

LAND DEVELOPMENT CODE

County of

HILLSBOROUGH, FLORIDA

Looseleaf Supplement

The Code contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 22-13, adopted June 15, 2022.

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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Table of Allowable Uses in Zoning Districts																																	
Key: P = Permitted, C = Conditional Use, permitted pursuant to standards of Article VI (no public hearing required unless specified in applicable section) and the procedures of Section 10.01.00, s = Special Use, noticed public hearing required and subject to standards of Article VI. Reviewed pursuant to Section 10.02.00. A = Accessory use, permitted pursuant to Article VI. N = Potentially permitted pursuant to Section 6.11.05. CNR = Conditional Use/No Review, permitted without prior zoning review subject to requirements of Part 6.11.00. Blank = Prohibited.																																	
					AS		RSC						RDC		RMC						UC			SPI									
	AM	A	AR	0.4	-1	C-1	AI	2	3	4	6	9	10	12	6	9	12	16	20	BPO	OR	CN	CG	CI	M	1	2	3	1	2	3	4	5
Diagnostic Centers, which Provide Radiology, Medical Screening and Testing Services																				P	P	P	P	P	P	P						V	
Blood/Plasma Banks and Donation Centers																				P		P	P	P	P	P							
Employment Services																				P	P	P	P	P	P								
Temporary Labor Pool																						C	C	C									
Family Support Services																				P	P	P	P	P	P	P							
Freestanding Emergency Room																				C	C	P	P	P	P	P						C	C
Government Office																				P	P	P	P	P	P	P	P	P	P	P	P	P	P
Health Practitioner's office																				P	P	P	P	P	P								
Hospital																						P	P	P	P	P							
Medical and Dental Laboratory																							P	P	P	P						P	P
Medical Offices or Clinics with Scheduled or Emergency Services by Physicians																				P		P	P	P	P	P					P	P	P
Personal Services																				A	A	P	P	P		A	A						
Professional Office																				P	P	P	P	P	P	P					P	P	P
Professional Services																				P	P	P	P	P	P	P					P	P	P
Rehabilitation Center																						P	P	P		P	P						
Outdoor, Passive and Recreational Uses																																	
Cemeteries (either Human or Pet) With or Without Mausoleums or Accessory Crematoriums	C	C	C	C	C	C	C	C	C													C											
Game Preserve	P	P	P	P	P	P	P															P		P									
Camps	C	C	C	C	C																		S	C	C								
Carnivals/Circuses																																	
Drive-In Theaters																							C	C	C								
Golf Club/Country Club ¹⁶																																	
REQUIRES PLANNED DEVELOPMENT DISTRICT APPROVAL																																	
Golf Driving Range	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C	C	C	C	A	A				S	S	
Neighborhood Fair	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Outdoor Paintball	S	S	S	S	S	S	S																C	C	C	S	S	S	S	S	S	S	
Public Parks & Recreation Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private Skateboard Ramps	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C														

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	AS			RSC			RDC			RMC									UC			SPI													
	AM	A	AR	0.4	-I	C-1	AI	2	3	4	6	9	10	12	6	9	12	16	20	BPO	OR	CN	CG	CI	M	1	2	3	1	2	3	4	5		
Recreational Uses, General Indoor/Outdoor																						P	P	P											
Recreational Uses, Regional	S	S	S																					C	C										
Recreational Uses, Private Community	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Recreational Use, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Swimming Pools	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C								
Ultralight Flight Park	C	C	C	C	C	C	C																	C	C	C	C	C			C	C	C	C	
Neighborhood and General Public Service and Emergency Service Uses																																			
Aircraft Landing Field	C	C	C	C			C																		C									C	
Airport																									C										C
Airport Related Activities																																			
Ambulance Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communication Facilities, Wireless ⁶	C ³	C ³	C ³	C ³	S	S	C ³	S	S	S	S	S	S	S	S	S	S	S	S	S	C ³	C ³	C ³	C ³	C ³	S	S	S							
Communication Facilities, Wireless on Schools ⁶	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Components of Wastewater Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Components of Water Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Correctional Facilities, Community and Major																																			
Electricity Substations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
Fire Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
Flow Equalization Tanks	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P							
Garages and Storage Yards for School Buses, Highway Construction Equipment, Telephone Equipment and Utility Trucks and Equipment																								P	P										
Radio and Television Transmitting and Receiving Facility	S	S	S	S	S	S	S													S	S	S	S	S	S	S	S								
Power Generation Facilities																																			
Public Service Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
Public Use Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							

Endnotes:

- ¹Separate Alcohol Beverage Special Use Permit required.
- ²Permitted only in HI (Heavy Industrial) Comprehensive Plan Category.
- ³Reviewed and permitted in accordance with the design standards of Article VI at site development/building permit review, unless separation requirement is not met. In such cases, a noticed public hearing is required.
- ⁴Permitted subject to review according to Public Facility Siting Policy.
- ⁵Permitted subject to review procedures of Interlocal Agreement with School Board.
- ⁶In Planned Development (PD) districts approved after October 1, 2005, wireless communication facilities are permitted only if expressly allowed by the conditions of approval, except as otherwise permitted by Sections 6.11.29.A., B.
- ⁷A special use permit is required if the project does not conform to the requirements of Section 6.11.39 or if the project is located in the suburban or urban land use categories.
- ⁸Special Use permit reviewed in accordance with the procedures of Section 10.02.00 may be required under certain circumstances as described in Section 6.11.11.
- ⁹Permitted subject to Section 2.02.06 (Additional Location Restrictions for Sexually Oriented Businesses) and Ordinance 06-25.
- ¹⁰Permitted without Special Use review subject to the requirements of Section 6.11.117 provided the support tower for the WECS does not exceed 10 feet in height as measured from point of installation at grade or, when applicable, point of installation on rooftop.
- ¹¹Subject to the residence determined legally nonconforming.
- ¹²Restricted to entertainment/sporting facilities as defined by this Code. All other regional recreational uses prohibited.
- ¹³Permitted subject to compliance with Section 6.11.03. and Section 6.11.127.
- ¹⁴A minimum lot size of 7,000 square feet is required in addition to all other requirements of Section 6.11.02.
- ¹⁵Allowed only if parcel is developed with an owner-occupied single family detached unit.
- ¹⁶Legally established Golf Courses/Country Club facilities shall remain conforming uses subject to Section 11.03.01.D.
(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 02-22, § 2, 11-13-02; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 03-36, § 2, 11-12-03; Ord. No. 04-27, § 2, 6-10-04; Ord. No. 04-30, § 2, 6-10-04; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05; Ord. No. 05-22, § 2, 11-17-05; Ord. No. 06-24, § 2, 6-24-06; Ord. No. 06-34, § 2(Exh. A), 11-2-06; Ord. No. 07-18, § 2, 7-19-07, eff. 10-1-07; Ord. No. 07-20, § 2, 8-7-07, eff. 10-1-07; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 08-15, § 2, 6-12-08, eff. 10-1-08; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 09-52, 6-11-09, eff. 6-18-09; Ord. No. 09-53, Items C, K, L, M, N, 6-11-09, eff. 10-1-09; Ord. No. 09-62, Items E, L—N, Q, 10-26-09, eff. 2-1-2010; Ord. No. 10-9, § 2, Item C(10-0172), Item F(10-0175), Item J(10-0177), 5-27-10, eff. 10-1-10; Ord. No.

§ 2.02.02 HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE

10-26, § 2, Exh. A(10-0754), (10-0755), eff. 2-11-11; Ord. No. 11-19, § 2(Item V-A)(11-0236), 11-3-11, eff. 2-1-12; Ord. No. 12-9, § 2(Exh. A), 5-24-12, eff. 10-1-12; Ord. No. 12-25, § 2(Exh. A)(Item IV.D)(12-0682), (Item IV.E)(12-0683), 10-25-12, eff. 2-1-13; Ord. No. 14-7, § 2(Exh. A), (14-0062), 2-27-14; Ord. No. 17-7, § 2(Exh. A), 3-7-17, eff. 3-13-17; Ord. No. 17-28, § 2(Exh. A), 10-19-17, eff. 10-26-17; Ord. No. 19-30, § 2(Exh. A), 12-19-19, eff. 12-20-19; Ord. No. 20-17, § 2(Exh. A), 9-24-20, eff. 10-2-20; Ord. No. 21-41, § 2(Exh. A), 10-21-21, eff. 10-28-21; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

SPECIAL DISTRICTS

Part 3.23.00 Wimauma Downtown Overlay District

- Sec. 3.23.01. Purpose
- Sec. 3.23.02. Applicability
- Sec. 3.23.03. Permitted Uses
- Sec. 3.23.04. Wimauma Downtown Overlay Districts
- Sec. 3.23.05. Permitted Lot Types and Uses in the Wimauma Downtown Overlay Districts
- Sec. 3.23.06. Wimauma Downtown Overlay Standards
- Sec. 3.23.07. Building Design Standards along 4th Street and State Road 674 within the Main Street Core District, Government District, and Downtown Center
- Sec. 3.23.08. Street Network Design
- Sec. 3.23.09. Substandard Roadways
- Sec. 3.23.10. Mobility, Parking, and Access for Main Street Core, Downtown Center, Downtown Residential, Government District, Wimauma Downtown West, and Wimauma Downtown East
- Sec. 3.23.11. Screening for Main Street Core, Downtown Center, Downtown Residential, Government District, Wimauma Downtown East, and Wimauma Downtown West
- Sec. 3.23.12. Sign Standards
- Sec. 3.23.13. Other Buffering and Landscaping
- Sec. 3.23.14. Transfer of Development Rights (TDR) Receiving Zone
- Sec. 3.23.15. Affordable Housing Density Bonus

Part 3.24.00 Wimauma Village Residential Neighborhood

- Sec. 3.24.01. Purpose
- Sec. 3.24.02. Applicability
- Sec. 3.24.03. General Development Standards
- Sec. 3.24.04. Wimauma Village Neighborhood Blocks
- Sec. 3.24.05. Mobility and Street Network
- Sec. 3.24.06. Substandard Roadways
- Sec. 3.24.07. Permitted Lot and Building Form Types in the Wimauma Village Neighborhood
- Sec. 3.24.08. Development Standards for Permitted Lot and Building Form Types
- Sec. 3.24.09. Community Benefits Requirements
- Sec. 3.24.10. Transfer of Development Rights (TDRs)

Part 3.25.00 Lithia/Southeast County Overlay District Design Standards

- Sec. 3.25.01. Purpose and Intent
- Sec. 3.25.02. Applicability
- Sec. 3.25.03. General Development Standards
- Sec. 3.25.04. Fences, Landscaping, Buffering, and Natural Resources Standards
- Sec. 3.25.05. Signs
- Sec. 3.25.06. Parking
- Sec. 3.25.07. Architectural Design Features

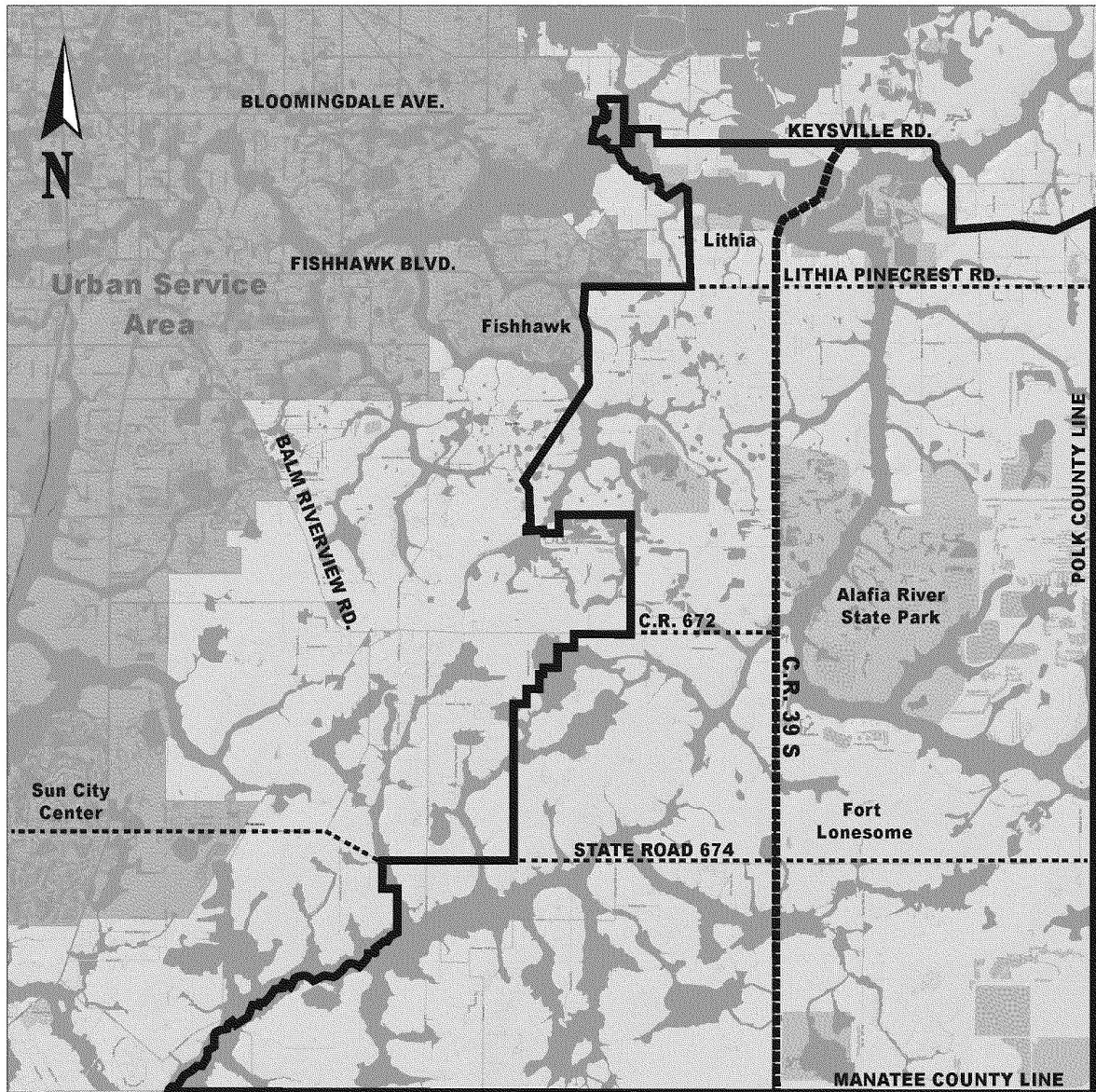
for an Affordable Housing Density Bonus will increase the Residential 6 to the next highest category (Residential 9). The TDR receiving parcel may now be considered for as many as 9 dwelling units. The TDR sending parcel with a Future Land Use of WVR-2 may transfer density at a ratio of 2 DU/GA to 4 DUGA. The receiving of dwelling units shall not exceed 4 DU/GA within the Wimauma TDR receiving zone. Therefore, the total number of dwelling units that may be considered on a 1 acre parcel as described above is $9 + 4 = 13$ dwelling units. Alternatively, the same parcel in this example may be considered for 10 dwelling units if not utilizing the AHDB. Any density considered above the Future Land Use Category shall be by a Planned Development.

(Ord. No. 21-40, § 2(Exh. A), 10-14-21, eff. 10-14-21)

PART 3.25.00 LITHIA/SOUTHEAST COUNTY OVERLAY DISTRICT DESIGN STANDARDS

Sec. 3.25.01. Purpose and Intent

The purpose of this Part is to provide for the Lithia/Southeast County Overlay District and building design standards. The intent of this overlay district is to preserve the rural character and to improve the appearance of new and existing non-residential development within Lithia. The area subject to this overlay is located from the southeastern boundary of the Fishhawk community running east to the Polk County line, then south to the Manatee County line encompassing the areas of Lithia, Fort Lonesome, east CR 672, east SR 674, the Alafia River State Recreation Area, and the C.W. Bill Young Reservoir as depicted on the map below (the LSC Overlay District). The LSC Overlay District establishes standards for the design of certain non-residential uses.

Figure 1: Lithia/Southeast County Area Map

In order to preserve the rural character and heritage of this area, and to improve the appearance of new non-residential development within this overlay, architectural styles are being provided to be utilized in the design of new projects. Nothing in this Part, however, shall be construed to impose building floor plan design restrictions, but rather provide flexibility to use a variety of building design styles. Different styles including Florida

Cracker, Greek Revival and Italianate are identified within this Part. The Neoclassical style would allow any combination of architectural features from all other styles resulting in a variety of housing and building designs.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.02. Applicability

Except as provided herein, this Part shall apply to development of new non-residential development within the LSC Overlay District.

1. These standards do not apply to agricultural uses, public schools, churches/synagogues, phosphate mining uses except for permanent office buildings, projects with unexpired building permits, unexpired preliminary site development approval, or unexpired construction plan approval at the time the effective date of this Part. Legal nonconformities and existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.
2. New planned development zoning districts and modifications to existing planned development districts for non-residential uses shall be subject to the requirements of this Part.
3. When an existing building to which this Part applies is improved and/or expanded and the value of such work, including interior renovations, exceeds 50 percent of the assessed value of the building, or the value of the improvements and/or expansions to such building in combination with the value of other such work performed within the previous 24 months, but not before the effective date of this Part, exceeds 50 percent of the assessed value of the building, the requirements of this Part shall apply, with the exception of the parking location requirements found in Section 3.25.06.

The value of improvements to water and wastewater facilities and/or the repair or like-kind replacement of roofs shall not be included from valuation of any work performed.

Improvements and/or expansions that do not meet the 50 percent threshold of this Section shall not be subject to the requirements of this Part.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.03. General Development Standards

Except as otherwise provided by this Part, development shall conform to the area, height, bulk and placement standards of the underlying zoning district of the development parcel and all other requirements of this Code.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.04. Fences, Landscaping, Buffering, and Natural Resources Standards

1. Fences

- a. Solid fences, more than 60 percent opaque, between two properties is not permitted unless no part of fence is placed closer to the front property line than the face of the principal structure. Fences placed closer to the front property line than the face of the principal structure shall not be more than 60 percent opaque above the height of four feet. Landscaping may be used to provide screening between properties.
- b. Chain link fencing is prohibited unless all of the fencing links are coated with a material, such as vinyl. Bare metal chain link fencing is prohibited.

2. Landscaping, buffering and screening

- a. Resource-efficient Florida native plant species suited to Hillsborough County's hardiness zones shall be required for landscaping, excluding turfgrass. These resource efficient plants must be selected from *Florida's Best Native Landscape Plants: 200 Readily Available Species for Homeowners and Professionals*, ISBN 0-8130-2644-X, for USDA Hardiness zones 9a and 9b, or as approved by the administrator. The retention of any such resource-efficient Florida native plant species present on the site is encouraged and may be recognized as part of meeting applicable landscaping requirements.
- b. Hillsborough County Extension office may offer consultation on Florida Friendly landscaping program and plant selection.
- c. Except as otherwise required by this Part, buffering and screening shall be provided in accordance with Section 6.06.06.
- d. In landscaped areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight formal arrangements.
- e. Parcels located along roads designated as Scenic Roadways shall be subject to the Land Development Code Section 6.06.03.I.

3. Natural Resources

- a. A 150-foot buffer shall be provided around water bodies designated as Outstanding Florida Waters by the Florida Department of Environmental Protection.
- b. Required stormwater and open space areas shall be located within or adjacent to buffers to the greatest extent possible to enhance the buffer's capacity to serve as a visual separation and promote scenic natural views. It is recognized that the placement of required stormwater facilities is dependent upon the physical characteristics of the site and the natural features such as wetlands on-site. The aesthetic contouring of stormwater retention ponds, in conjunction with other landscape features, is encouraged.

- c. A 100-foot buffer shall be provided around wetlands or uplands being inhabited by Imperiled Species as defined by Florida Fish and Wildlife Conservation Commission.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.05. Signs

All signs shall comply with the limitations and provisions of Article VII of this Code; however, all permanent detached signs shall be monument signs. The sign structure shall have materials and architectural details consistent with the principal building it serves.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.06. Parking

Parking shall not be located between the principal buildings/use and street rights-of-way.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Sec. 3.25.07. Architectural Design Features

New non-residential structures shall include the following architectural features from Table 3.25-1. The developer may choose from the features listed below or select one of the architectural styles found in Table 3.25-2.*

Prior to building permit submittal, building elevations shall be submitted in accordance with Sections 4.1.4.1.2.2 and 4.1.5.1.1 of the Development Review Procedures Manual at the time of Site Development review to include the elevations of the buildings for review.

NON-RESIDENTIAL BUILDING; GENERAL ARCHITECTURAL DESIGN FEATURES		
Architectural Element	Design Treatment or Feature	Materials/Requirements
Roof	At least one: Dormers, Steeple, Cupolas	<ul style="list-style-type: none"> • Metal panel 5-seam roof. • Metal shake roof. • Pitched roofs, if utilized, shall be hipped or gabled with a pitch no less than 4 to 12 and no greater than 9 to 12, except for pediment roofs which shall have a pitch no greater than 4 to 12. • A minimum of a twelve (12) inches overhang is required for any roof structure. • 5-tab twenty-five (25) year or greater dimensional shingle roof. • Manufactured equivalent of a wood shake roof.

*The graphics shown on Tables 3.25-2 is intended for representation of the overall design of the structure as a reference only. These are conceptual drawings to be used as guidelines for each architectural style.

NON-RESIDENTIAL BUILDING; GENERAL ARCHITECTURAL DESIGN FEATURES		
Building	At least one: Foundation, Stoop, Porch, Pilasters, Columns	<ul style="list-style-type: none"> • Foundation: Minimum of 8 inches of foundation above grade at the front of the house, clad in brick, stucco or stone and be consistent with the architectural style of the structure. • Stoop/Porch: stoop landing shall be a minimum of four feet in width and three feet in depth. The porch shall be a minimum of eight feet in width and five feet in depth. The porch shall be covered with a solid roof but shall not be screened or otherwise enclosed. Railings, if provided, shall be consistent with the architectural style of the structure. • Columns/pilasters: consistent with the architectural style of the structure. The columns shall be proportionally scaled. For classical style structures, at least one of the following architectural order shall be used for the columns: Tuscan, Doric, Ionic, Corinthian or Composite. The column diameter to height ratio shall be between from 1:7 to 1:12 (Figure 2).
Facade	At least two: Porticos, Cornices, Balustrading, Awnings, Balconies, Canopies	<ul style="list-style-type: none"> • Railings, if provided, shall be consistent with the architectural style of the structure. • Architectural features shall be applied in a universal and consistent manner on all sides. • At least 20 percent of the facade area shall be comprised of doors, windows, canopies, balconies, balustrading, awnings, and/or architectural expressions such as porticos or pilasters. • On flat-roofed buildings, the entire roof line shall be defined by a cornice (architectural trim or embellishment) with a minimum vertical dimension of 12 inches and a minimum projection of two inches from the surface of the wall. The cornice shall not consist of a flat surface.

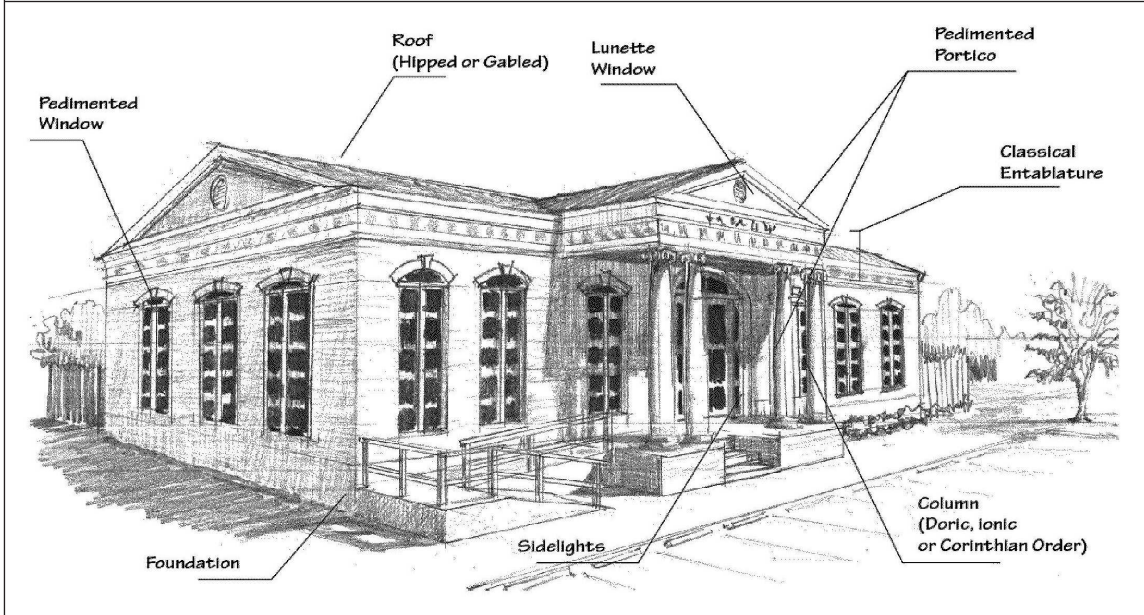
NON-RESIDENTIAL BUILDING; GENERAL ARCHITECTURAL DESIGN FEATURES		
Windows Doorways	At least three: Muntins, Casings, Shutters, Porch Roofs, Lintels, Transoms, Arches, Sidelights	<ul style="list-style-type: none">• Windows and/or doorways shall be spaced no more than 20 feet apart.• Windows and doorways shall include treatments such as, transoms, muntins, casings, shutters, lintels, arches or sidelights.• Glass blocks shall not contribute to the minimum window placement requirement.• Decorative shutters, if provided, shall be made of wood, metal or copolymer material and shall not be scored into the stucco.

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

Table 3.25-2
Architectural Styles

GREEK REVIVAL

This is an architectural style that embodies agricultural living within this region, and is representative of commercial and church architecture as well. This style resembles ancient Greek temples. It is characterized by the use of columns in the Classical orders (Tuscan, Doric, Ionic, Corinthian or Composite) with an entablature.

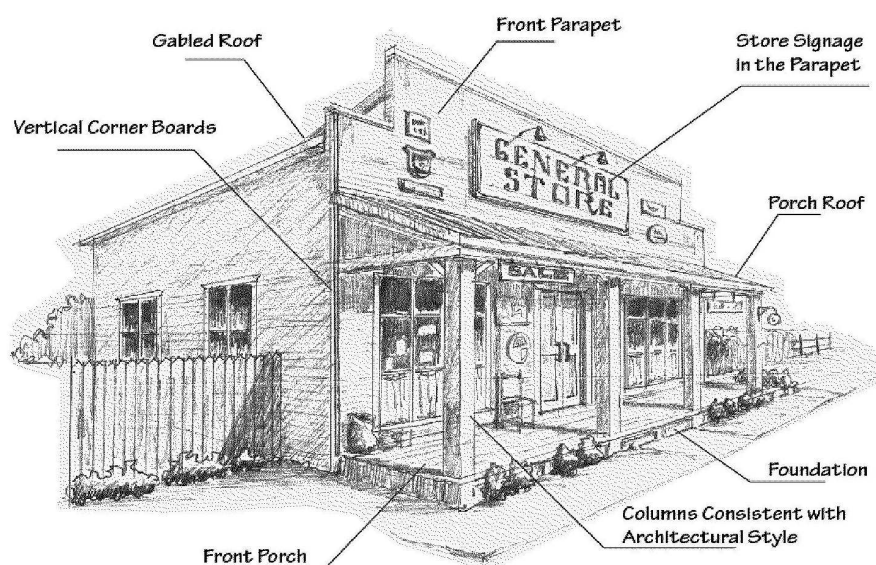


Design Features:

- A pedimented portico with columns that encompass at least one-third of the front facade.
- Entablature and cornices ornamented in the style of the columns in either the Doric, Ionic, or Corinthian order. (See Figure 2)
- The roof of the pediment with a pitch no greater than 4:12.
- The columns or pilasters of the Tuscan, Doric, Ionic, Corinthian or Composite order. (See Figure 2)
- Acceptable roofing is a metal panel 5-seam roof, a metal shake roof, or a 5-tab twenty-five (25) year or greater dimensional shingle roof.
- The overall design of the structure is encouraged to follow Palladian architecture principles.
- The pediment may be ornamented with a pediment window.
- The pedimented portico may be part of the main roof structure, or may protrude from a main roof that is a gabled roof, a hipped roof, or a rotunda.
- Use of Lintels for windows and doors is encouraged.
- Side Lights and transom on the doors.
- Entrance may [be] off to the side.
- The pedimented portico may consist of a porte-cochere.

GENERAL STORE

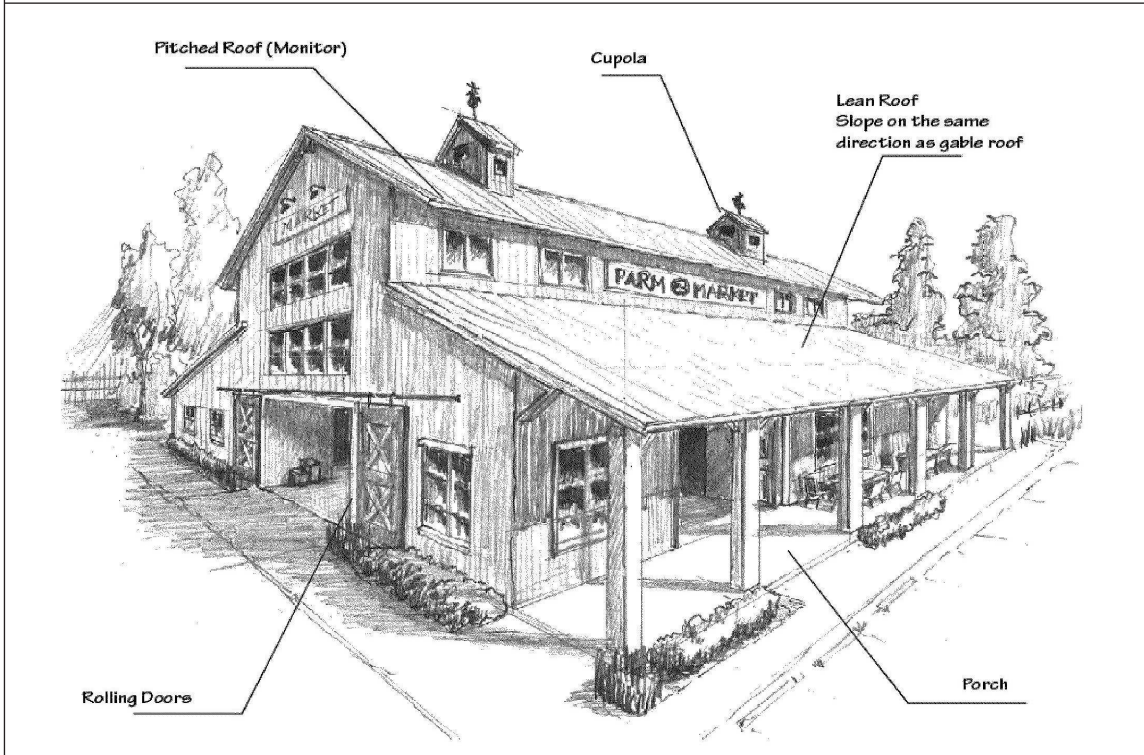
The general store style is characteristic of historical rural communities in the region. This style is characterized by the use of a prominent parapet and front porch. This style is representative of the rural living and character of the area, and typically consists of design elements from the vernacular architectural style.

**Design Features:**

- The structure has a parapet on the front facade that matches or complements the exterior wall.
- The structure is built in accordance with a simple symmetric shape.
- The foundation of the structure with a minimum of eight (8) inches above grade.
- The porch has a minimum of 60 inches in depth.
- Acceptable roofing is a metal panel 5-seam roof, a metal shake roof, a 5-tab twenty-five (25) year or greater dimensional shingle roof, or a manufactured equivalent of a wood shake roof is acceptable. Roof hipped or gabled with a pitch no greater than 9:12.
- A minimum of a twelve (12) inch overhang for the roof structure. (Multiple roof lines that create a gable and valley, or hip and valley roof system, except in the case of dormers and/or cupolas, are discouraged.)
- Acceptable materials for the exterior walls are stained wood panels or manufactured brick or materials of the appearance of brick, wood or wood panels; fiber cement siding; wood or vinyl siding.
- Predominant exterior color applied to all sides of the structure.
- Vertical corner boards.
- The structure may have a front porch.
- The parapet may be ornamented with the store sign and other signage signifying the types of products sold, the name brands of products sold, and/or historically significant messages of the region provided such signage is consistent with Article VII of this Code.
- The porch roof may be of a lower pitch than the main roof.
- Window shutters, if provided, shall be consistent with the building style.
- Hand rails wrapping the porch.
- Exposed outlookers on the eaves.
- The foundation can be decorated with an accent.

BARN

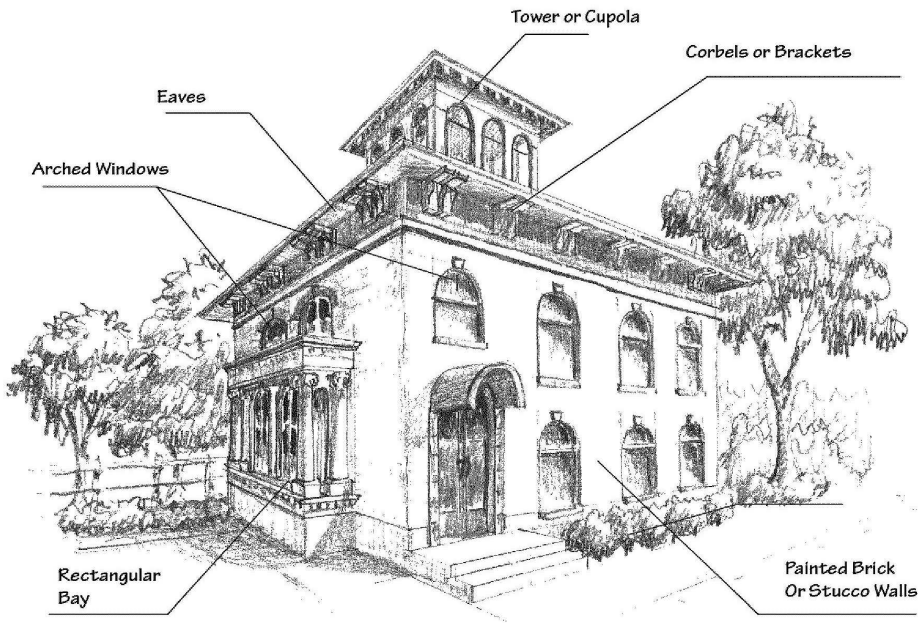
This is an architectural style characterized by the design and the use of materials typically found in agricultural barns. This style promotes the rural setting and lifestyle of the region.

**Design Features:**

- The barn is of a square or rectangular shape.
- A pitched roof of the following types:
 - Gable roof
 - Gambrel roof
 - Raised monitor roof system with a gable roof encompassing the center span of the barn with lean to roofs on each side that are of a lower elevation and slope in the same directions as the gable roof.
- Porches are allowed on any facade of the barn.
- The porch roof may be of a different pitch than the main roof structure.
- Acceptable materials for the exterior walls are metal panels, wood siding, fiber concrete siding, or vinyl siding.
- Acceptable roof materials are shingles of any kind or metal panels.
- Barn roofs may be ornamented with cupola(s).
- Barn doors or rolling doors are strongly encouraged. Doors of other kinds are discouraged.

ITALIANATE

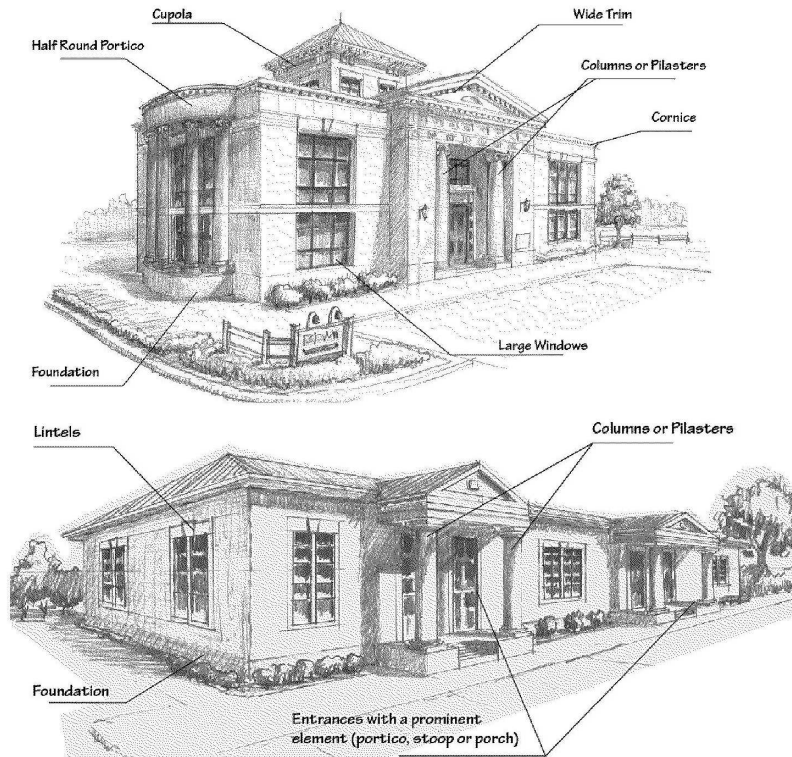
This is an architectural style that represents agricultural living within this region. The Italianate style was modeled after the medieval farmhouses of the Italian countryside, therefore, this style fitted naturally to their rustic environments.

**Design Features:**

- If pitched roofs are provided, they may be hipped with a maximum pitch of 5:12.
- Eaves ornamented with corbels or brackets.
- Windows arched or pedimented with ornamented architraves or archivolt.
- If a Cupola is provided, its roof may be hipped with a maximum pitch of 5:12.
- Portico and/or balcony railings containing Renaissance balustrading.
- Columns and cornices consistent with the Classical Orders (Figure 2).
- May contain a tower, provided that a Palladian style is maintained.
- If ornamented with cupola(s), it shall match or complement the main roof structure.
- May provide paired windows.
- Use of Bay Windows (Rectangular or Arched) is permitted.
- Brick and Painted walls are encouraged.
- Columns can be paired.

NEOCLASSICAL

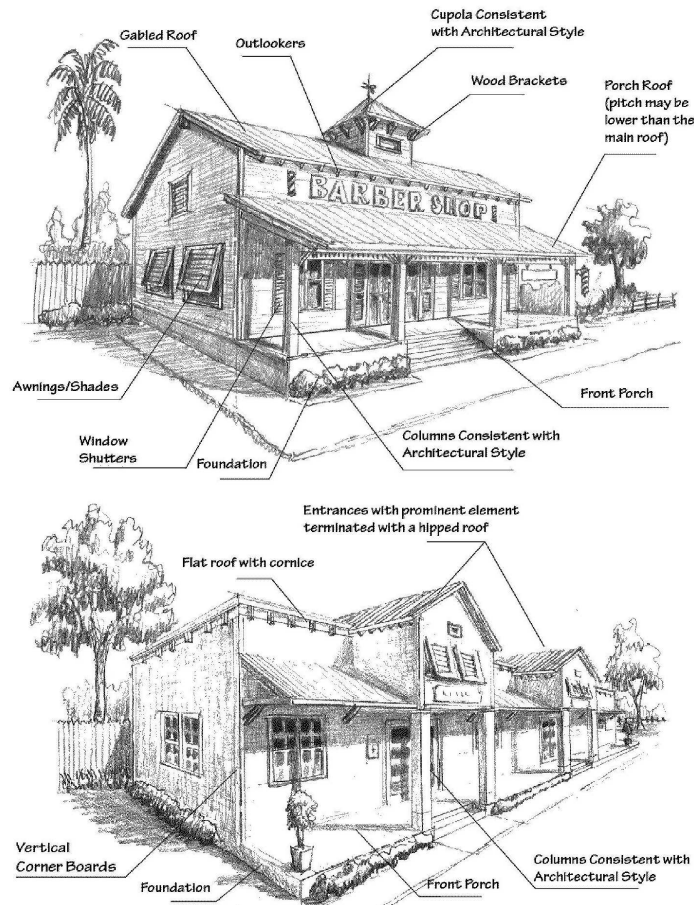
This style is characterized by grandeur of scale, simplicity of geometric forms, Greek or Roman detail, use of columns, and a preference for blank walls. This style allows flexibility to use a multitude of classical orders or elements from the Greek or roman style.

**Design Features:**

- Building design includes elements consistent with these architectural styles, provided that the overall structure is of Palladian style: Vernacular, Greek revival, Italianate.
- Acceptable roofing is a metal panel 5-seam roof, a metal shake roof, or a 5-tab twenty-five (25) year or greater dimensional shingle roof.
- For multi-tenant buildings, entrances are defined with a distinctive and prominent element of the architectural design consisting of a portico, stoop or porch. Parapet roofs can be utilized to meet this requirement.
- The overall design of the structure is encouraged to follow Palladian architecture principles.
- A structure may borrow from a multitude of neoclassical styles.
- Pilasters of a neoclassical design may be used on the front facade of the structure in lieu of a portico with columns.
- Neoclassical columns of various shapes and designs that do not meet the strict definition of the Classical Orders may be used.
- Portico roofs are not required to be pedimented.
- The portico may be half round shaped.
- The roof of the portico may be part of the main roof line, even if the main roof line is not pedimented.
- Use of a wide trim at the roofline is permitted.
- Doors may include side lights and transoms.
- 2/2 double hung windows are encouraged.
- Use of Lintels for windows and doors is also encouraged.
- The pedimented portico may consist of a porte-cochere.

FLORIDA VERNACULAR

This is a traditional architectural style historically found in the rural areas of Florida. This style generally includes front porches, shutters and wood finishes, elements originally developed in response to Florida's climate and available materials.

**Design Features:**

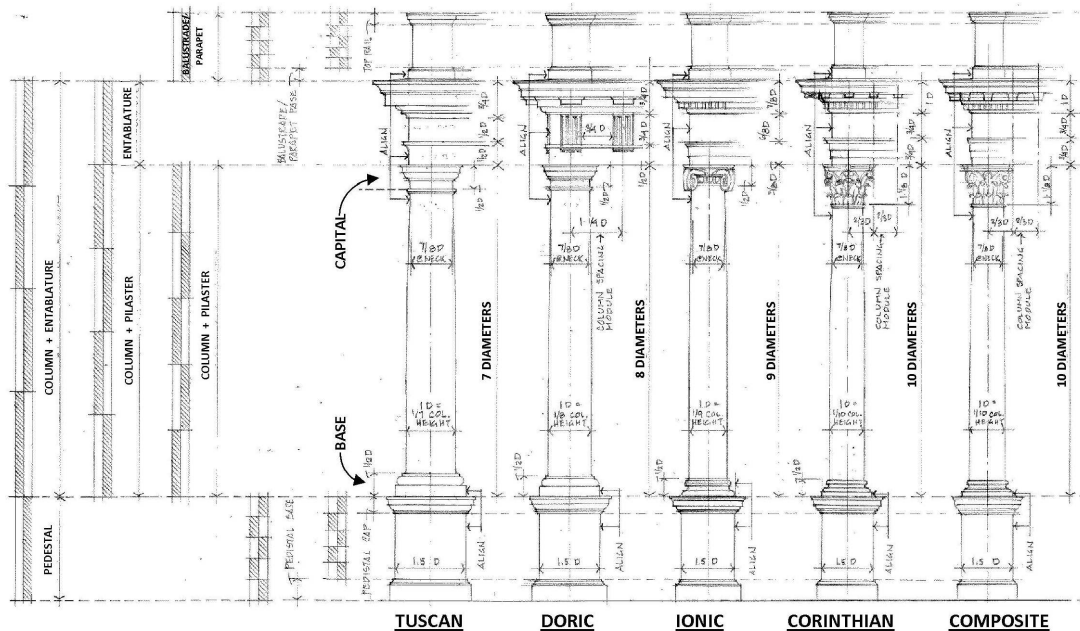
- The building front facade generally proportional.
- If a flat roof is provided, a cornice at least 12 inches in height and consistent with the design of the building is used.
- Multitenant buildings entrances have a distinctive and prominent element of the architectural design terminated with a hipped roof.
- The structure has a front porch that encompasses an area greater than 50 percent of the front facade.
- Acceptable roofing is a metal panel 5-seam roof, a metal shake roof, a 5-tab twenty-five (25) year or greater dimensional shingle roof, or a manufactured equivalent of a wood shake roof is acceptable. A minimum of a twelve (12) inch overhang for any roof structure.
- Acceptable materials for the exterior walls are stained wood panels or manufactured brick or materials of the appearance of brick, wood or wood panels; fiber cement siding; wood or vinyl siding.
- Predominant exterior color applied to all sides of the structure.
- Vertical corner boards.
- Porch may wrap around to include the sides and/or rear of the structure.

FLORIDA VERNACULAR—Design Features (Continued)

- The roof may be ornamented with cupola(s) and/or dormer(s).
- Multi-story structures may have separate roof systems for each floor provided that each roof system meets the requirements of these standards.
- The porch roof may be of a lower pitch than the main roof.
- Window Shutters consistent with the vernacular style.
- Hand rails wrapping the porch.
- Exposed outlookers on the eaves.
- The foundation can be decorated with an accent.

Columns Designs and Proportions

If Greek Revival or Neoclassical Styles are chosen, columns and/or pilasters shall conform to the design and proportions of Figure 2 below. The height and diameter of the column shall follow a ratio depending on its style. For instance, the Tuscan order has a 1:7 ratio, where one equals the column width and seven is the height (a column 10 feet high will need to be 1' 5" in width at its base). Columns shall have a base, a capital, and an entablature.

Figure 2. Classical Orders for Columns and Their Proportions

The Classical Orders of Architecture – By Michael Rouchell, Architect. Institute of Traditional Architecture

(Ord. No. 22-13, § 2(Exh. A), 6-9-22, eff. 6-15-22)

addition to the requirements of paragraph 1 immediately above) for every three feet of increased height up to 51 feet. Therefore an agricultural accessory structure 45 feet in height shall be located a minimum of 13 feet from the zoning lot line. Said agricultural accessory structure shall not be located in a required front yard.

3. An agricultural accessory structure over 51 feet in height shall be set back from the side and rear yard an additional (in addition to the requirements of paragraphs 1 and 2 immediately above) one foot for every foot of increased height over 51 feet. Therefore an agricultural accessory structure 80 feet in height shall be located a minimum of 44 feet from the zoning lot line. Said agricultural accessory structure shall not be located in a required front yard.

E. Chickee Hut (a.k.a. Chiki Hut or Tiki Hut)

Chickee Huts may be erected in accordance with the following regulations and provisions:

1. Qualified chickee or chiki huts are not exempt from site development regulations and review.
2. An accessory structure intended to qualify as a chickee or chiki hut must be reviewed for consistency with the regulations of this section and Florida Statutes. The following information must be submitted for review:
 - a. A site plan or survey that includes scaled dimensions of the proposed structure including setbacks;
 - b. Proof that the builder is a member of either the Miccosukee or Seminole Indian Tribes of Florida. This shall be a copy of the tribal member's identification card.
 - c. Drawings or images of the proposed structure indicating the open design, roof materials, and height.
3. Chickee or chiki huts in single-family and single-family/ two-family dwelling residential and agricultural zoning districts shall meet the location requirements for accessory structures within Section 6.11.04.C and D above.
4. Although accessory structures, the location of chickee huts in multi-family residential, mixed use, commercial, and industrial zoning districts shall be in accordance with all principal building setback regulations for the zoning district in which it is located. In addition, the proposed structure must be located a minimum of 25 feet from the principal building(s) on the property and from another such structure.
5. Reserved.
6. The square foot area of the chickee or chiki hut shall be determined from the dimensions taken from inside the support posts, provided the roof overhang does

not exceed three feet. For those structures that are supported by a single pole (i.e. umbrella shape), the area measurements shall be taken from the drip line of the roof materials.

(Ord. No. 00-21, § 2, 5-18-00; Ord. No. 01-30, § 2, 11-15-01; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 09-62, Item F, 10-26-09, eff. 2-1-2010)

Sec. 6.11.05. Adult Care Facility

- A. Adult care facilities shall be permitted without regard to subsequent standards set forth in this Section if such uses are accessory to the following permitted uses: churches, social service agencies, health care facilities, community centers, or elderly housing developments. Said adult care facility uses may be on a lot with the aforementioned permitted uses, or on an adjoining lot, may be a part of the principal structure, or may be housed in a second structure on such lots.
- B. When located in residential zonings districts, the location and extent of the facility shall not adversely affect the character of the existing neighborhood. The adult care facilities not governed by section 6.11.05.A above shall be in scale with the residential buildings located within 200 feet. The adult care facility shall not deviate in floor space by more than 30 percent from the median floor space of neighboring residential buildings within said distance, as measured from the facility footprint to the residential buildings.
- C. No overnight lodging shall be permitted for any type of adult care facility.
- D. Adult care facilities not governed by section 6.11.05.A above shall be subject to the following requirements. Those facilities with a capacity of ten or less individuals may be requested in any zoning district, excluding the AI district and all SPI-AP districts. Those facilities with a capacity of 11 to 25 individuals may be requested in any zoning district, excluding the AI district and all SPI-AP districts; however, those located in residential districts shall be no more than two lots distant from the boundary of a nonresidential zoning district. Those facilities with a capacity of more than 25 individuals may be requested only in non-residential districts, excluding the AI and all SPI-AP districts, and shall be adjacent to a collector or arterial roadway as defined under the Hillsborough County Functional Classification System.
- E. Parking spaces that are adjacent to the facility shall be fronted with wheel stops set two feet from a continuous five-foot-wide sidewalk leading to the building entrance, or for spaces without wheel stops, a raised curb and a continuous seven-foot-wide sidewalk leading to the building entrance shall be constructed.
- F. If a circular driveway is provided for pick-up/drop-off of individuals, the following shall be required in addition to paragraph E above: a paved circular driveway, 12 feet in width with a minimum inside turning radius of 20 feet, and an area a minimum of 15 feet from the designated discharge point where the individuals are picked up or dropped off, into which cars shall not park or back. If fire regulations require the

designation of a fire lane, then the width of the circular driveway shall be at least 20 feet. A sidewalk shall be provided between the pick-up/drop-off area and the building entrance.

- G. Subsections E and F above shall only apply to Adult Care Facilities established after May 25, 2022.

(Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Sec. 6.11.06. Reserved.

Editor's note—Ord. No. 06-24, § 2, adopted June 24, 2006, repealed § 6.11.06, which pertained adult uses. See also the Code Comparative Table.

Sec. 6.11.07. Affordable Housing Development

A. General Standards

1. Affordable housing shall be reviewed by the Administrator to determine if it is affordable. That review shall require the following affirmative findings by staff.
2. The development shall have 20 percent or more of the dwelling units available to households with gross incomes at or below 80 percent of the median income adjusted for family size, consistent with annually adjusted Department of Housing and Urban Development income guidelines.
3. Affordability shall be based on gross family income being below 80 percent of median income adjusted for family size.
4. There shall be adequate assurances (e.g., deed restrictions or restrictive covenants) that the housing will remain affordable housing over a period of 15 years.

B. Affordable Housing Development Standards

To take advantage of the increased flexibility provided affordable housing projects the following development standards shall apply:

1. The development shall use single family detached dwelling units where the minimum lot size is 7,000 square feet or more. Where the minimum lot size is less than 7,000 square feet, then single family detached, single family zero lot line, duplex, triplex, quadraplex, townhouse or multi-family units shall be permitted.
2. For developments on lots of 5,000 square feet or more the standard district setbacks shall apply.
3. For development on lots of less than 5,000 square feet a minimum ten-foot front yard setback shall be maintained except that garages shall be set back a minimum of 20 feet. There shall be a minimum building spacing of ten feet. There shall be a minimum 20-foot rear yard setback.
4. The minimum building setback from adjoining residential parcels shall be equal to the largest yard setback (front, rear, or side) required by the zoning of the adjoining property.

5. The minimum lot size or area per dwelling unit shall meet the requirements of 6.01.02, Schedule of Residential Density and Open Space Regulations for Affordable Housing Development except as otherwise provided in this Code.
6. The development may use single family detached, single family zero lot line, duplex, triplex, quadraplex, atrium, townhouse or multi-family units.
7. In no case shall the administrative review involve the appropriateness of the affordable housing unit to the neighborhood's character.

C. Density Bonus

1. If an affordable housing project is proposed as a site planned controlled zoning and meets the affordable housing qualifying criteria listed above and as established in the Comprehensive Plan, and as further qualified below (project plan), the project may receive affordable housing density and/or FAR bonuses. The increases in density and/or intensity which may be achieved are established in the Comprehensive Plan under Affordable Housing Bonuses. Such site planned controlled projects shall establish specific lot sizes, setbacks and dwelling unit types and shall be exempt from meeting the standard district setback requirements. However, the minimum setback standards established above for development on less than 5,000 square foot lots shall apply.
2. To further clarify the qualifying criteria established within the Comprehensive Plan for the Project Plan option, the specific Comprehensive Plan criteria is first listed and then the terminology is defined as follows:
 - a. The surrounding area must be fully or partially developed and contain inplace infrastructure and public facilities which will meet the public facilities and service needs of existing and proposed residential development. A distance of three miles shall be used to define the surrounding area.
 - b. The surrounding area must contain two or more of the following conditions warranting the repair or rehabilitation of existing housing, and/or development of additional affordable housing units. A distance of one mile shall be used to define the surrounding area.
 - c. Evidence that existing resident households of very low, low, and/or moderate income comprise a reasonable percentage of the total existing neighborhood population, along with evidence of need, on the part of some of these

Sec. 6.11.24. Child Care Center

- A. Parking spaces that are adjacent to the facility shall be fronted with wheel stops set two feet from a continuous five-foot-wide sidewalk leading to the building entrance, or for spaces without wheel stops, a raised curb and a continuous seven-foot-wide sidewalk leading to the building entrance shall be constructed.
- B. If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to Paragraph A above; a paved circular driveway, 12 feet in width with a minimum inside turning radius of 20 feet, and an area a minimum of 15 feet from the designated discharge point where the children are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least 20 feet. A sidewalk meeting the requirements of paragraph A above shall be provided between the pick-up/drop-off area and the building entrance.
- C. If an outdoor play area is provided and located within 100 feet of a residential zoning district, the use of the outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m. The play area shall be secured with a fence, wall, and/or gate in accordance with the Hillsborough County Child Care Facilities Ordinance.

Sections E. and F. of this section shall only apply to Special Use applications.

- D. The location and extent of the facility shall not adversely affect the character of the existing neighborhood.
- E. The Child Care Center shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land uses and zoning.
- F. These regulations shall not apply to Family Child Care Homes as defined in Part 12.00 of this Code. Family Child Care Homes are permitted as an accessory residential use without special zoning approval or review, subject to child care licensing requirements. (Ord. No. 97-18, § 2, 12-18-97; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 10-02, § 2(Exh. A), 2-12-10; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Sec. 6.11.25. Churches/Synagogues

- A. In the RSC-2, RSC-3, RSC-4, RSC-6, RSC-9, MH, RDC-6, RDC-12, and RMC-6 zoning districts, the sanctuary or main place of worship (excluding all classrooms, administrative offices, and fellowship halls) may exceed 30 feet in height provided that the structure is set back an additional two feet for every one foot of structure height over 30 feet at all boundaries (added to yards or buffer areas required elsewhere.)
- B. Minimum lot size of 20,000 square feet shall be provided.
- C. If the church or synagogue has a seating capacity of more than 300 persons, the site shall have direct access to an arterial or collector street, as shown on the Major Street map.

- D. Family Support Services, as defined by this Code, shall be permitted accessory uses, regardless of the property's zoning and provided said services are offered by a non-profit organization.

(Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03)

Sec. 6.11.26. Carnivals/Circuses

- A. The duration of the use shall not exceed ten calendar days.
- B. Where said carnival/circus use is adjoining a residential district, there shall be a minimum setback of 100 feet from parking areas and 300 feet from the carnival/circus itself.

(Ord. No. 02-13, § 2, 8-1-02; Ord. No. 09-62, Item E, 10-26-09, eff. 2-1-2010)

Sec. 6.11.27. Colleges/Community Colleges/Universities

- A. The site shall have a minimum area of ten acres.
- B. The use shall qualify for accreditation by the Southern Associates of Colleges and Schools.

(Ord. No. 02-13, § 2, 8-1-02)

All permits shall contain the Division of Hotels and Restaurants-issued license number for the Eating Establishment.

(Ord. No. 01-30, § 2, 11-15-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 15-15, § 2(Exh. A), Item A.4(15-0497), 6-18-15, eff. 6-25-15)

Sec. 6.11.36. Family Homestead

- A. The Family Homestead provision shall only be used to create a homestead once for any individual.
- B. A Family Homestead shall be allowed in the Rural land use categories of the Comprehensive Plan; that is, the A, AM, AR, and AE Comprehensive Plan categories.
- C. A Family Homestead shall be used only for an individual who is the grandparent, parent, stepchild, adopted parent, sibling, child, stepchild, adopted child or grandchild of the person who conveyed the parcel to the individual.
- D. The minimum size of the parent parcel to be homesteaded shall be that permitted by the Comprehensive Plan land use designation.
- E. A Family Homestead parcel shall be created by subdividing the parent parcel into a maximum three lots including the parent lot notwithstanding the density or intensity of use assigned to the parcel in the Comprehensive Plan. Lots shall be a minimum one acre and be developed in accordance with the schedule of area, height, bulk, and placement regulations for the parcel's zoning district. The subdivision of land shall be subject to the Subdivision Regulations of the Land Development Code. Approval of the subdivision shall be contingent upon the property owners of the lots created from the parent parcel filing, with the Administrator, within one year from the approval of the subdivision, proof that the property has been conveyed to them by the owner of the parent parcel.

(Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.37. Family Farm

- A. A Family Farm use as described in this section shall be allowed only in the A, A/R and A/M Comprehensive Plan categories and shall only be used for family members.
- B. The minimum lot size shall be five acres with a minimum width of 150 feet.
- C. A bona fide agricultural use shall exist on site, as defined by uses listed under "Agricultural and Related Uses".
- D. Dwelling units on site shall be the permanent residences of those persons in residence on the Family Farm.
- E. Densities may exceed those allowed by the Comprehensive Plan but shall not exceed one dwelling unit per acre.

F. Properties used as Family Farms shall not be subdivided.
(Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.38. Family Lot

- A. This use shall be allowed in the Residential Planned-2 Comprehensive Plan category.
- B. The minimum lot size shall be one acre in Residential Planned-2 shall meet the required lot width of the corresponding zoning district in which it is located.
- C. The lot(s) shall be for the use of immediate family members of the owner of the original tract only. Immediate family shall mean siblings, parents, grandparents, and children. The lot(s) shall be their primary residence.
- D. Subdivision of the land is not required. However, the division of the lots shall be recorded by separate deeds and, if more than one lot is divided from the parent lot, the subdivision requirements of the Land Development Code, as amended, shall be met as set forth in 5.01.00.
- E. Each lot shall have direct access to a public street, an approved private street or access to said streets by an access easement. See also 6.01.03.
- F. Densities shall be limited to the maximum gross density permitted in each respective plan category.
- G. The Family Lot provision shall only be used by a property owner once for each relative. If a lot is provided under this provision to, for example, the eldest son, the eldest son may not receive another lot under this provision from the property owner anywhere in Hillsborough County.

(Ord. No. 00-21, § 2, 5-18-00; Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.39. Farm Worker Housing

- A. Location
 - 1. Farm worker housing may be provided on-site or off-site from a commercially productive farm, however, off-site housing not located in the AM, A, AR, AE, Res-1, RP-2 Land Use Plan categories shall be located within one mile of the site of a commercially productive farm.
 - 2. Farm worker housing proposed in suburban or urban plan categories allowing four units per acre or less, shall be permitted a density bonus of two units per acre. Otherwise, overall project density in suburban or urban plan categories shall not exceed that of the underlying plan category.
- B. Farm worker housing in rural and agricultural plan categories shall be limited to eight units per acre. Density shall be calculated based upon the acreage of the area described by the legal description submitted with the farm worker housing application. The subdivision of land into individual parcels shall be prohibited.

C. Single-family conventional, manufactured home, duplex, or multi-family dwelling units or dormitories may be used. Dormitories, for purposes of density calculations, shall be calculated at 3.75 residents equaling one unit.

D. Site Requirements

1. Farm worker housing sites, which includes, but is not limited to, housing, parking areas, athletic fields, and/or storage structures shall provide required front, side, and rear yards of 50 feet. Notwithstanding, internal project driveways may be located in required yards that are adjacent to a public roadway or to property that is under common ownership with the farmworker housing site.
2. Where the farm worker housing site is located less than 200 feet from the zoning lot line, screening equal to that specified under 6.06.06 shall be provided between the site and adjacent parcels under different ownership that are residentially developed. However, screening shall not be required in such cases for storm water facilities serving the farm worker housing.
3. All structures containing dwelling units shall be located a minimum of ten feet apart.
4. All access drives serving the farm worker housing site shall be packed shell, gravel, or a similar material which will provide a relatively dust free surface.
5. All farm worker housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
6. All farm worker housing shall be maintained in a neat, orderly and safe manner.

E. Occupancy

1. Beginning May 25, 2022, property owners or housing providers shall maintain records of approved Health Department Migrant Labor Camp or Residential Migrant Housing permits, or successor permits, to demonstrate that the project is limited to housing for farm workers or their dependents only. The records shall be kept for a minimum of three years and shall be made available upon request for inspection by Hillsborough County with 14 days of such request.
2. If for any reason the housing no longer serves farmworkers or their dependents only, the dwelling units which exceed the density of the Comprehensive Plan must be removed within 90 days of written Notification from the County, or certain units may remain if converted for sale or rent as Affordable Housing in accordance with 6.11.07.
3. Prior approval of a farm worker housing permit through a conditional use, variance, or special use process shall not be used as a precedent for an increase in density on either all or a portion of the property as part of any future rezoning petition.

F. Conditional Use Permit (Administrative Review)

1. All farm worker housing projects located in the agricultural and rural land use categories shall be administratively reviewed in accordance with the procedures found in Part 10.01.00 of this Code. Approval shall be subject to compliance with all requirements of this Section and other applicable regulations of this Code.
2. If a project does not conform with the requirements of this Section, the project shall be reviewed as a Special Use in accordance with the procedures and requirements described in Section G.

G. Special Use Permit

1. All farm worker housing in the suburban and urban future land use plan categories shall be reviewed in accordance with the procedures for a Special Use Permit in Part 10.02.00 of this Code.

2. Factors to be Considered

The project shall comply with requirements A through E of this section and with other applicable regulations of this Code. Additionally, if the project is located in suburban or urban future land use categories, the Land Use Hearing Officer shall be required to make a finding of compatibility of the proposed farm worker housing with existing and planned land uses as stipulated in the Future of Hillsborough Comprehensive Plan. In making a determination of compatibility, the Land Use Hearing Officer shall consider the following:

- a. The nature of existing and planned land uses.
- b. Compatibility with the development and character of the existing neighborhood.
- c. The number of acres, the number of units, and the overall density of the proposed farm worker housing development.
- d. The effect of increased traffic generation on existing and planned land uses.
- e. The availability of and proximity to schools, hospitals and other health care facilities, transportation to and from employment, social services, retail activities, and recreational uses such as parks and playgrounds to the residents of a farm worker housing project and their family members.

3. Imposition of Reasonable Conditions

If necessary to mitigate the impact of the farm worker housing on residential land uses in the area, reasonable conditions upon the farm worker housing project designed to mitigate the impact of the farm worker housing on residential land uses in the area may be imposed by the Land Use Hearing Officer.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 00-21, § 2, 5-18-00; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05; Ord. No. 10-9, § 2, Item H(10-0177), 5-27-10, eff. 10-1-10; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Sec. 6.11.40. Firing Range, Small Arms, Indoor

- A. The use shall not constitute a nuisance or be a hazard to life or property as determined by Hillsborough County.
 - B. The noise level shall not exceed 55 dBA at the property boundary.
 - C. The hours of operation shall be between 9:00 a.m. and 7:00 p.m.
 - D. The design and safety standards of the National Rifle Association shall be met.
- (Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.41. Firing Range, Small Arms, Outdoor

- A. The minimum size of the site shall be 20 acres.
 - B. The maximum caliber for rifled barrels used on the range shall be .45 and for non-rifled barrel shall be 12 gauge.
 - C. A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least 15 feet high shall be erected and maintained behind all target areas.
 - D. The use shall not constitute a nuisance or be a hazard to life or property as determined by Hillsborough County.
 - E. The noise level shall not exceed 55 dBA at the property boundary.
 - F. The hours of operation shall be between 9:00 a.m. and 7:00 p.m.
 - G. The design and safety standards of the National Rifle Association, The National Skeet Shooting Association, and the Amateur Trap Shooting Association shall be met.
 - H. This use shall be permitted only where no more than 15 percent of the adjoining residentially zoned land located within 1,000 feet is developed into lots.
- (Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.42. Flea Markets

This use shall not be permitted abutting a residential zoning district.
(Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.43. Garage, Yard, Etc. Sales

Garage, yard, tag, patio and apartment sales are specifically permitted, as an accessory use, in all residential districts. Such sales shall be limited to one during each six-month period, for a duration not to exceed three days.
(Ord. No. 02-13, § 2, 8-1-02)

Sec. 6.11.44. Gas Station

- A. The use shall have direct access to an existing arterial or collector roadway shown on the current MPO Long Range Transportation Cost Affordable Plan Map in effect at the time

- B. At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
 - C. Policies and procedures are published and adhered to which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older; and
 - D. Unoccupied units are reserved for occupancy by persons who meet the age requirements set forth in the definition of Housing for Older Persons.
- (Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03)

Sec. 6.11.52. Kennel

- A. The disposal of all feces and other solid waste generated by the kennel operation shall be reviewed and approved by the Health Department.
 - B. All runs and kennel areas shall be fenced with chain link, solid wood fencing or a masonry wall. The fence or wall shall be of quality material and be neat in appearance.
 - C. Any training of animals shall not include the use of loud noises or produce smoke or odor.
 - D. Humane Society of the United States (HSUS) Guidelines shall be used, at a minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes and runs.
 - E. The kennel facility shall not generate adverse off-site noise or odor impacts.
 - F. All outdoor runs shall be a minimum of 150 feet from any residential zoning district and all exercise areas shall be 50 feet from any residential zoning district.
 - G. The grooming of animals in the kennel and, on a limited basis, the grooming of pets not kept at the kennel shall be considered a permitted accessory use. The sale of accessories and equipment for pets such as pet food, collars, toys, carriers and other such items shall not be permitted, except when the kennel is located in a commercial zoning district and such sales are incidental to the primary kennel activity.
 - H. Minimum required parking shall be 2.0 spaces per 1,000 gross square feet.
- (Ord. No. 02-13, § 2, 8-1-02; Ord. No. 08-15, § 2, 6-12-08, eff. 10-1-08; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Sec. 6.11.53. Land Application Disposal

- A. Generally

The application for and approval of a Land Application Disposal Use pursuant to the Procedure for Issuance of a Development Order at Section 10.01.00, 10.02.00 or 10.03.00 shall be subject to the following standards. This section shall not apply to the land application of agricultural animal wastes or biosolids in a manner that is not regulated by the Department of Environmental Protection.

B. Standards

1. Federal and State Regulations

Land application disposal shall meet all relevant Federal and State regulations. The minimum standards for the land application disposal of biosolids shall be pursuant to Chapter 62-640, FAC, as amended, and as authorized and monitored by the EPC of Hillsborough County.

2. Operation Standards

The operator of the land application disposal activity shall be responsible for using site management practices pursuant to Chapter 62-640, FAC, as amended. Land application of septage, either alone or in combination with other material, is prohibited. Septage management facilities as defined in Chapter 62-640.200, FAC, as amended, which hold current permits or authorizations issued as of October 19, 2017 by the Florida Department of Health or Florida Department of Environmental Protection (or by the Environmental Protection Commission of Hillsborough County through its authority delegated by the Florida Department of Environmental Protection), shall be deemed legal nonconforming uses and may continue operations pursuant to the requirements of Section 11.03.06 of the Land Development Code.

3. Locational Criteria

a. Where Allowed

Land Application Disposal shall be permitted in AM, A, AR, AS-0.4, AS-1, ASC-1, Al and M zoning districts and Planned Developments expressly permitting biosolids application. No new sites shall be permitted in Wellhead Resource Protection Areas. A minimum unsaturated soil depth of three feet is required between the land surface and the water table level as determined by the seasonal high ground water level.

b. Minimum Size

Minimum lot size for application sites shall be 15 acres.

c. Buffer/Setback Standards

Land application disposal sites shall not be located closer than 3000 feet to any Class I water body, Outstanding Florida Water or 1000 feet to any Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are located completely within the application site and will not discharge from the application site. The setback area shall be vegetated. The 200 foot setback distance from surface waters shall be reduced to 100 feet if the biosolids are injected or incorporated into the soil. The biosolids land application zone shall not be located closer than 300 feet from any private drinking water

supply well or 500 feet from any public drinking water supply well. Additionally, the land application boundary shall be located not less than 200 feet from the land application area property line.

d. Access Standards

The Administrator or Land Use Hearing Officer may, at his or her discretion and upon a finding of fact, impose conditions regulating access to land application disposal sites. Such conditions, if any, shall consider traffic volume and type, access road condition and configuration, traffic operations, safety and surrounding development.

C. Procedures for Consideration of Land Application Disposal Permit

1. Land Application Disposal sites permitted by the State prior to January 31, 1990 may be treated as legal non-conforming uses in accordance with Part 11.03.01 of this Code.
2. Applications for Land Application Disposal sites permitted by the State between February 1, 1990 and September 8, 1998 and located in AM, A, AR, AS-0.4, AS-1, ASC-1, Al and M zoning districts shall be filed and reviewed in accordance with part 10.01.00 of this Code.
3. Applications for Land Application Disposal sites permitted by the State after January 31, 1990 and located in Planned Development districts not expressly permitting the application of biosolids shall be filed and reviewed in accordance with Part 10.03.00 of this Code.
4. Applications for Land Application Disposal Permits to be established after September 8, 1998 shall be filed and reviewed in accordance with Part 10.01.00 of this Code provided:
 - a. Sites located in AM, A, AR, AS-0.4, AS-1, ASC-1, Al and M zoning districts or Planned Development districts expressly permitting the application of biosolids have a minimum of 100 acres or

2. The following shall have standing to appeal or to intervene in an appeal of a decision of the Administrator that is not of general applicability and that is specifically related to a particular parcel of real property or project:
 - a. An applicant of an Administrator's decision who is adversely affected by the Administrator's decision, or
 - b. A property owner whose property is the subject of the administrative decision and is adversely affected by the Administrator's decision, or
 - c. Any owner of real property as reflected on the current year's tax roll, lying within 500 feet in every direction of the property or project that is the subject of the administrative decision, any condominium and/or owners' association with common property lying within 500 feet in every direction of the property or project that is the subject of the administrative decision and any duly registered neighborhood organization, as described in Section 10.03.02F.1 of this Code whose boundaries lie within one mile of the property or project that is the subject of the administrative decision, or
 - d. Any resident, landowner or any person having a contractual interest in land in unincorporated Hillsborough County and any duly registered neighborhood organization, as described in Section 10.03.02F.1. of this Code who demonstrates a direct adverse impact as a result of the administrative decision that exceeds in degree the general interest in community good shared by all persons. The Land Use Hearing Officer shall make the determination if there has been a demonstration of a direct adverse impact sufficient to grant appellant or intervener status, however any information considered in making such a determination shall not be considered a part of the record on appeal except as provided in Section 10.05.01 D. of this Part.

C. Notice of Appeal

1. A Notice of Appeal of an administrative decision shall be filed within 30 calendar days of the date on which the Administrator signs the decision or the decision is otherwise rendered in writing.
2. The decisions of formal Zoning Interpretations shall be signed by the Administrator and filed with the office of the Clerk of the Court - BOCC Records. A Notice of Appeal of a formal Zoning Interpretation shall be filed within 30 calendar days on which the signed Zoning Interpretation is filed with the Clerk of the Court - BOCC Records.
3. The Notice of Appeal shall be filed with the Administrator and shall set forth a detailed basis for the appeal. Said Notice of Appeal shall be in accordance with the submittal requirements of appeals as defined in Section 10.1 of the Development Review Procedures Manual.
4. If a Notice of Appeal is filed regarding a decision of the Administrator that is not of general applicability and that is specifically related to a particular parcel of real

property or project, the appellant shall mail notice, by proof of mailing receipt, within 5 calendar days of the filing of the appeal to all owners of real property that is the subject of the administrative decision.

5. Within 20 calendar days of the filing of a Notice of Appeal pursuant to this section, any person with standing pursuant to Section 10.05.01B. may intervene and become a party to the appeal by filing a request for intervention in the same manner as filing an appeal of an administrative decision as provided in Section 10.1 of the Development Review Procedures Manual.
6. The Administrator shall set the matter for hearing within 50 days of the date of the Notice of Appeal. This period may be extended by agreement of the Administrator, the party appealing the decision and any intervener.

D. Conduct of Hearing

1. In general, the hearing shall be limited to the record on appeal, and shall consist of oral argument by the Administrator, the party appealing the decision and any intervener, each of whom may be represented by legal counsel and/or by the party who served as their designated representative in the matter that is the subject of the appeal.
2. The record on appeal shall consist of the following:
 - a. The application and any other information submitted by the Applicant to the Administrator.
 - b. The written decision of the Administrator and any documents attached thereto.
3. In addition to the record on appeal, the Administrator, the Appellant and any intervener may freely refer to the following in presenting their cases to the Hearing Officer:
 - a. Applicable portions of the Hillsborough County Comprehensive Plan, the Hillsborough County Land Development Code, and any other duly adopted Hillsborough County ordinance, rule or resolution.
 - b. Any state or federal statute, rule, or decision.
4. If either the Administrator, the Appellant or any intervener believes that, in order to fully present his case, evidence other than that listed in 2. and 3. above must be presented to the Hearing Officer, the nature of the additional evidence must be disclosed to the other parties and the Hearing Officer not less than five days before the hearing. At the beginning of the hearing the Hearing Officer shall rule on whether such additional evidence may be presented. The Hearing Officer shall freely allow the presentation of additional evidence pursuant to this subsection where such is relevant to the issue on appeal.

E. Decision of Hearing Officer

1. The decision of the Land Use Hearing Officer shall be rendered not later than five working days after the conclusion of the hearing.
2. The decision of the Hearing Officer shall be reduced to writing and shall include findings of fact, if any, and conclusions of law and state the relief, if any, accorded to the Appellant.
3. The decision of the Hearing Officer shall be based on the record on appeal and any additional evidence presented in accordance with Section 10.05.01.D of this Part.

F. Authority of Hearing Officer

Upon a finding of error in the administrative decision, the Hearing Officer shall identify the error and is authorized to take any action that the Administrator was authorized to take under this Code.

G. Finality of Decision

The decision of the Hearing Officer is final. The Hearing Officer's decision may be challenged by any person with standing under state law, in whatever way authorized by state law.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 01-26, § 2, 9-12-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-36, § 2, 11-12-03; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05; Ord. No. 06-34, § 2(Exh. A), 11-2-06; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Editor's note—It should be noted that § 4 of Ord. No. 06-34, adopted November 2, 2006, provides for an effective date of February 1, 2007.

Sec. 10.05.02. From Land Use Hearing Officer to Land Use Appeals Board**A. Generally**

Except where a different procedure is set forth elsewhere in this Code, and except for appellate decisions rendered pursuant to 10.05.01, any decision of the Land Use Hearing Officer under this Code may be appealed to the Land Use Appeals Board as set forth below and in Section 10.2 of the Development Review Procedures Manual.

B. Standing to Appeal

The following shall have standing to appeal a decision of the Land Use Hearing Officer, or to intervene in an appeal that has been filed pursuant to this section:

1. An applicant who is adversely affected by the Land Use Hearing Officer's decision;
or
2. Any person or entity who:
 - a. Was present at the hearing before the Land Use Hearing Officer and presented either oral testimony or documentary evidence; or
 - b. Submitted documentary evidence themselves or by proxy prior to or during Land Use Hearing Officer hearing, and

- c. Is adversely affected by the Land Use Hearing Officer's decision.

The Land Use Appeals Board shall determine whether a person or entity has standing to appeal or intervene in an appeal at the appeal hearing.

C. Notice of Appeal

1. A Notice of Appeal of a decision shall be filed within 30 calendar days of the date on which the Land Use Hearing Officer rendered the decision in writing. Said Notice of Appeal shall be in accordance with the submittal requirements of appeals as defined in Section 10.1 of the Development Review Procedures Manual.
2. The Notice of Appeal shall be filed with the Administrator and shall set forth the basis for the appeal.

D. Referral to Land Use Appeals Board

1. The Administrator shall schedule the matter before the next regularly scheduled meeting of the Land Use Appeals Board that is at least 20 days from the date the Notice of Appeal was filed.
2. The Appellant must provide a Notice of Hearing to all parties of record as defined in LDC 10.03.06.A.1 and 10.03.06.A.3 no later than 20 days prior to the Land Use Appeals Board hearing date by proof of mailing receipt.
3. A copy of the notice of hearing, a list of all parties who were noticed and an executed Certificate of Mailing must be submitted to the administrative office of the Land Use Appeals Board no later than five calendar days prior to the Land Use Appeals Board hearing date.

E. Continuances

1. One continuance shall be granted to the appellant and/or property owner, whichever requested the continuance, if the continuance request is filed with the administrative office of the Land Use Appeals Board at least 14 calendar days or more before the Land Use Appeals Board hearing date.
2. The appellant and/or property owner shall send the notice of continuance by proof of mailing to all parties of record at least 11 calendar days of the Land Use Appeals Board's hearing and shall submit proof of mailing to the administrative office of the Land Use Appeals Board at least 5 calendar days prior to the hearing date. This notification shall include the new time, date, and location of the meeting.
3. If the criteria for granting a continuance as listed in 10.05.02.E.1 not satisfied, the continuance request shall be considered by the Land Use Appeals Board at its meeting when the petition was scheduled for consideration.
4. At its discretion for unique circumstances, the Land Use Appeals Board may continue a petition at the Land Use Appeals Board's meeting without notification.

F. Conduct of Hearing

1. The hearing shall be limited to the record on appeal, as defined at 10.03.03 H of this Article, and shall consist of oral argument by the Administrator, party appealing the decision, and any intervenor(s), each of whom may be represented by legal counsel and/or by the party who served as their designated representative in the matter that is the subject of the appeal.
2. In addition to the record on appeal, the Land Use Hearing Officer and parties to the appeal may freely refer to the following:
 - a. Applicable portions of the Hillsborough County Comprehensive Plan, the Hillsborough County Land Development Code, and any other duly adopted Hillsborough County ordinance, rule or resolution.
 - b. Any state or federal statute, rule, or decision.

G. Authority of Land Use Appeals Board

The Land Use Appeals Board shall review the record on appeal and hear argument from parties who have standing to appeal or intervene in an appeal. The Land Use Appeals Board shall have the authority to either uphold the Land Use Hearing Officer's decision remand the case back to the Land Use Hearing Officer, or overturn the Land Use Hearing Officer's decision pursuant to 10.05.02.G.2.

1. If the Land Use Appeals Board remands a case back to the Land Use Hearing Officer, the Land Use Appeals Board shall specify the reason for the remand and specify the issues for the Land Use Hearing Officer to address. Notice for remanded hearings before the Land Use Hearing Officer shall be in accordance with 10.03.02.D.2.d.
2. The Land Use Appeals Board may overturn the decision of the Land Use Hearing Officer only if the all following criteria have been met:
 - a. The case has been remanded one time by the Land Use Appeals Board to the Land Use Hearing Officer; and
 - b. Based upon the record on appeal, if the Land Use Appeals Board finds that one or more of the official findings of fact and the conclusions of law as found in the decision of the Land Use Hearing Officer is unsupported by competent and substantial evidence in the record or if the essential requirements of the law have not been followed; and
 - c. A supermajority of five (5) Land Use Appeals Board members vote to overturn the Decision of the Land Use Hearing Officer.
3. If the Land Use Appeals Board overturns the Decision of the Land Use Hearing Officer, the Land Use Appeals Board must make findings of fact and conclusions of law. The Land Use Appeals Board may accept, reject or modify the Land Use

Hearing Officer's findings of fact and conclusions of law in making the final decision. In addition, the Land Use Appeals Board may impose reasonable conditions on the permit request, if granting the request.

H. Finality of Decision

The decision of the Land Use Appeals Board shall be rendered at the conclusion of the hearing but shall be reduced to writing. Final decisions of the Land Use Appeals Board may be challenged by any persons with standing under state law, in whatever way authorized by state law.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 98-43, § 2, 7-17-98; Ord. No. 00-38, § 2, 11-2-00; Ord. No. 01-26, § 2, 9-12-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 05-22, § 2, 11-17-05; Ord. No. 06-34, § 2(Exh. A), 11-2-06; Ord. No. 15-32, § 2(Exh. A) (15-1270), 12-8-15, eff. 12-14-15; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

PART 10.06.00 PERSONAL APPEARANCE (PRS)

Sec. 10.06.01. General-Noticed Personal Appearance

The Noticed Personal Appearance process provides a procedural framework for consideration and decision by the BOCC on various types of applications/issues that require public notice, but do not require hearing officer review. Examples of these items are minor modifications to planned developments and DRI notice of proposed changes.

(Ord. No. 07-18, § 2, 7-19-07, eff. 10-1-07)

Sec. 10.06.02. Notice of Public Hearing Before the Board of County Commissioners

- A. The Administrator shall set the matter for hearing before the Board of County Commissioners after the completed application has been filed in accordance with the published BOCC Land Use Meeting and Personal Appearance Application Schedule.
- B. In cases where zoning amendments are initiated by the County, public notice and hearings shall be in accordance with the provisions of Section 125.66(4), Florida Statutes, with appropriate modifications to indicate that the hearing is to be held by the Land Use Hearing Officer.
- C. In all other cases, upon establishment of a public hearing date, notice of the public hearing shall be given:
 - a. By the County Administrator posting a sign(s) no less than 30 calendar days prior to the hearing in a conspicuous place upon the property which is the subject of the application; and
 - b. The applicant shall mail notice no less than thirty (30) calendar days prior to the public hearing. Such notice shall be completed in the manner outlined in Section 10.03.02, Subsections E and F.

- D. Continuance(s) of the public hearing shall be permitted in accordance with the procedures and requirements set forth in Section 10.03.02, Subsections C, D, E and F, except that publication of a notice in a newspaper shall not be required. However, in no case shall the public hearing be continued to a hearing date that is more than six months after the originally scheduled hearing date. If a public hearing is not held on the application within the required time frame, the application shall be withdrawn from processing by the Zoning Administrator. The cancellation by the County of a public hearing date during the six-month period due to County closures during emergency events, shall cause the calculation of time for the public hearing deadline to be tolled for each application until the next scheduled public hearing date at which a public hearing takes place. The calculation of time for the six-month deadline for an application shall resume at the next public hearing that the application is scheduled. The hearing time frame shall not apply to an application that is associated with either an application to amend the Hillsborough County Comprehensive Plan, an application for a new Development of Regional Impact (DRI), or an application to amend an existing DRI. For any application that has been reopened or remanded for further hearing, the calculation of time for the six-month deadline shall start from the newly scheduled remanded/reopened hearing date for the application.

(Ord. No. 07-18, § 2, 7-19-07, eff. 10-1-07; Ord. No. 09-53, Item Q, 6-11-09, eff. 10-1-09; Ord. No. 20-17, § 2(Exh. A), 9-24-20, eff. 10-2-20; Ord. No. 21-41, § 2(Exh. A), 10-21-21, eff. 10-28-21)

Sec. 10.06.03. Public Hearing Before the BOCC

A. Staff Reports

A report shall be prepared by staff evaluating the application. Said report shall be prepared in sufficient time to be made available to the public in accordance with the PRS schedule adopted by the administrator.

B. Participants

The participants before the BOCC shall be the applicant, County agencies, proponents, and opponents, inclusive of the public and witnesses with relevant testimony. The proponent shall be defined as a participant in favor of the application, exclusive of the applicant; whereas, the opponent shall be defined as a participant against the application. Both definitions are inclusive of the public and any other parties of record.

C. Order of Presentation

The order of appearance and total time allotments shall be as follows:

1. Administrator; summary of the application, County staff and department findings: five minutes;
2. Applicant and witnesses; proposal: 15 minutes;
3. Proponents; argument for the application: 15 minutes;

4. Opponents; argument against the application: 15 minutes;
5. Staff; amended recommendations, if any: five minutes;
6. Applicant; rebuttal and summation: five minutes.

For good cause shown, the BOCC may grant additional time.

D. Nature of Hearings

To the maximum extent practicable, the hearings shall be informal. Questioning shall be confined as closely as possible to the scope of direct testimony. Members of the BOCC may call and question witnesses as deemed necessary and appropriate.

E. Evidence

Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any part of the evidence may be received in written form, and all testimony shall be under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in itself, to support a finding by the BOCC unless it would be admissible over objections in a civil action.

(Ord. No. 07-18, § 2, 7-19-07, eff. 10-1-07)

enlarged upon, expanded, intensified or extended, nor be used as grounds for adding other structures or uses otherwise prohibited by the Code, except as provided herein.

2. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved. Such nonconforming uses shall not be intensified, enlarged or expanded unless specifically authorized herein.

B. Rights to Run With Land

All rights and obligations associated with nonconformities as defined herein shall run with the land and are not personal to the present ownership or tenant of the land, and are not affected by a change in ownership or tenancy.

C. Vested and Previously Approved Projects

The provisions of this Code and any future amendments thereto shall not be deemed to require a change in the plans, construction or designated use of structures and/or land for valid, effective and lawful permits issued prior to the effective date of this Code provided:

1. The development authorized by the permit has commenced prior to the effective date of this Code, or any future amendment thereto, as applicable or will commence after the effective date of this Code but prior to the permit's expiration or termination; and,
2. The development continues without interruption in good faith until development is complete. In the event a lawfully issued permit expires, any further development shall conform to this Code, or any future amendments thereto, as applicable.

D. Certain Lots and Uses Not To Be Considered Nonconforming

Any development that was authorized and permitted as a By Right Use, Conditional Use, Limited Use Specified Use or Special Use under previous Hillsborough County Land Development Regulations, and is not presently a prohibited use of the zoning district in which it is located under Section 2.02.02 of this Code as amended, shall be deemed a conforming use. This determination shall be made through a nonconforming use review requested by the property owner. Any enlargement, replacement or modification of such use shall be in accordance with the requirements of this Code as if the use were new.

1. For zoning purposes, a lot which meets zoning dimensional area requirements but is made nonconforming by the November 18, 1999 LDC adoption of the Minimum Lot Sizes by Available Utilities regulation (Section 6.01.06) shall be considered a conforming lot.
2. Notwithstanding the above, golf courses and clubhouses, as defined by this Code, that were a permitted use of their property's standard zoning classification and in operation on the effective date of May 25, 2022, and were lawfully established prior to that date, shall be deemed a conforming use without need for a

nonconforming use review. Additionally, enlargement, replacement or modification of the golf course or clubhouse shall be allowed without need for rezoning to Planned Development, provided no additional land area is involved.

E. Basis for Decision

The determination of the Administrator shall be based on clear, substantial and convincing evidence regarding the nature, extent and date of establishment of the nonconformity. Such evidence may include but is not limited to deeds, property assessor records, permits, plan approvals, utility bills, aerial photographs, tax bills, vested rights determinations and other similar evidence. In the absence of such evidence, the Administrator may at his discretion rely upon affidavits from a property owner, adjoining property owners and other competent parties as the basis of determination.

F. Interim Agricultural Uses

Notwithstanding the provisions of this Part, interim passive agricultural uses, as defined by this Code, shall be allowed prior to the development, site construction plan approval and/or final subdivision plat approval of parcels, or portions thereof, in standard zoning districts that prohibit agricultural uses, provided:

1. The parcel was agriculturally zoned at the time of rezoning to its present district, or was part of a Planned Development where interim passive agricultural uses were permitted by condition of approval or under the provisions of Section 5.03.07.1.d of this Code; and,
2. The agricultural activity will not impede development of other properties in a preliminary unified development plan or preliminary plat to which the parcel is part.

The absence of agricultural activities on the parcel when it was agriculturally zoned or, if such activities were present on the parcel at that time, subsequent cessation of the agricultural use after rezoning to another district, shall have no bearing on the applicability of this provision.

Additionally, upon qualification for interim passive agricultural uses under this provision, the allowance for such uses shall run with the land irrespective of any subsequent zoning changes, including rezoning to a Planned Development district, unless expressly prohibited by condition or restriction imposed by the zoning change, and provided that passive agricultural uses were permitted on the property under its zoning, or through this provision, on November 1, 2012.

(Ord. No. 01-30, § 2, 11-15-01; Ord. No. 09-62, Item O, 10-26-09, eff. 2-1-2010; Ord. No. 10-26, § 2, Exh. A(10-0770), eff. 2-11-11; Ord. No. 12-24, § 2(Exh. A)(Item IV.C)(12-0681), 10-25-12, eff. 11-1-12; Ord. No. 16-21, (Exh. A)(Item I-02)(16-1070), 10-11-16, eff. 10-18-16; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

Sec. 11.03.02. Classification of Nonconformities**A. Generally**

For purposes of this Code and of this division, nonconformities are classified as follows.

B. Nonconforming Lots

Nonconforming lots to include lots, tracts or parcels which due to size, dimension or other characteristics do not comply with the provisions of this Code. However, per Section 11.03.01.D.1, certain lots not meeting current Minimum Lot Sizes by Available Utilities requirements (Section 6.01.06) are considered legally conforming.

C. Nonconforming Structures

Nonconforming structures to include dimensional nonconformities such as setbacks, height, lot coverage, floor area ratio and other similar standards.

D. Nonconforming Characteristics of Land

Nonconforming characteristics of land to include site development standards pertaining to paved off-street parking, access, stormwater management, landscaping, environmental standards and other similar standards. Unpaved areas, unless previously approved by Hillsborough County for parking, shall not be considered in the nonconforming characteristic of land determinations.

Historic District: An area of architectural, historical, cultural or archaeological significance to Hillsborough County, the State of Florida or the nation which meets the criteria for Landmark designation.

Historic Resource: Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, architectural interiors, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the County.

Historic Resources Inventory: A listing of Landmarks and Historic and Archaeological Resources within unincorporated Hillsborough County identified through a Historic Resources Survey, Cultural Resources Assessment Survey, or a similar survey following the guidelines established by the Florida Division of Historical Resources.

Historic Resources Review Board (HRRB): As set forth in the Laws of Florida Chapter 91-120, the Architectural Review Board of Hillsborough County, is an appointed Board, created by the Board of County Commissioners, for the purpose of protecting the historic and pre-historic resources of Unincorporated Hillsborough County. The Architectural Review Board shall be known as the Historic Resources Review Board, or HRRB.

Historic Structure: For the purposes of Part 3.06.00 Flood Damage Control Regulations, any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Historical Site: Any place, building, or district of historical, architectural or archaeological significance or value which has been officially listed in the National Register of Historic Places (NRHP); determined eligible or potentially eligible for listing in the NRHP by the Florida Division of Historical Resources; designated as a Landmark or listed in the Historic Resources Inventory by the County; or recommended for preservation or more work needed before a determination of significance can be made as per the Florida Division of Historical Resources.

Hobby Vehicle: Any vehicle, other than utility trailers and commercial, domestic and recreational vehicles as defined by this Code, which has been designed for, or modified for, personal hobbies such as track racing, mud bogging, off-road driving or other similar activities and which cannot be licensed for street operation.

Hog Farm: See Animal Production Units.

Holidays Recognized by Hillsborough County: General holidays shown on the published schedule of annual holidays for five-day work week employees of the Hillsborough County Board of County Commissioners.

Home-Based Business: Any activity conducted by a resident within a dwelling unit which results in a product or service for financial gain. A home-based business is an accessory use to the primary residential use of the parcel.

Hospital: An establishment that offers medical care more intensive than personal care services and offers facilities and beds for use beyond 24 hours for individuals requiring diagnosis, treatment or cure for mental and physical illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available at least clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. The term hospital shall include the buildings themselves and any accessory uses such as hospital maintenance and storage facilities, helistops for hospital emergency services, parking and emergency facilities, related teaching and training activities, accessory indoor auditoriums/conference rooms, accessory indoor minor retail, miscellaneous service, and personal service uses, and incidental publishing and printing of hospital related information. Hospitals do not include Congregate Living Facilities; Nursing, Convalescent, and Extended Care Facilities; or Professional Residential Facilities.

Hotel/Motel: A building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and providing additional services such as restaurants, meeting rooms and recreation facilities.

Housing for Older Persons: Housing provided under any State or Federal program that is determined by the Zoning Administrator to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or is intended for, and solely occupied by, persons 62 years of age or older; or is intended and operated for occupancy by at least one person 55 years of age or older per unit.

Hurricane Evacuation Clearance: The amount of time specified in the Hillsborough County Hurricane Evacuation Plan Implementation Guide produced by the Tampa Bay Regional Planning Council for the safe evacuation of hurricane vulnerable areas.

Hurricane Shelter Space: At a minimum, an area of 20 square feet per person located within a hurricane shelter.

Illegal Sign: A sign not lawfully erected in violation of Hillsborough County ordinances or regulations.

Yard Waste Air Curtain Incinerator: A low technology facility for the burning of yard trash and wood waste.

Yard Waste Transfer Facility: A facility where yard trash and wood waste from several relatively small vehicles is placed into a large vehicle before being transferred to a yard waste composting or disposal facility.

Zones of Contribution: As used in the context of this Code, that portion of the Floridan Aquifer which is located within 200 feet of a major public potable water supply well.

Zoning Compliance Permit: A permit issued by the Administrator authorizing the recipient to make use of property in accord with the requirements of this Code. This permit may either be a separate document or part of the normal permits associated with Certificates of Occupancy, Occupational License applications, requests for Building Permits, or the like.

Zoning District: Areas of land or water, whose boundaries are indicated on the Official Zoning Atlas, within which all properties are regulated by the general regulations of this Code and the specific regulations of the individual district.

Zoning Lot: A lot or combination of lots shown on an application for a Zoning Compliance Permit.

Zoo: A park or institution in which animals are enclosed and exhibited to the public. See Recreation Services.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 98-43, § 2, 7-17-98; Ord. No. 99-25, § 2, 11-18-99; Ord. No. 00-21, § 2, 5-18-00; Ord. No. 00-38, § 2, 11-2-00; Ord. No. 01-30, § 2, 11-15-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 03-36, § 2, 11-12-03; Ord. No. 04-27, § 2, 6-10-04; Ord. No. 04-30, § 2, 6-10-04; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 04-47, § 2, 11-9-04; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05; Ord. No. 05-22, § 2, 11-17-05; Ord. No. 06-18, § 2, 8-1-06; Ord. No. 06-24, § 2, 6-24-06; Ord. No. 06-34, § 2(Exh. A), 11-2-06; Ord. No. 07-18, § 2, 7-19-07, eff. 10-1-07; Ord. No. 07-24, § 2, 11-1-07; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 08-15, § 2, 6-12-08, eff. 10-1-08; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 09-53, Items C, D, I, K—O, R, U, V, 6-11-09, eff. 10-1-09; Ord. No. 09-62, Items C—G, I, L, N, 10-26-09, eff. 2-1-2010; Ord. No. 10-02, § 2(Exh. A), 2-12-10; Ord. No. 10-9, § 2, Item B(10-0171), Item C(10-0172), Item G(10-0176), Item J(10-0177), 5-27-10, eff. 10-1-10; Ord. No. 10-26, § 2, Exh. A(10-0725), (10-0743), eff. 2-11-11; Ord. No. 12-9, § 2(Exh. A), 5-24-12, eff. 10-1-12; Ord. No. 12-24, § 2(Exh. A), Item IV.C(12-0681), 10-25-12, eff. 11-1-12; Ord. No. 12-25, § 2(Exh. A), Item IV.B(12-0680), 10-25-12, eff. 2-1-13; Ord. No. 14-3, § 2(Exh. A), Item IV-B(13-0720), 1-30-14, eff. 2-6-14; Ord. No. 14-7, § 2(Exh. A), (14-0062), 2-20-14, eff. 2-27-14; Ord. No. 14-34, § 2(Exh. A), Item A-1(14-0856), 10-23-14, eff. 10-29-14; Ord. No. 15-15, § 2(Exh. A), Item A.5(15-0498), Item A.7(15-0502), 6-18-15, eff. 6-25-15; Ord. No. 17-28, § 2(Exh. A), 10-19-17, eff. 10-26-17; Ord. No. 19-23, § 2(Exh. A), Item A.2(19-1054), 10-24-19, eff. 10-30-19; Ord. No. 19-30, § 2(Exh. A), 12-19-19, eff. 12-20-19; Ord. No. 20-17, § 2(Exh. A), 9-24-20, eff. 10-2-20; Ord. No. 21-24, § 2(Exh. A), 6-16-21, eff. 6-22-21; Ord. No. 21-39, § 2(Exh. A), 10-14-21, eff. 10-22-21; Ord. No. 21-40, § 2(Exh. A), 10-14-21, eff. 10-22-21; Ord. No. 22-12, § 2(Exh. A), 5-19-22, eff. 5-25-22)

TABLE OF AMENDMENTS

Ordinance No.	Date	Section	Disposition
19-30	12-20-19	2(Exh. A)	Added 6.11.128 12.01.00 2.02.02
20-17	10- 2-20	2(Exh. A)	Added 6.11.02 A., E. Rnbd 6.11.02 F. as 6.11.02 F.—H. 2.02.02 12.01.00 4.02.03 C. Added 5.03.05 C. 6.04.03 Q.2.a, Q.3.a. Added 6.03.01 D. Added 6.11.13 B.1.c. Added 6.11.129 10.02.02 B.2. 10.03.02 C.2. Rnbd 10.06.02 1.—4. as 10.06.02 A.—D. 10.06.02 D.
21-18	5-27-21	2(Exh. A)	5.03.06 B.1. 5.03.07 C. 6.11.54 A.5.e. Rpld 6.11.54 A.6.b. Rnbd 6.11.54 A.6.c. as 6.11.54 A.6.b. 6.11.54 B.2. Added 6.11.54 B.3.f. 6.11.54 B.7.a. 6.11.54 C.2. 10.03.02 G. 10.03.04 C.—G.
21-24	6-22-21	2(Exh. A)	Rpld 3.06.01—3.06.03 Added 3.06.01—3.06.13 Rpld 9.01.03 9.03.03.B. Added 9.03.03.C. 12.01.00
21-39	10-22-21	2(Exh. A)	Rpld 5.04.01, 5.04.02 Added 5.04.01—5.04.04 Added 6.11.101.02 A.1.b. 6.11.101.02 B.1., B.3. Added 6.11.130— 6.11.135 12.01.00

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Ordinance No.	Date	Section	Disposition
21-40	10-14-21	2(Exh. A)	Added 3.23.00—3.23.15 Added 3.24.00—3.23.10 6.11.101.02 A.1.b. 6.11.101.02 B.1., B.3. 6.11.130— 6.11.135 12.01.00
21-41	10-21-21	2(Exh. A)	2.02.02 5.03.05 C.1., C.2. Added 5.03.05 C.3., C.4. Rnbd 5.03.05 C.3. as 5.03.05 C.5. Added 5.03.05 C.6. Added 6.03.15 6.06.06 C.8. 6.11.11 C.1.e., g., i., j., m.(4), E.5.c. 6.11.48 Rpld 6.11.48.01— 6.11.48.05 Rpld 6.11.49 10.02.02 B.2. 10.03.02 C.2. 10.06.02 D.
22-12	5-25-22	2(Exh. A)	2.02.02 6.11.05 B., D. Added 6.11.05 E.—G. 6.11.24 6.11.39 D.1., E. Added 6.11.52 H. 10.05.01 D.1. 10.05.02 F.1. Added 11.03.01 D.2. 12.01.00
22-13	6-15-22	2(Exh. A)	Added Pt. 3.25.00, 3.25.01—3.25.07

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