approved Phase I development which included: 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval), which approval was subject to a trade-off mechanism; and

WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council of the City of Tampa, Florida, on June 2, 1992, approved a first amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council of the City of Tampa, Florida, on December 21, 1993, approved a second amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council of the City of Tampa, Florida on July 15, 1999, approved a third amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, actual development which has been allocated utilizing the trade-off mechanism, for Phase I includes: 2,163,991 sq. ft. Office, 988,000 sq. ft. Retail, 875 Hotel Rooms; and

WHEREAS, on November 13, 2000, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a Previously Approved Areawide Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the Westshore Areawide DRI (the "NOPC"),

supplemented by sufficiency responses filed March 2001, attached hereto as Composite Exhibit "A"; and

WHEREAS, the NOPC proposed to amend the Development Order to: (1) specifically approve Phase IIA of the project, consisting of: 4,400,000 sq. ft. of office uses, 500,000 sq. ft. of retail uses, 750 hotel rooms, 200,000 sq. ft. of light industrial uses, and 2,000 multi-family dwelling units; (2) increase the approved capacity amounts for water, wastewater, solid waste, and electric; (3) include an Equivalency Matrix to allow for the simultaneous exchange of approved land uses for Revised Phase I; (4) extend the termination date for this Development Order to December 31, 2015; (5) establish that no downzoning of the project may occur prior to December 31, 2010; and (6) approve a restated Development Order; and

WHEREAS, the previously approved Phase I is being consolidated with approved Phase IIA as "Revised Phase I", which phase is specifically approved and includes cumulatively 6,563,991 sq. ft. Office, 1,488,000 sq. ft. Retail, 1,625 Hotel Rooms, 200,000 sq. ft. Light Industrial and 2,000 Multifamily units; and

WHEREAS, the remainder of Phase II, which consists of 3,809,347 sq. ft. Office and 1,810 Hotel Rooms, will now be referred to as "Revised Phase II" which has been conceptually approved; but which will require further Section 380.06, F.S. transportation analysis submitted through the NOPC process, prior to specific approval; and

WHEREAS, the Developer has demonstrated that the proposed NOPC does not constitute a substantial deviation; and

WHEREAS, the Development Order as set forth herein has been amended and restated to incorporate all of the conditions applicable to this project, and this Ordinance shall supercede Ordinance No. 88-1, as amended; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the NOPC and to adopt this Development Order: and

WHEREAS, the City Council has held a duly noticed public hearing on the NOPC to the Development Order, and has reviewed and considered the NOPC and supporting documentation, as well as testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be adopted to reflect the City Council's approval of the proposed changes.

NOW, THEREFORE, be it ordained by the City Council of the City of Tampa, Florida:

Section 1. That this ordinance, including all exhibits hereto, shall constitute the Development Order ("Order") of the City issued for the Westshore Areawide Development of Regional Impact. This Order shall replace previously approved Ordinance No. 88-1, as amended. By reference, the exhibits to this Order, and the ADA, are incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the ADA, as modified herein.

Section 2. That having received, reviewed and considered the above referenced documents, all relevant comments and testimony submitted by each party and members of the general public, and having determined that such documents, comments and testimony provide

substantial competent evidence to support the findings herein, the City Council makes the following findings of facts:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property, which is the subject of the AADA, is legally described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City Clerk's office.
- C. The Westshore Alliance (Developer) is approved as developer for the DRI.
- D. Developer has demonstrated its legal, financial, and administrative ability to perform the commitments made in the ADA and the conditions of this Development Order.
- E. Developer previously demonstrated that the property owners within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.
- F. The area and the anticipated development are consistent with the local and state comprehensive plans.
- G. The Developer filed the ADA pursuant to Subsection 380.06(25), Florida Statutes, which authorizes an association to apply for areawide development approval and receive an Areawide DRI development order for a specific area. Developer is not the owner of property within the Areawide DRI area, nor will it develop any specific project. With the assistance of the private sector, and utilizing applicable portions of the Westshore Area Study, conducted by consultants for the City ("City Study"), which study included all of the Areawide DRI Area, and other areas in addition to the Areawide DRI Area, Developer has developed a conceptual master plan for development of the Areawide DRI Area, which is attached as Composite Exhibit "D" to Ordinance No. 88-1, on file with the City Clerk's office.
- H. The ADA, and the NOPC have identified and assessed probable regional impacts. The Areawide DRI Area is approved as a single area of high intensity development and the impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the Areawide DRI, have been reviewed and assessed.
- I. Development within the Areawide DRI has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the ADA and NOPC. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- J. The NOPC proposes development within the Areawide DRI for the land uses, quantities and Phases set out below.
- K. The neighborhoods immediately adjacent to the DRI Area have been and will be impacted by the scope and intensity of development permitted in the DRI Area. As a result, special measures have been implemented to protect these neighborhoods.
- L. The proposed development is not located in an area of critical state concern as

designated pursuant to Chapter 380.

- M. All proposed development is required by conditions to this Order, to be consistent with all applicable local, regional and state land development laws and regulations.
- N. While the levels of development approved may exceed the levels which may be constructed under existing or proposed zoning (Chapter 27, City of Tampa Code), this Order in no way permits development which is inconsistent with the applicable zoning code.
- O. A comprehensive review of the probable impacts to be generated by the proposed development was conducted by various City departments and TBRPC staff at the time the Areawide DRI was approved. The City has reviewed the NOPC to identify and assess any additional impacts created by the proposed changes.

Section 3. That, having made the findings of fact contained in Section 2 above, the City Council hereby makes the following conclusion of law:

- A. The Westshore Alliance constitutes a "Developer" as defined in Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an areawide application for development approval and receive a development order.
- B. Review by the City, and other participating agencies reveals that through the application of the terms and conditions of the ADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380.
- C. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in Section 4, below.

Section 4. That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the ADA is hereby approved, subject to the following conditions:

- A. This Order is rendered in respect to the total quantities for the given land use categories set forth in Exhibit "B" hereto for Revised Phase I. If approval is granted by City Council for property to no longer remain as part of the Areawide DRI, the development totals determined by City Council as being associated with that property, pursuant to the process set forth in Subsection 4.T. herein, shall be subtracted from the appropriate development totals. If existing DRIs within the Areawide boundaries opt into the Areawide DRI, the development totals associated with the property will be added to the totals shown on Exhibit "B" as appropriate. If such a DRI opts in, its development rights are added to the totals and may be used by any property in the Areawide DRI through the processes established in this Order. Remaining Phase II DRI development approvals not consolidated into Revised Phase I, shall require further Chapter 380 analysis, review and approval.
- B. Square footage totals shall be monitored by the Department of Land Development Coordination ("DLDC") according to the following procedures:
 - 1. Any person, corporation or government agency proposing development,

Certified as true
and correct copy.

redevelopment or expansion within the Areawide DRI area shall calculate the gross building square footage of each category of land use as set forth in above. Said square footage shall be submitted with Commercial Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.

2. All square footage totals referenced in building permits issued for development of any size within the Areawide DRI boundaries will be subtracted from the threshold limits established above.
3. Square footage shall be deemed reserved upon approval of the Commercial Site Plan.
4. The Commercial Site Plan and space (square footage) reservation will be valid for a period of six (6) months. Building permits must be obtained within said six months to insure space reservation. If permits are not obtained, the space shall automatically return to the surplus threshold capacity.
5. If available land use totals reach between 60% and 95% of Revised Phase I, DRI scale projects may apply for an Advance Reservation of square footage, subject to the following conditions:
 - a. An Advance Reservation request may only be made: (1) when the current zoning of the property allows for the use being proposed or, (2) concurrent with the submittal and receipt of a rezoning application, which application, if approved, will allow for the use being proposed;
 - b. An Advance Reservation request shall be submitted in writing, on those forms provided by the Building and Construction Services Department ("BCS") specifically for such requests. The BCS shall respond, in writing, within 15 calendar days, as to the availability of the requested square footage. If the square footage amount is available, the BCS shall reserve the requested square footage in the name of the applicant and for the real property identified in the application and shall so advise the applicant in its written response. If all of the requested square footage is not available, the BCS shall so advise the applicant in writing, together with information concerning trade-offs or other alternatives available under the Areawide DRI Development Order.
 - c. All Advance Reservation applications shall include the payment of a fee of twenty-five cents (\$0.25) per square foot, payable to the Westshore Alliance, as the Developer of the Areawide DRI. Such monies shall be earmarked by the Westshore Alliance to the specific property identified in the application and are hereby deemed to run with that land as a future credit against required future payments to the Westshore Alliance, in its capacity as the Developer of the Areawide DRI. The Westshore Alliance shall use such monies solely for the purpose of funding the costs of the Developer in administrating the DRI, including compliance with reporting requirements and preparing, filing and processing Notifications of a Proposed Change to the Areawide DRI, whether such changes constitute a substantial deviation or not. Upon request, the Westshore Alliance shall provide the City with an accounting of such monies received and expended.

d. The Advanced Reservation, if approved as provided for in paragraph 5(a) above, shall be effective for a period of 180 days from and after the date of the BCS letter approving the application. If a Commercial Site Plan (for the uses and square footage applied for) is not approved within that 180-day period, then the BCS Advance Reservation shall be deemed null and void, without any further action by the BCS. Notwithstanding the above, if the BCS finds that the applicant has exercised reasonable diligence in pursuing that approval, then the BCS may approved one (1) extension, of up to 180 days, for completing the Commercial Site Plan approval process. No extensions which may be granted in the building permitting or Commercial Site Plan approval process, including buy not limited to any extensions provided for in Chapter 5, City of Tampa Code, shall have the effect of extending this 180-day period together with the one (1) extension time period, if any. The same applicant may not apply for an Advanced Reservation for all or part of the same property identified in the application for a period of ninety (90) days from the date the original application was deemed null and void.

C. Trade-offs will be permitted as provided below:

1. The trade-offs among the office, retail, hotel, light industrial, and multi-family uses are established as set forth in Exhibit "C", attached hereto. To the extent that square footage amounts remain in the development totals authorized herein, tradeoffs among office, retail, hotel, light industrial, and multi-family uses shall be automatically applied at the time of the reservation of square footage referred to in Section 4.B.3. above.
2. The process for receiving and processing trade-offs for land uses other than those shown-on Exhibit "C", attached hereto, shall be as follows:
 - A. Developer shall apply in writing requesting a trade-off.
 - B. DLDC shall review the request and advise the applicant of its recommendation in writing within twenty-one (21) days of its receipt.
 - C. If approved, DLDC shall make the trade-off and reserve the space. If DLDC recommends against the trade-off, the applicant may appeal to the City Council within seven (7) days of notification of DLDC's recommendation and shall be scheduled at a noticed public hearing with written notice to TBRPC, DCA and the Neighborhood Committee referred to in Subsection 4.U. herein.

D. The Westshore Alliance is the agency within the Westshore DRI area responsible for developing and implementing Transportation Demand Management Strategies aimed at reducing traffic congestion in this area. In order to ensure that new development occurring under this areawide DRI participates in Transportation Demand Management Strategies, all applicants drawing down square footage from available entitlement must join and continue membership in the Westshore Alliance. Proof of membership in Alliance must be provided to the City of Tampa prior to new development receiving building permit approval.

E. A substantial deviation shall be presumed to occur:

1. By failure to comply with any condition established by this Order: or
 2. By failure to meet commitments, or failure to abide by solutions proposed to mitigate impacts, as set out herein, or as set forth in the ADA; or
 3. By commencing projects covered by this Order after the term of this Order, and any extensions to it; or
 4. By the occurrence of any other deviation, which pursuant to Chapter 380, is considered a substantial deviation, and consistent with the applicable adopted F.A.C. Rules.
- F. The determination of (i) whether a deviation will occur, and (ii) whether that deviation is a substantial deviation, as defined in Section 4.E. above, shall be made pursuant to 380.06, as amended.
1. The initial administrative review and determination shall be made by the DLDC based upon the terms and conditions set forth in this Order, together with all other applicable laws and regulations.
 2. The Westshore Alliance shall apply on the forms provided by the DCA.
- G. The transportation impacts of the Areawide DRI shall be deemed to be mitigated by payment of the City of Tampa Transportation Impact Fee. Development square footage associated with DCA-approved preliminary development agreements which reference inclusion into the Areawide DRI, shall, for the amounts of development for which building permits have been pulled and for which construction has commenced, pay the City of Tampa Transportation Impact Fee.

The contributions and/or fees provided by this section shall be applied to the transportation network within the city study area which is substantially impacted by traffic from the approved development, in the manner as provided for all impact fees under the adopted local transportation impact fee ordinance.

A study of site-specific transportation improvements necessitated by development that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be required of those projects at the time of Commercial Site Plan Review. The purpose of such study is to identify transportation improvements. For purposes of this section site-specific transportation improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; (5) median cuts/closings associated with those site driveways; (6) improvements to roads immediately adjacent to the site and necessary to allow direct access to the site; and (7) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Transportation Department as a condition to Commercial Site Plan Approval. The developer may appeal the Transportation Department imposed condition(s) to the City Council. The appeal shall be scheduled by City Council for the next regularly scheduled Council meeting.

H. In order to document progress toward the established thresholds, Developer shall file with the City, TBRPC, DCA, and all affected permit agencies, as a part of its annual report, a summary of:

1. Authorized development within the Areawide DRI, for the past reporting year and cumulatively; and
2. Remaining surplus development capacities within the established thresholds; and
3. The status of any requirements of this Order which were to have been acted upon during the past reporting year.
4. Summary of land use categories for which development notices were filed during the year;
5. Summary of land use categories constructed during the year;
6. Summary of status of transportation facilities, public transit usage, vehicle occupancy rates, and parking usage.
7. A map with latest available traffic counts on roads shown on the E-1 network.
8. A status report of CIP improvements.
9. Summary of land use trade-offs processed in accordance with Section 4.C. hereof.
10. All items required by Section 380.06, Florida Statutes for the annual report.

The annual reports are due on January 10 of each year. The reports submitted in calendar years 2005 and 2010 shall include a projection of any revised demands for water supply, wastewater treatment capacity, solid waste disposal capacity, electrical capacity together with a revised report on transportation improvements proposed for the following five (5) year period.

To the extent that the city routinely maintains/collect the information required in such annual reports, the City shall make such information available to the Developer for use in preparing such annual reports.

Prior to application for permits for any development (including redevelopment) within the areas outlined on the "Environmental" map attached as Exhibit "H" to Ordinance No. 88-1, on file with the City Clerk's office, a detailed vegetation and wildlife survey, accepted by the Florida Fish and Wildlife Conservation Commission, shall be provided for approval by the Hillsborough County Environmental Protection Commission. Preservation or mitigation shall be incorporated into development plans as required. (This map is based on Exhibit 18-1 supplied in the ADA.) This shall not obviate the need to obtain all applicable state and local dredge/fill and land alteration permits.

Prior to application for permits for any development (or redevelopment) within the

areas outlined on the "Archaeological" map Exhibit "I-1" attached to Ordinance No 88-1, on file with the City Clerk's office, a site-specific archaeological survey, conducted by an approved consultant, shall be submitted by the individual developer and approved by the Florida Department of State, Bureau of Historic Resources. Mitigative measures recommended by the Bureau shall be accomplished prior to any site development permit approval. (This map is based on the map provided by the Bureau of Historic Resources.) Prior to application for permits for any development (or redevelopment) on sites included on Exhibit "I-2" of Ordinance No. 88-1, on file with the City Clerk's office, listing the historically significant sites identified by the Tampa/Hillsborough County Historic Preservation Board, notice of such plans for development shall be provided by the individual developer to the Preservation Board. Preservation or mitigative measures mandated by the Preservation Board, pursuant to its lawfully mandated authority, shall be incorporated into the site development permits.

Upon the issuance of Areawide DRI Commercial Site Plan approvals for 1,500,000 square feet of office development, the following conditions shall apply to proposed development projects which meet or exceed 80% of the applicable DRI statutory thresholds:

1. Prior to the issuance of certificates of occupancy for such proposed project, the project developer shall provide to the City, TBRPC, the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Protection a project-specific air quality analysis consistent with either (i) 1987 DER recommended air quality impact assessment guidelines, or (ii) the then-applicable, adopted DRI/ADA air quality question(s) regarding mobile source impacts. If the analysis indicates that air quality will not meet applicable standards, as a direct result of the vehicular emissions associated with the trips generated by this project, the project developer shall also prepare and submit to the same agencies a proposed plan for mitigation of the identified project air quality impacts.
 2. After review of the analysis and proposed mitigation plan and after receiving comments and recommendations from the above agencies, DLDC may establish conditions requiring implementation of measures for mitigating the project's air quality impacts. The project developer may appeal the decision of DLDC to City Council. The appeal shall be scheduled by the City Council at the next available Council meeting.
 3. The appropriate mitigation measures shall be in place prior to the issuance of certificates of occupancy for square footage amounts which equal or exceed 80% of the applicable DRI threshold. The project developer shall verify the implementation and effectiveness of the required mitigation measures in the appropriate subsequent annual report through submission of data to the Westshore Alliance for inclusion in the annual report.
- I. Individual developers within the Areawide DRI shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is issued by

(1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be included in the first annual report submitted after occupancy of each such building within the Areawide area. Developer shall provide in each annual report a list of developments which have not complied with this provision.

- J. Separate hazardous waste storage areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in subsection 403.703(21), F.S., and listed in Title 40 CFR Part 261.)

Each developer of an office building or of multiple-tenant high tech research space equal to or greater than 240,000 square feet in size shall:

- a. Be required to provide, to occupying businesses, a statement that indicates the types of wastes and materials that are hazardous and are to be stored or disposed of only in specifically designated containers;
- b. Shall require that each occupying business which uses other than ordinary office supplies to file a statement with the Hillsborough County Department of Emergency Management and the City of Tampa Fire Department listing the types and quantities of hazardous material normally kept on-site. A statement of compliance shall be included in the annual report: and
- c. Advise purchasers and lessees, and stipulate at the time of purchase of lease that statutes and regulations exist and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials.

- K. The responsible entities shall provide capacity for the Areawide DRI, as set forth below:

<u>Water</u> -	4.148 Million Gallons Per Day
<u>Wastewater</u> -	3.096 Million Gallons Per Day
<u>Solid Waste</u> -	184.6 Tons Per Day
<u>Electrical</u> -	25.33 Kilowatt (Millions) Hours Per Day

- L. The total daily water requirements set forth in 4.K. above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be

assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

- M. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the ADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.
- N. The collection of the total daily generation of solid waste, as set forth in Section 4.K. above, shall be provided in accordance with applicable ordinances of the city at the standard charges for solid waste collection. The City Solid Waste Department shall continue to have the authority not to allow disposal of any hazardous material from an Areawide DRI Development. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.
- O. The developers of specific projects within the Areawide DRI area shall meet all applicable local, regional, state and federal laws, rules and regulations relative to storm water management/water quality in effect at the time of permitting. Any substantial redevelopment of presently developed sites shall meet the applicable "new development" criteria. Any proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the applicable regulations. The City shall continue measures to ensure the protection to the water quality, including, but not limited to, public street and public parking lot cleaning, clearance of storm sewers on a regular basis and construction of additional manholes to facilitate storm water clearing, all as referenced in the ADA. Individual developers of projects which meet or exceed 80% of applicable DRI statutory thresholds shall implement private street and private parking lot sweeping/cleaning measures. It is understood that the City reserves the right to receive grants-in-aid-of construction for off-site stormwater system improvements, necessitated by the development. Such assessments shall be assumed by the specific project developers, when assessed by the City, all in accordance with City policies and regulations in effect now or that may exist in the future. Further, it is understood that the City reserves the right to establish and assess a stormwater-as-utility fee. Finally the City reserves the, right to assess utility fee for drainage connections or outfall fees, at such time as the master basin plan improvements have been constructed and if a site specific developer desires to eliminate either existing or proposed on-site retention/detention facilities.
- P. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by Areawide DRI development, unless the project is specifically approved by the City Council following established procedures.
- Q. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.

- R. The City and developer shall encourage the implementation of energy conservation techniques proposed in the ADA.
- S. All development pursuant to this Order shall be in accordance with applicable building codes, land development regulations, ordinances and other laws.
- T. If an existing DRI with approved Development Order located within the geographic boundaries wishes to be included with under this Order, the Developer shall file a notice with the DLDC. Only those phases not yet under construction may be brought under the Areawide DRI. The development will be subject to all the terms and conditions of this Order.

Any developer/owner who no longer wants certain property to remain as part of this Areawide DRI after the adoption of this Order, shall file a petition with DLDC, a form to be provided by DLDC. At a minimum, the information requested shall include the following:

1. The location and legal description of the property, including the size of the property in square feet or acres.
2. Proposed development plan for the subject property, as shown in a validated Commercial Site Plan application.
3. Other property of the developer/owner located within the Areawide DRI area.
4. Reasons for opting out of the Areawide DRI area.

DLDC shall review the petition and make a recommendation to City Council following the time schedule set forth in the appeal of the City Staff determination procedures section of this Order. The DLDC recommendation shall consider the Master Plan (Exhibit D); the land uses associated with Traffic Analysis Zone(s) in which the parcel is located; the existing zoning of the parcel; the site plan, if any, for development on the parcel; and, the existing and surrounding uses and levels of development of those uses. Based upon these factors, DLDC shall recommend a potential development total for City Council's review and its determination of the development totals to be removed from the Areawide DRI.

If approval is granted by City Council for property to no longer remain as a part of the Areawide DRI, the amount of development on an approved Commercial Site Plan for such property shall be deducted from the appropriate totals shown on Exhibit E, as appropriate. To the extent that building permits have not been issued for all or any portion of the development approved by such Commercial Site Plan approval, within six (6) months of such approval, then in that event the amount of development for which permits were not obtained shall be added back to the totals shown in Exhibit E; and the property for which building permits have not issued shall thereafter again be subject to the conditions of this Order.

- U. Residential neighborhood concerns identified by the City Study, rather than the ADA, are hereby addressed, as follows:
 1. These local improvements are not the result of any regional improvements necessitated by the development authorized herein. Therefore any

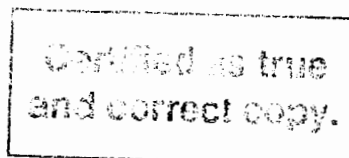
modifications to this subsection are not considered "changes" as used in Chapter 380.06 and are not, therefore, subject to substantial deviation determinations or other regional DRI provisions of this Order.

2. A Westshore Residential Neighborhood Improvements Committee, has been created which includes representatives from each of the residential neighborhoods, generally known as Beach Park, Carver City, Lincoln Gardens and that neighborhood in the general vicinity of 4320 Lemon Street. City Council, upon recommendation of the Mayor, shall make the final determination as to the structure and member composition of this Committee.
3. The City, prior to the expenditure of any funds collected pursuant to Subsection 4.U. of this Order, shall receive and consider the recommendations of such Committee for the location, type and priority of the residential neighborhood improvements contemplated herein. Those improvements may include, but are specifically not limited to: the construction of cul-de-sacs, sidewalks, speed bumps, additional traffic signage and traffic control devices. (See Exhibit "J").
4. The City shall collect at the time of issuance of certificates of occupancy from all development within the Areawide DRI, Ten Cents (\$0.10) per square foot. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. Those monies shall be placed in a special, Westshore Residential Neighborhood Improvement interest-bearing account and the principal and any accrued interest shall only be expended within the City Study area. (See Exhibit "J").
5. The Westshore Alliance shall assist the adjacent neighborhoods and such Committee to ensure that developments approved under this Order comply with all applicable City code requirements which regulate site-specific development.

V. It is the Developer's intent that the cost for obtaining approval of the Areawide DRI and other administrative expenses associated with the Order be borne equally by all development which benefits from the terms of this Order. The following assessment shall be applied to all new or additional development with the Areawide DRI:

1. Prior to issuance by the City, of any building permit for new or additional development within the Areawide DRI, a fee of Twenty-Five Cents (\$0.25) per square foot shall be assessed and collected by the Developer. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. The Developer shall issue a Certificate of Payment to the Payor as proof of payment. In order to obtain a building permit, the Payor must present the Certificate of Payment to the City.

The money collected by the Developer shall be placed in an interest bearing account and shall be available to be drawn upon by the Developer to fund the cost of obtaining approval of the Areawide DRI, fund any amendments proposed to the Areawide DRI, pay for costs associated with reporting requirements or other maintenance items related to the Areawide DRI. Eligible costs shall include administrative costs, consultants costs, legal costs, and other expenses directly related to the above described tasks.



Any property owner within the Areawide DRI may prepay the assessment provided for in this Subsection 4.V. and obtain a credit for the assessment against any future development. The credit may also be transferred to other Property owners within the Areawide DRI; however, the responsibility for accounting for the credit shall be borne solely by the Developer.

The Developer shall be responsible for the administration of the assessment which shall include collection of the fee, issuing certificates of payment and accounting of the assessments collected and the expenditures made by the Developer from the account.

- W. In order to provide funding for additional transportation improvements for the Areawide DRI, the Developer shall, within sixty (60) days of approval of this Development Order Amendment, request that the City establish the Westshore Areawide Special Assessment District (District). The District will be created to provide for the levy, collection and enforcement of non-ad valorem special assessments on an area no smaller than the DRI boundaries and shall include assessments for specified property developable with office, commercial, industrial, hotel and multi-family residential uses. Specifically, the Developer shall request that the City adopt a resolution at a public hearing prior to January 1, 2002, stating its intent to use the uniform method for the levy, collection and enforcement of non-ad valorem special assessments, in accordance with Section 197.3632, Fla. Stat. The Developer shall further request that the City, prior to September 15, 2002, adopt a non-ad valorem special assessment roll levying special assessments on specified property within the District and certify the adopted non-ad valorem special assessment roll to the Hillsborough County Tax Collector, in accordance with Section 197.3632, Fla. Stat. The Developer shall request that the City annually levy the non-ad valorem special assessments within the District, which assessments shall be used solely to fund, in full or in part, the following types of transportation improvements:

1. Transportation System Management (TSM)
2. Transportation Demand Management (TDM)
3. Intelligent Transportation Systems (ITS)
4. Operational Improvements
5. Capacity Improvements

Improvements to be funded with the non-ad valorem special assessments shall be approved by the City and the Developer. The designation of improvements to be funded which may affect State road(s) shall be made by the City and the Developer, in cooperation with the FDOT.

- X. Development of residential uses within the Areawide DRI boundaries shall require review by the City of Tampa Parks Department to identify impacts and any required mitigation.
- Y. Any development which has obtained entitlements under this Development Order shall remain an active member of the Westshore Alliance for purposes of utilization of the entitlements or modification thereof. Proof of membership shall be required at time of application for any permits from the City of Tampa.

Section 5. Developer has produced a brochure explaining the Areawide DRI and

summarizing its procedures and conditions. A constant supply shall be available from the Developer offices, for distribution to landowners, developers and interested parties.

Section 6. After this Order is issued, changes to the areawide development plan shall be subject to the provisions of Section 380.06(19), Florida Statutes, except that the percentages and numerical criteria shall be double those listed in Section 380.06(19)(b), Florida Statutes.

Section 7. The definitions contained in Chapter 380 shall control the construction of any terms used in this Order.

Section 8. Subject to the conditions of suspension or rescission as hereinafter provided, this Order shall remain in effect until December 31, 2015. The property within the Areawide DRI shall not be subject to downzoning or intensify reduction until December 31, 2010.

Section 9. This Order shall not repeal, nor amend in any way, any currently effective DRI Development Orders for development within the Areawide DRI Area, previously rendered by the City Council pursuant to Chapter 380, Florida Statutes, unless they opt into the Areawide DRI; nor shall it repeal or amend in any way site plan-controlled zoning district.

Section 10. Any development within the DRI must conform with all development regulations in effect at the time of permitting except as otherwise provided herein. No assurance is given that the amount of development proposed is consistent with what can be built under land development regulations.

Section 11. The City Clerk is directed to send copies of this Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, HARTLine, the FDOT, the DCA and TBRPC.

Section 12. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 13. This Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 19 2001, 2001.

ATTEST:

Janett S. Martin
CITY CLERK

Brendley M. Miller
CHAIRMAN, CITY COUNCIL
PRO-TEM

APPROVED BY ME ON: JUL 20 2001

Charles Mink
ACTING MAYOR

APPROVED AS TO FORM:

Andrea E. Zelman
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2001-148 on file in my office where it remains. Witness my hand and official seal this 27th day of Sept, 2001

JANETT S. MARTIN, CITY CLERK
CITY CLERK
BY Sandra S. Marshall
SANDRA S. MARSHALL, DEPUTY CITY CLERK

EXHIBIT "A"

**Certified as true
and correct copy.**

EXHIBIT "B"

Revised Phase I

Office:	6,563,991 sq. ft.
Retail	1,488,000 sq. ft.
Hotel Rooms	1,625 Rooms
Light Industrial	200,000 sq. ft.
Multi-Family Units	2,000 Units

Revised Phase II

Office	3,809,347 sq. ft.
Hotel Rooms	1,810 Rooms

**Certified as true
and correct copy.**

EXHIBIT "C"

(See attached)

Classified as true
and correct copy.

Certified as true
and correct copy.

THE TAMPA RECORD
(Published Weekly)
Tampa, Hillsborough County, Florida

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared RAMON NUÑEZ, who on oath says that he is Publisher of THE TAMPA RECORD, a weekly newspaper published at Tampa, Hillsborough County, Florida; that the attached copy of advertising being a true copy in the matter of

NOTICE OF PUBLIC HARING
JULY 19, 2001
ORDINANCES:
FILE NO. C01-12
FILE NO. C01-13
FILE NO. DZ86-66
FILE NO. WZ01-94

2001-148

in the Circuit Court of Hillsborough County, Florida, was published in said newspaper in the issues of

July 5, 2001

Affiant further says that THE TAMPA RECORD is a newspaper published at Tampa, in said Hillsborough County, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as second-class mail matter at the post office in Tampa, Hillsborough County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

DATED this 05th day of July, 2001.

Ramon Nuñez
Ramon Nuñez, Publisher

SWORN TO AND SUBSCRIBED before me this 05th day of July, 2001 by Ramon Nuñez, personally known to me.



Ruby C. Harrison
Ruby C. Harrison
NOTARY PUBLIC
State of Florida at Large

NOTICE OF PUBLIC HEARING
ON JULY 19, 2001 AT 9:30 A.M. IN CITY COUNCIL CHAMBERS, 3RD FLOOR, CITY KENNEDY, TAMPA, FLORIDA A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

FILE NO. C01-12
ORDINANCE NO. 2001-

AN ORDINANCE VACATING, CLOSING, DISCONTINUING AND ABANDONING A CERTAIN PORTION OF A PUBLIC WAY (ALLEYWAY LYING IN THE BLOCK BOUNDED BY EAST NINTH AVENUE ON THE WEST, EAST EIGHTH AVENUE ON THE SOUTH, NORTH 35TH STREET ON THE WEST, AND NORTH 36TH STREET ON THE EAST) IN REVISED MAP OF EAST BAY ADDITION, A SUBDIVISION OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA; THE SAME BEING MORE FULLY DESCRIBED IN SECTION 1 HEREIN; SUBJECT TO THE RESERVATION OF A PERMANENT SANITATION EASEMENT AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

FILE NO. C01-13
ORDINANCE NO. 2001-

AN ORDINANCE VACATING, CLOSING, CONTINUING AND ABANDONING A CERTAIN PORTION OF A PUBLIC WAY (ALLEYWAY LYING IN THE BLOCK BOUNDED BY 21ST STREET ON THE WEST, ON THE EAST, IDA STREET ON THE SOUTH AND NORTH BAY STREET ON THE NORTH) IN REVISED MAP OF EAST BAY ADDITION, A SUBDIVISION OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA; THE SAME BEING MORE FULLY DESCRIBED IN SECTION 1 HEREIN; SUBJECT TO THE RESERVATION OF A PERMANENT SANITATION EASEMENT AS SET FORTH HEREIN; PROVIDING AN EFFECTIVE DATE.

DZ86-66
ORDINANCE NO. 2001-

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING AND RESTATING THE CITY ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FILED BY THE CITY OF TAMPA, FLORIDA, FOR THE WESTSHORE AREA WIDE DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WZ01-94
ORDINANCE NO. 2001-

AN ORDINANCE MAKING LAWFUL THE SALE OF BEVERAGES CONTAINING ALCOHOL IN EXCESS OF 1% BY WEIGHT - BEER, WINE AND LIQUOR - 4(COP-R) FOR CONSUMPTION ONLY IN CONNECTION WITH A RESTAURANT BUSINESS AT 18001 HIGHWOOD PARKWAY, TAMPA, FLORIDA.

Said ordinances may be inspected at the Office of the City Clerk, City Hall, 3rd Floor City of Tampa, Kennedy Blvd., Tampa, FL, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE MEETING AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL ARGUMENTS AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 218.04, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST 7 DAYS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

JANETT S. MARTIN, GMC CITY CLERK

07/05/01

Certified as true
and correct copy.