

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

Sec. 4.02.02. Required Determinations for Potable Water, Sanitary Sewer, Solid Waste, Stormwater, Parks and Schools

A. Potable Water Facilities.

For the purpose of issuing Development Orders, the level of service standard for potable water treatment facilities shall be that level set in the Hillsborough Comprehensive Plan. For purposes of this ordinance, the terms "Urban Service Area" and "Rural Area" shall be construed as defined and delineated by the Future of Hillsborough Comprehensive Plan: Future Land Use Element at the time of application for any development approval under this ordinance.

For the purposes of this Section, any parcels of record as of July 26, 1989 identified by a single tax folio number that are split by the Urban Service Area (USA) line shall be considered within the USA in its entirety if one or more of the following criteria are met:

- a. The parcel is part of a platted subdivision of record as of July 26, 1989 with 50 percent or more of the lots within the USA;
- b. The Parcel is 100 acres or greater in size with at least 50 percent of the parcel within the USA. For parcels less than 100 acres, at least 25 percent of the parcel is within the USA; and/or
- c. The portion of the property that is outside the USA is water or conservation area.

If none of these criteria are met, the property will be considered to be part of the Rural Area.

Within the "Urban Service Area" the adopted potable water "level of service" for all development shall include the following:

1. Connection to a public-owned and operated potable water facility or system; and
2. The availability of adequate potable water to supply the demand created by the development.

Connection to individual water supply wells and/or privately-owned potable water facilities or systems shall not be construed to constitute adequate potable water facilities for development within the "Urban Service Area" except as may be otherwise permitted by this Code.

Within the "Rural Area" as defined and delineated by the Future Land Use Element of the Future of Hillsborough Comprehensive Plan, the adopted potable water "level of service" for all development shall include the following:

1. An individual private well meeting the requirements of the Health Department; or
2. Connection to a public or private water distribution system otherwise meeting the requirements of this Code and the "Public Utility Connections Regulations" (Ordinance 92-11 as amended).
 - a. Connection to Existing Utility Lines in Rural Area.

Connection to an existing utility line in the Rural Area shall be limited to:

1. ~~An existing line single service~~ connection as defined by this Code.
2. ~~Existing line Single service~~ connections shall only be allowed where the County's line is located in a road right-of-way or easement adjacent to the property requesting service and no line extension is required.

[Connection to an existing water utility line in the Rural Service Area shall meet the following criteria:](#)

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

1. The new utility infrastructure shall be sized only to serve the new development and shall be the minimum size per the technical manual standards;
2. The connection must be made to existing adjacent lines; connections to these lines shall not require any improvements to the County's existing infrastructure;
3. Connections to Limited Access Transmission Mains are prohibited;

Such connections shall be subject to approval by Hillsborough County Water Department. Any exceptions to the above limitations shall be subject to review and approval by the Board of County Commissioners.

b. Extension of Utility Lines into the Rural Area.

Notwithstanding the above, the extension of utility lines into the Rural Area shall be permitted:

1. As an option in order to provide service to existing development where there is a documented and existing health or environmental situation that can best be addressed by replacing private utility service with public utility service. Such extensions shall be subject to review and approval by the Hillsborough County Water Department.
2. To address an existing adverse environmental condition attributable to septic or private, franchise or interim infrastructure/facilities as documented by a regulatory agency.
3. To prevent septic tank clustering in environmentally sensitive areas, and/or areas prone to flooding. In order to qualify for this extension, a parcel shall meet all of the following criteria:
 - a. Located within a quarter mile of the Urban Service Area.
 - b. 20 acres or larger in size.
 - c. Designated a Future Land Use category of 1 du/acre or greater density.
 - d. Contain wetlands and/or be located within the A or AE flood zone.
 - e. Adequate public utility capacity is available to serve the site.
4. Approval of such infrastructure extensions shall be supported by an affirmative recommendation of the Hillsborough County Health Department, Environmental Protection Commission, Florida Department of Environmental Protection, United States Environmental Protection Agency or other public agency involved in regulation of potable water supply, sanitary wastewater treatment and disposal or public health activities.

Utility line extensions into the Rural Area shall be sized to provide the service intended and not oversized to support future new development. Any exceptions to the above limitations shall be subject to review and approval by the Board of County Commissioners.

Furthermore, these provisions shall not be used as a basis for a rezoning to allow uses or lot sizes that require public utility connections but would be incompatible with the surrounding development pattern or inconsistent with other Rural Area policies as established by the Comprehensive Plan.

Exceptions to the extension criteria set forth above and by the Hillsborough County Comprehensive Plan Policy 4.3.1 may be considered in limited cases of overriding public interest and subject to review and approval by the Board of County Commissioners and shall be in accordance with factors as outlined in Policy 4.3.2 of the Comprehensive Plan.

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

B. Required Determinations Potable Water Facilities.

1. Potable water facilities to be provided by the County, sufficient to provide capacity necessary to ensure the adopted level of service will be maintained after the impact of the proposed Development occurs, must be available prior to the time required by the Hillsborough Comprehensive Plan.
2. If potable water facilities, including package systems, water distribution systems and oversized facilities, to be provided by the applicant are not available prior to the time required by the Hillsborough Comprehensive Plan, any Development Order shall be conditioned as provided in subsection 3 below.
3. Development Orders may be issued subject to the provision of potable water facilities by the applicant at the applicant's own expense provided that:
 - a. The issuance of any Building Permit or other final local Development Order is conditioned upon the completion of such facilities prior to the time required by the Hillsborough Comprehensive Plan; or
 - b. Prior to the issuance of a Building Permit or other Final Development Order the County and the applicant enter into an enforceable Development Agreement.

C. Sanitary Sewerage Facilities.

For the purpose of issuing Development Orders, the level of service standard for sanitary sewerage treatment facilities shall be that set in the Hillsborough Comprehensive Plan. For purposes of this ordinance, the terms "Urban Service Area" and "Rural Area" shall be construed as defined and delineated by the Future of Hillsborough Comprehensive Plan: Future Land Use Element at the time of application for any development approval under this ordinance.

For the purposes of this Section, any parcels of record as of July 26, 1989 identified by a single tax folio number that are split by the Urban Service Area (USA) line shall be considered within the USA in it's entirety if one or more of the following criteria are met:

- a. The parcel is part of a platted subdivision of record as of July 26, 1989 with 50 percent or more of the lots within the USA;
- b. The Parcel is 100 acres or greater in size with at least 50 percent of the parcel within the USA. For parcels less than 100 acres, at least 25 percent of the parcel is within the USA; and/or
- c. The portion of the property that is outside the USA is water or conservation area.

If none of these criteria are met, the property will be considered to be part of the Rural Area.

Within the "Urban Service Area," the adopted sanitary sewer "level of service" for all development shall include the following:

1. Connection to a publicly-owned and operated wastewater facility or system; and
2. The availability of adequate plant capacity to supply the demand created by the development.

Connection to individual sewage disposal faculty and/or privately-owned wastewater collection and disposal facilities or systems shall not be construed to constitute adequate sanitary sewer water faculties for development within the "Urban Service Area" except as may be otherwise permitted by this Code.

Within the "Rural Area" as defined and delineated by the Future Land Use Element of the Future of Hillsborough Comprehensive Plan, the adopted sanitary sewer "level of service" for all development shall include the following:

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

1. An individual sewage disposal facility meeting the requirements of the Health Department; or
2. Connection to a public or private wastewater collection and disposal system otherwise meeting the requirements of this Code and the Public Utility Connections Regulations (Ordinance 92-11 as amended).

a. Connection to Existing Utility Lines in Rural Area.

Connection to an existing utility line in the Rural Area shall be limited to:

1. An existing line single service connection as defined by this Code.
2. Existing line Single service connections shall only be allowed where the County's line is located in a road right-of-way or easement adjacent to the property requesting service and no line extension is required.

Connection to an existing wastewater utility line in the Rural Service Area shall meet the following criteria:

1. The new utility infrastructure shall be sized only to serve the new development and shall be the minimum size per the technical manual standards;
2. The connection must be made to existing adjacent lines; connections to these lines shall not require any improvements to the County's existing infrastructure;

Such connections shall be subject to approval by Hillsborough County Water Department. Any exceptions to the above limitations shall be subject to review and approval by the Board of County Commissioners.

b. Extension of Utility Lines into the Rural Area.

Notwithstanding the above, the extension of utility lines into the Rural Area shall be permitted:

1. As an option in order to provide service to existing development where there is a documented health or existing environmental situation that can best be addressed by replacing a privately owned sanitary sewage facility with public utility service. Such extensions shall be subject to review and approval by the Hillsborough County Water Department.
2. To address an existing adverse environmental condition attributable to septic or private, franchise or interim infrastructure/facilities as documented by a regulatory agency.
3. To prevent septic tank clustering in environmentally sensitive areas, and/or areas prone to flooding. In order to qualify for this extension, a parcel shall meet all of the following criteria:
 - f. Located within a quarter mile of the Urban Service Area,
 - g. 20 acres or larger in size,
 - h. Designated a Future Land Use category of 1 du/acre or greater density,
 - i. Contain wetlands and/or be located within the A or AE flood zone,
 - j. Adequate public utility capacity is available to serve the site.

4. Approval of such infrastructure extensions shall be supported by an affirmative recommendation of the Hillsborough County Health Department, Environmental Protection Commission, Florida Department of Environmental Protection, United States

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

Environmental Protection Agency or other public agency involved in regulation of potable water supply, sanitary wastewater treatment and disposal or public health activities. Furthermore, these provisions shall not be used as a basis for a rezoning to allow uses or lot sizes that require public utility connections but would be incompatible with the surrounding development pattern or inconsistent with other Rural Area policies as established by the Comprehensive Plan.

Exceptions to the extension criteria set forth above and by the Hillsborough County Comprehensive Plan Policy 4.3.1 may be considered in limited cases of overriding public interest and subject to review and approval by the Board of County Commissioners and shall be in accordance with factors as outlined in Policy 4.3.2 of the Comprehensive Plan.

Utility line extensions into the Rural Area shall be sized to provide the service intended and not oversized to support future new development. Any exceptions to the above limitations shall be subject to review and approval by the Board of County Commissioners.

D. Required Determinations Sanitary Sewerage Facilities.

1. Sanitary sewerage facilities to be provided by the County, sufficient to provide capacity necessary to ensure the adopted level of service will be maintained after the impact of the proposed Development occurs, must be available prior to the time required by the Hillsborough Comprehensive Plan.
2. If sanitary sewerage facilities, including package systems, septic tanks, wastewater disposal systems, and oversized facilities, to be provided by the applicant are not available, prior to the time required by the Hillsborough Comprehensive Plan, any Development Order shall be conditioned as provided in subsection 3 below.
3. Development Orders may be issued subject to the provision of sanitary sewerage facilities by the applicant at the applicant's own expense provided that:
 - a. The Building Permit or other final local Development Order is conditioned upon the completion of such facilities prior to the time required by the Hillsborough Comprehensive Plan; or
 - b. Prior to the issuance of a Building Permit or other Final Development Order the County and the applicant enter into an enforceable Development Agreement.

E. Solid Waste Facilities.

For the purpose of issuing Development Orders, the level of service standard for solid waste facilities shall be that level set in the Hillsborough Comprehensive Plan.

F. Required Determinations Solid Waste Facilities.

Solid waste facilities, sufficient to provide capacity necessary to ensure the adopted level of service will be maintained after the impact of the proposed Development occurs, must be available prior to the time required by the Hillsborough Comprehensive Plan.

G. Stormwater Management Facilities.

For the purpose of issuing Development Orders, the level of service standard for stormwater management facilities shall be that level set in the Hillsborough Comprehensive Plan.

H. Required Determinations Stormwater Management Facilities.

1. The stormwater management facilities to be provided by the County sufficient to provide capacity necessary to ensure the adopted level of service will be maintained after the impact of the proposed Development occurs, must be available prior to the time required by the Hillsborough Comprehensive Plan.

LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

2. At a minimum, available shall mean, the facilities are in the County Capital Improvements Element for the period set in the Hillsborough Comprehensive Plan and that it is reasonably anticipated that the necessary improvements will be available prior to the time required by the Hillsborough Comprehensive Plan.
 3. Stormwater management facilities to be provided by the applicant shall be sufficient to accommodate all of the impacts of the proposed Development. If stormwater management facilities to be provided by the applicant are not available, any Development Order shall be conditioned as provided in subsection 4 below.
 4. Development Orders may be issued subject to the provision of stormwater management facilities by the applicant at the applicant's own expense provided that:
 - a. The issuance of any Building Permit or other final local Development Order is conditioned upon the completion of such facilities prior to the time required by the Hillsborough Comprehensive Plan; or
 - b. Prior to the issuance of a Building Permit or other Final Development Order the County and the applicant enter into an enforceable Development Agreement.
- I. Parks. For the purpose of issuing Development Orders, the level of service standard for parks (land only) shall be as listed in the Hillsborough Comprehensive Plan. These standards shall be applicable for residential projects only.
- J. Required Determinations Parks.
1. For the purpose of issuing Development Orders, parkland to be provided by the County, sufficient to provide capacity necessary to ensure the adopted level of service will be maintained after the impact of the proposed Development occurs must be available prior to the time required by the Hillsborough Comprehensive Plan.
 2. At a minimum, available shall mean the park land shall be in the County Capital Improvements Element for the period set in the Hillsborough Comprehensive Plan, and that it is reasonably anticipated that park land acquisition will occur prior to the time required by the Hillsborough Comprehensive Plan.
 3. Park land to be provided by the applicant shall be sufficient to accommodate all of the impacts of the proposed Development. If the park lands to be provided by the applicant are not available, any Development Order shall be conditioned as provided in subsection 4 below.
 4. Development Orders may be issued subject to the provision of park land by the applicant at the applicant's own expense provided that:
 - a. The issuance of any Building Permit or other final local Development Order is conditioned upon the dedication of such parklands prior to the time required by the Hillsborough Comprehensive Plan; or
 - b. Prior to the issuance of a Building Permit or other Final Development Order the County and the applicant enter into an enforceable Development Agreement.
- K. Public School Facilities. For the purpose of issuing Development Orders, the level of service standards applicable to public school facilities shall be as set forth in the Hillsborough County Comprehensive Plan Capital Improvements Element and the Interlocal Agreement for School Facilities Planning, Siting, and Concurrency (Interlocal Agreement) and shall be applied consistently by the County and the School Board district-wide to all schools of the same type.

(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. 01-30, § 2, 11-15-01; Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-10, § 2(Exh. A), 7-10-08; Ord. No. 08-15, § 2, 6-12-08, eff. 10-1-08;


LAND DEVELOPMENT CODE AMENDMENT
LDC 24-0221
RURAL AERAS UTILITIES – CONNECTIONS AND EXPANSIONS

Ord. No. 09-62, Item H, 10-26-09, eff. 2-1-10; Ord. No. 15-32, § 2(Exh. A) (15-1268), 12-8-15, eff. 12-14-15; Ord. No. 16-13, § 2(Exh. A), 6-16-16, eff. 7-30-16)

Editor's note(s)—Ord. No. 16-13, § 2(Exh. A), adopted June 16, 2016, effective July 30, 2016, repealed § 4.02.02 and renumbered §§ 4.02.03—4.02.06 as 4.02.02—4.02.05 as set out herein. The former § 4.02.02 pertained to adequate public facilities standards/transportation level of service (LOS) standard and derived from Ord. No. 01-30, § 2, adopted Nov. 15, 2001; and Ord. No. 08-10, § 2(Exh. A), adopted July 10, 2008.

PART 12.01.00 – DEFINITIONS

~~Single Service Existing Line~~ Connection: A water or wastewater connection for a property adjacent to a County road right-of-way or easement in which a utility line exists and requires no extension of such line or other improvements to the existing County infrastructure beyond what is necessary for such connection to be made. ~~A single service connection shall include no more than one meter for one property.~~

LDC 24-0221	Division Director Sign-off	 J. Brian Grady Fri Dec 8 2023 10:57:06
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