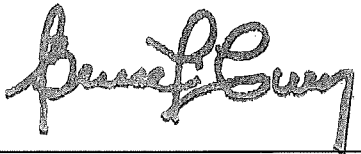
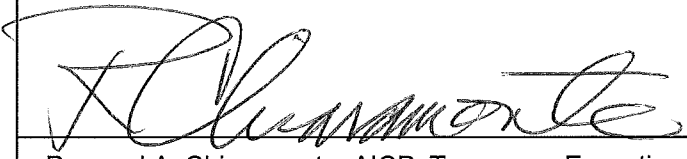




**RESOLUTION**

**ITEM:** Hillsborough County: CPA 08-12 Policy AA-4.1 (Limit Densities), Policy AA-4.8 (No Public Water/Sewer Extension in Rural Area), and AA-4.12 (Connections to Existing Public Water/Sewer in Rural Area) Text Amendment

AYE	NAY	ABSENT	DATE:
			February 9, 2009
X			
X			
X			
X			
X			
X			
X			
X			
	X		Ramond A. Chiamonte, AICP, Temporary Executive Director
On motion of <u>Wilson</u> Seconded by <u>Buford</u> . The following resolution was adopted: February 9, 2009			

WHEREAS, the Hillsborough County City-County Planning Commission, in accordance with Laws of Florida, has adopted a long-range Comprehensive Plan for unincorporated Hillsborough County entitled the *Future of Hillsborough*, pursuant to the provisions of Chapter 163, Part II, Florida Statutes and Chapter 97-351, Laws of Florida, as amended; and

WHEREAS, the Board of County Commissioners of Hillsborough County has adopted the *Future of Hillsborough* as the Comprehensive Plan for unincorporated Hillsborough County by Ordinance 89-28, as most recently amended by Ordinance 08-13; and

WHEREAS, the Hillsborough County City-County Planning Commission staff has reviewed a request for a plan amendment to amend the text of the Future Land Use Element; and

WHEREAS, the proposed text amendment would be inconsistent with the provisions of the Future Land Use Element (FLUE) growth management strategy for development in the Rural Area; and

WHEREAS, the Hillsborough County City-County Planning Commission finds the proposed amendment is not consistent with the goals, and the following objectives and policies of the *Future of Hillsborough Comprehensive Plan*:

### Future Land Use Element

#### **GROWTH MANAGEMENT STRATEGY**

*The Sustainable Growth Management Strategy serves as a vehicle to structure County spending and planning policies to optimize investment for services and infrastructure, protect the vulnerability of the natural environment, reduce the exposure and risk to natural hazards and provide a clear direction for achieving an efficient development pattern. This strategy is comprised of three primary components, an environmental overlay, an urban service area and a defined rural area. The established Greenways Master Plan and emerging Integrated Conservation Process will serve as the framework for the environmental overlay component.*

*The rural area is that area planned to remain in long term agriculture, mining or large lot residential development. Within the rural area, some "rural communities" exist. These communities have historically served as a center of community activity within the rural environment. They include, Thonotosassa, Keystone, Lutz, and others. The diversity and unique character of these communities will be reflected through the application of "community-based planning" techniques specifically designed to retain their rural character while providing a level of service appropriate to the community and its surrounding environment. To foster the rural environment and reinforce its character rural design guidelines will be developed to distinguish between the more urban environment. Additionally rural areas should have differing levels of service for supporting facilities such as emergency services, parks and libraries from those levels of service adopted in urban areas.*

#### **Purpose**

- *Control Urban Sprawl.*
- *Create a clear distinction between long range urban and rural community forms.*
- *Define the future urban form through the placement of an urban service area that establishes a geographic limit of urban growth.*

- *Define areas within the urban service area where growth can occur concurrent with infrastructure capacities and where public investment decisions can be made more rationally in a manner that does not perpetuate urban sprawl.*
- *Identify a distinct rural area characterized by the retention of land intensive agricultural uses, the preservation of natural environmental areas and ecosystems and the maintenance of a rural lifestyle without the expectation of future urbanization.*
- *Apply an overlay of ecosystems and greenways that preserve natural environmental systems and open space while simultaneously reducing exposure to natural hazards.*
- *Create compatible development patterns through the design and location of land uses.*

### ***Urban Service Area Boundary***

*This boundary is established to designate on the Future Land Use Map the location for urban level development in the County. The boundary shall serve as a means to provide an efficient use of land and public and private investment, and to contain urban sprawl.*

### ***Urban Service Area (USA)***

***Objective 1:** Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.*

### ***Objective 2: Timing of Growth***

*To manage the timing of new development to coordinate with the provision of infrastructure, transportation, transit services, and other public services, such as schools, recreational facilities, etc., in a financially feasible manner.*

### ***Policy 2.2:***

*In the review of expansions to the Urban Service Area, each proposal shall be examined to determine if the project meets all of the following:*

- *The expansion is adjacent and contiguous to the established Urban Service Area.*
- *The expansion would be an extension of an existing suburban/urban development pattern and/or has a functional relationship to development within the Urban Service Area.*

- *Expansion of the Urban Service Area would result in development that would be compatible with its surroundings.*
- *Public water and sewer service exists within ¼ mile of the site.*
- *There is adequate capacity for infrastructure (including transportation, schools, parks, fire/EMS and sheriff's office) in place or planned to serve development within the expansion area. All improvements needed to support the proposed expansion of the Urban Service Area with adequate public facilities shall be included by amendment into the Capital Improvements Element that is financially feasible.*
- *Expansion of the urban service area would include full cost recovery to the County for the services needed by the new development.*
- *The expansion would not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with the Plan*
- *Data is available to support the need for additional land within the Urban Service Area to provide for the projected population or economic development needs within the planning horizon of the Comprehensive Plan. The data methodology utilized shall be consistent with that used as the basis for the Comprehensive Plan.*
- *The expansion of the Urban Service Area would not conflict with any other goals, objectives or policies of the Comprehensive Plan and is consistent with the County's adopted build out plan or long term vision as outlined in Policy 11.2, if applicable.*
- *The expansions of 20 acres or greater shall include a mixed use development pattern that decreases the transportation impacts of the project; all other expansions should result in a mixed use development pattern when considered with the existing and/or planned land uses within ¼ mile of the project site.*

***Objective 3: Tools for Implementation***

*Implementation tools shall be provided to further support managing the timing of growth both inside and outside the USA, the rate of growth in the USA, and directing growth to areas with existing infrastructure.*

***Policy 3.1:***

*Hillsborough County shall evaluate implementation tools for their ability to direct growth and development to areas where public infrastructure investments have been made, and where facilities and services are available. The tools evaluated should include, but are not limited to, proportionate fair share mitigation, Multimodal Transportation Districts, and Urban Service Boundary areas.*

***Rural Area***

*Rural areas will typically carry land use densities of 1 du/5 ga or lesser intense designations. There will be no new extension of public water or sewer service into the Rural Area unless there is a public health concern identified or the development is classified as a planned village as described in this Plan. New development will utilize private potable water wells and septic systems. In some cases, existing water and/or sewer lines may already be in place either by development approvals granted prior to the adoption of these policies or due to public health/safety issues. Expansion of those systems should be prohibited and limited to cases where public health is at risk.*

*Within the rural area there are existing developments that are characterized as suburban enclaves or rural communities. These are residential developments which have a more dense development pattern and character, usually 1 or 2 du/ga. These enclaves are recognized through the placement of land use categories that permit densities higher than 1 du/5 acres. New development of a character similar to the established community will be permitted to infill in a limited manner, but not be permitted to expand into areas designated with lower land use densities.*

*Rural communities, such as Lutz, Keystone and Thonotosassa will specifically be addressed through community-based planning efforts. These communities, and others like them, have historically served as centers for community activities within the rural environment.*

***Objective 4:*** *The Rural Area will provide areas for long term, land intensive agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.*

***Policy 4.1: Rural Area Densities***

*Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned Development pursuant to the PEC ½ category, or rural community which will carry higher densities.*

***Policy 4.7: Extension of Water and Sewer in Rural Area***

*Public water and sewer lines shall not be permitted to be extended into rural areas unless this extension occurs to:*

- *Serve a planned village (RP-2 or WVR-2) or Planned Environmental Community ½ as described in this Plan;*
- *Serve a project that has established vested rights for the use of these facilities;*
- *Address a public health hazard documented by the Health Department or other regulatory agency;*
- *Provide for the extension of centralized water or wastewater facilities to serve a school facility so long as the service lines are designed to accommodate solely the service demands of the school, consistent with the School Interlocal Agreement.*

**Policy 4.9<sup>i</sup>:**

*Connections to existing water/wastewater systems in Rural Areas may be considered by the Hillsborough County Board of County Commissioners on a very limited basis, so long as such connections do not foster a development pattern that is in conflict with other Plan policies. The intent of this policy is to:*

- (1) *Allow some utilization of existing infrastructure for those properties located along existing lines, not to allow extensions to those systems.*
- (2) *Allow properties located within wellhead protection areas or Tampa Bay Water mitigation areas, to be developed for service by public utilities if adequate capacity is available and when public water and sewer service might provide an additional level of protection to potable water resources. All such properties shall conform to the following criteria:*

**(A) New Development:**

- *Be the subject of an approved Planned Development Zoning;*
- *Contain building lots of not less than one-half (1/2) acre each;*
- *Located within 1000 feet of the urban service area boundary (inclusive of road rights-of-way and riverine systems);*
- *Utility service cannot be provided by any jurisdiction other than Hillsborough County unless provided for in pre-existing service area agreements e.g. City of Tampa or Temple Terrace;*
- *Maximum residential density cannot exceed 80% of the maximum density permitted under the comprehensive plan for properties where wetlands comprise less than 25% of the property; and*
- *Maximum residential density cannot exceed 90% of the maximum density permitted under the comprehensive plan for properties with at least 25% wetlands onsite (using wetland density calculations).*

***(B) Existing Development:***

- *Located within 1000 feet of the urban service area boundary, (inclusive of road rights-of-way and riverine systems).*
- *Utility service cannot be provided by any jurisdiction other than Hillsborough County unless provided for in pre-existing service area agreements e.g. City of Tampa or Temple Terrace.*

*These exceptions shall be permitted to promote the Goals, Objectives and Policies contained in the Conservation, Potable Water and Sanitary Sewerage sections of the Plan. Utilization of this provision could result in clustered development, achieving a greater amount of common open space in a project than projects using wells/septic systems. Such open space shall be identified on the zoning site plan as permanent conservation either through platting or other mechanism approved by Hillsborough County.*

*This provision shall not be available for use within the boundaries of the Keystone-Odessa Community Plan.*

*Any such connection and extension of lines shall be at the expense of the party requesting such service and permitted at the discretion of Hillsborough County.*

*The existence of water/wastewater lines in the Rural Area will not be considered a basis for rezoning to allow uses that otherwise require public utility connections, nor shall these provisions be used as a basis to increase densities and intensities on the Future Land Use Map.*

**GROWTH MANAGEMENT STRATEGY AND LAND USE ALLOCATION*****Objective 5:***

*The County will continue to evaluate the growth management strategy and policies of the Future Land Use Element through visioning and evaluation of land use allocation for residential and non-residential development in order to optimize the use of infrastructure and services.*

***Relationship to the Concept Plan***

***Objective 6:*** *The concept plan is the overall, conceptual basis for the long range, Comprehensive Plan, and all plan amendments must be consistent with, and further the intent of the concept plan, which advocates focused clusters of growth*

*connected by corridors that efficiently move goods and people between each of the activity centers.*

### ***Community Development and Land Uses*** ***Neighborhood/Community Development***

***Objective 16: Neighborhood Protection*** *The neighborhood is the functional unit of community development. There is a need to protect existing, neighborhoods and communities and those that will emerge in the future. To preserve and protect neighborhoods and communities, all new development must conform to the following policies.*

#### ***Policy 16.1 :***

*Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:*

- a) locational criteria for the placement of non-residential uses as identified in this Plan,*
- b) limiting commercial development in residential land use categories to neighborhood scale;*
- c) requiring buffer areas and screening devices between unlike land uses;*

#### ***Policy 16.2:***

*Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.*

#### ***Policy 16.3:***

*Development and redevelopment shall be integrated with the adjacent land uses through:*

- a) the creation of like uses; or*
- b) creation of complementary uses; or*
- c) mitigation of adverse impacts; and*
- d) transportation/pedestrian connections*

### ***Community Planning***

***Objective 18:*** *Hillsborough County is comprised of many diverse communities and neighborhoods, each with its own unique identity. While the comprehensive plan is effective in providing an overall growth management strategy for development within the entire County, it does not have detailed planning strategies for*

*individual communities. The County shall develop strategies that ensure the long-range viability of its communities through a community and special area studies planning effort.* <sup>iii</sup>

**Policy 18.1:**

*The County shall assist the Hillsborough County City-County Planning Commission in developing community plans for each planning area that are consistent with and further the Comprehensive Plan. The community plans will be adopted as part of the Comprehensive Plan in the Livable Communities Element; these more restrictive community-specific policies will apply in guiding the development of the community.*

*Additional policies regarding community planning and the adopted community plans can be found in the Livable Communities Element.*

**Mixed Use Land Use Categories**

**Objective 19:** *The County will establish techniques in the Comprehensive Plan, which will ensure mixed use development in the mixed use categories.*

**Policy 19.1**

*New projects proposed in the all of mixed use plan categories shall be required to develop with a minimum of 2 land uses within a single building or within a single project in separate buildings in accordance with the following.*

- *Requirements for 2 land uses will apply to properties 20 acres or greater in the RMU-35, UMU-20, and CMU-12 land use categories, and to properties 40 acres or greater in the SMU-6 and NMU-4 land use categories.*
- *These acreage thresholds will not apply to properties that have adopted plan amendments to a mixed use category after January 1, 2008.*
- *At least 50% of the site shall be the primary use.*
- *Open space requirements for projects meeting these requirements in the mixed use categories shall be 20%.*
- *Percentages will be determined based on land area for primarily residential projects or square footage for primarily non-residential projects.*
- *The possible land uses for a mixed use project include: retail commercial, office, light industrial (if permitted in the land use category), residential and civic uses including residential support uses.*
- *These requirements do not apply within identified "economic development areas" or within Community Activity Centers (if other mixed use standards have been adopted for that area).*

***Policy 19.2:***

*In the mixed use land use categories, planned development districts or mixed use standard zoning districts are required for all new rezonings, except as provided for in applicable land development regulations.*

***Commercial-Locational Criteria******Policy 22.2:***

*The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted cost affordable Long Range Transportation Plan contained in the Transportation Element. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.*

*In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan contained within the Transportation Element.*

***Policy 22.7:***

*Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.*

*The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of*

*effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.*

**CAPITAL IMPROVEMENTS ELEMENT*****Coordinating Capital Improvements with Land Development******Policy 4.B:***

*The County shall integrate its land use planning and decisions with its plans for public facility capital improvements by developing and adopting the programs listed in the "Implementation Programs" which are adopted as part of this Capital Improvements Element. The location of, and Level of Service provided by, projects in the Schedule of Capital Improvements shall maintain adopted standards for Levels of Service for existing and future development in a manner and location consistent with the Future Land Use Element of this Comprehensive Plan. Individual land use decisions shall be consistent with the Comprehensive Plan. 9J-5.01 6(3)(b)3, (3)(c)9.*

**VII. Concurrency Implementation and Monitoring System**

*<sup>iv</sup>The County has established and maintains a Concurrency Implementation and Monitoring System as follows:*

**GENERAL PROVISIONS FOR ADEQUATE PUBLIC FACILITIES**

- D. The purpose of the adequate public facilities regulations is to implement the goals, objectives, policies and level of service standards in the Hillsborough Comprehensive Plan; to ensure that necessary public facilities and services be available concurrent with the impacts of development; to ensure that development orders and permits be issued in a manner which will not result in a reduction of the level of service below the adopted level of service standards in the Hillsborough Comprehensive Plan; to ensure the accurate review of proposed development by the limitation of the effectiveness of a certification of public facility availability to two (2) years unless additional assurances are provided in the form of an enforceable development agreement or a development of regional impact development order or the development is commenced and is continuing in good faith; to adhere to and implement the schedule of capital improvements in the Hillsborough*

*Comprehensive Plan and other capital improvements as necessary to maintain the level of service standards in these adequate public facilities regulations; and to adopt reasonable land development regulations in furtherance of the public benefit while at the same time ensuring that property owners have a reasonable, beneficial, and economic use of property.*

## **CONSERVATION AND AQUIFER RECHARGE ELEMENT**

### ***Linking Land and Water Management***

*Issue: Water as rain, in rivers, streams and lakes, under ground and, ultimately, in Tampa Bay - is a critical component of Hillsborough County's natural resource base, its ecology, its economy and its residents' quality of life. The citizens of Hillsborough County will not accept environmental degradation. They have historically furthered environmental protection through their strong support of: the Environmental Protection Act, the Environmental Lands Acquisition and Protection program (ELAPP), the policies of the comprehensive plan, the Linking Land and Water Management in Northwest Hillsborough County Study, the programs and initiatives outlined in SWFWMD's Hillsborough County Integrated Plan; and many other plans, programs, policies and actions.*

*Hillsborough County "manages" its natural resources through the policies and actions described in the Comprehensive Plan. A structure, road or other facility can only be permitted in accordance with this comprehensive plan and the land development regulations that are adopted and enforced consistent with plan directives. Likewise, the County's infrastructure, public facilities and services are planned and provided in accordance with this plan. The County's holistic approach towards growth management eliminates the concept of "waste" water; all water must be managed as a resource and used to accomplish a wide range of multiple public objectives. Growth and development can only take place consistent with environmental protection. County government, in coordination with other governments, the private sector and its citizens, must continue to take an approach which coordinates land and water management in an effort to manage stormwater, wastewater and provide potable water supplies in a manner that protects, improves and restores the natural environment.*

**Objective 2:** *The County shall continue to implement a coordinated land and water management process, in part through the integration of environmental protection practices in the planning of public facilities and the provision of public services.*

***Policy 2.1:***

*Through a coordinated land and water management approach, including the consideration of a full range of multiple uses of water in the development and implementation of public facilities and services, the County shall preserve the character of rural communities in Hillsborough County while providing for orderly development, the protection and conservation of natural resources and the public welfare.*

***Policy 2.2:***

*Hillsborough County shall develop and implement community plans, as necessary, to: ensure orderly and manageable growth, the efficient and cost-effective provision of public services, the preservation of the character of communities and the conservation, and protection of natural resources.*

***Policy 2.6:***

*The County, recognizing the limits of groundwater in localized areas and the renewable nature of the potable water supply, shall manage its land and water resources in a manner that protects, conserves, improves and restores, as appropriate, terrestrial and aquatic ecological systems and ensures the perpetuation of potable water supplies into the future.*

***Land Use******Policy 19.6:***

*The County shall continue to encourage infilling and growth within identified and environmentally acceptable 'activity centers', and shall discourage urban sprawl, through the application of the Urban Growth Boundary concept and other means.*

**POTABLE WATER ELEMENT**

**GOAL:** *Assure the availability of an adequate supply of potable water to meet total demand in unincorporated Hillsborough County Service Areas.*

**ISSUE:** *In the mid-1980s, the rapid growth in Hillsborough County had outstripped the County's ability to provide water service to all new development within its urbanized service area. This led to the proliferation of individual well systems and the resultant lack of overall control and flexibility in dealing with localized problems. The County completed a major capital improvements program to provide water facilities capable of serving existing and future demands. In order*

*to avoid the same problems in the future, the procedures used to assess and provide for the needs of the community have been strengthened.*

**OBJECTIVE 1:** *Maintain a water supply facilities planning program necessary to correct current deficiencies and meet projected potable water demands by maintaining and implementing the 10 Year Water Supply Facilities Work Plan.*

**Policy 1.1:**

*Program for water facilities capable of providing adopted level of service (LOS) a minimum of five years in advance of system requirements through the yearly evaluation of disaggregated Hillsborough County City-County Planning Commission population projections as a part of the Water Resource Services Potable Water Master Plan.*

**OBJECTIVE 2:** *Existing and currently programmed facilities will be utilized before service area extension is undertaken.*

**Policy 2.1:**

*The timing and staging of utilities is addressed by the Urban Service Area policies in the Future Land Use Element.*

NOW, THEREFORE, BE IT RESOLVED, that the Hillsborough County City-County Planning Commission finds CPA 08-12, as submitted, is **INCONSISTENT** with the *Future of Hillsborough Comprehensive Plan* and recommends it be **DENIED** to the Board of County Commissioners.