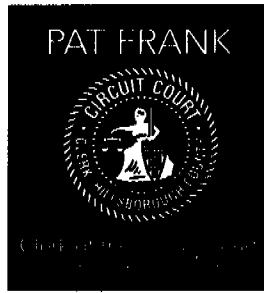


ORDINANCE

06-35



November 15, 2006

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

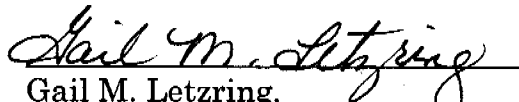
Re: Ordinance #06-35
Amending Ordinance 92-5 as Amended, The Land Development Code
Relating to Proportionate Fair-Share Program

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #06-35 which was adopted by the Board of County Commissioners on November 2, 2006. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of December 1, 2006.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

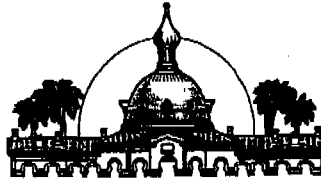
Sincerely,


Gail M. Letzring,
Manager, BOCC Records

bam

Attachments Certified Mail # 7002 2410 0001 4265 4875

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)
Ellen Leonard, Legal Advisor, Sheriff's Office
Librarian, State Attorney's Office
Sandra Davidson, County Attorney's Office
Cameron Clark, Assistant County Attorney
Ronnie Blackshear, Planning and Growth Management



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

Brian Blair
Kathy Castor
Ken Hagan
Jim Norman
Thomas Scott
Mark Sharpe
Ronda Storms

Deputy County Administrator
Wally Hill

Assistant County Administrators
Kenneth C. Griffin
Carl S. Harness
Manus J. O' Donnell

AGENDA

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS
SECOND PUBLIC HEARING
2006 ROUND 2

THURSDAY, NOVEMBER 2, 2006
6:00 PM

- I. Call to Order Jim Norman, Chairman
- II. Introduction Patricia G. Bean, County Administrator
- III. Presentation of Amendments Joe Moreda, AICP, Manager

* The Land Development Code (LDC) text amendment packet contains the Board of County Commissioners Recap of the September 27 workshop, October 19 first public hearing, Planning Commission letter and resolution regarding consistency of text amendments with the Comprehensive Plan, and backup material and draft LDC text for each proposal.

- A. LDC 06-1823 Clarify that structures which do not meet the definition of a dwelling cannot be utilized for living or sleeping purposes
- B. LDC 06-1825 Amend the Table of Allowable Uses to indicate that farm worker housing is a conditional use in certain zoning districts
- C. LDC 06-1421 Codify current document submittal procedures regarding LUAB appeals
- D. LDC 06-0939 Clarify the process to appeal an administrative decision
- E. LDC 06-1828 Add and clarify uses allowed within zoning districts to the Table of Allowable Uses matrix

H:\Groups\Plans\RONNIEBALDC 2006 - Round 2\BoCC 2nd public hearing adoption AGENDA_2006-Round 2.doc

- Blair/Storms moved to continue to next round*
- F. LDC 06-1829 Specify that adjacent property occupied by a nonconforming use is to be considered vacant for the purposes of buffering *6/0
Scott absent*
- G. LDC 06-1830 Clarify application of setback requirements to building steps
- H. LDC 06-1831 Clarify that commercial vehicles parked on agriculturally zoned properties must be operated by the property resident & one cannot request a variance to park two/more commercial vehicles
- I. LDC 06-1918 Clarify the required setbacks for mechanical equipment serving swimming pools
- J. LDC 06-2085 **BOCC Directed**: Revision to the accessory dwelling standards
- K. LDC 06-1390 Correct a citation that refers to a repealed Florida Administrative Code section
- L. LDC 06-1427 Establish and implement the Ruskin Community Plan regulations
- M. LDC 06-1404 Establish and implement the Thonotosassa Main Street Plan regulations
- N. LDC 06-2107 Establish the Proportionate Fair Share regulations
- IV. Adoption of ordinance and announcement of effective date Adam Gormly,
County Attorney's Office
- V. Adjourn Jim Norman, Chairman

**Sharpe/Blair*
6/0
Scott absent

06-34

- Adopt ordinance w/ effective date of 2/1/07 for Amendments A-AA excluding Item F which was continued to the next round.

**Sharpe/Blair*
6/0
Scott absent

06-35

- Adopt ordinance for Item N, LDC 06-2107, w/ effective date of 12/1/06

ORDINANCE NO. 06-35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 4, NATURAL RESOURCES AND ADEQUATE PUBLIC FACILITIES, RELATING TO PROPORTIONATE FAIR-SHARE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content, and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on October 9, 2006 regarding the proposed amendment to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendment to the Land Development Code on October 19, 2006, and on November 2, 2006, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 2nd DAY OF NOVEMBER, 2006:

Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215 Florida Statutes, as amended.

Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.

Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

Section 4. This Ordinance shall take effect on December 1, 2006.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on November 2, 2006, as the same appears of record in Minute Book 366 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of November, 2006.

PAT FRANK, CLERK OF CIRCUIT COURT

By: Beverly Anne Miller
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: [Signature]

Approved as to Form and Legal Sufficiency.

EXHIBIT “A”

Sec. 4.02.07. Proportionate Fair –Share Program

A. Purpose and Intent

The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Section 163.3180(16), Florida Statutes.

B. Applicability

The Proportionate Fair-Share Program shall apply to all developments in County that have been notified of a lack of capacity to satisfy the transportation adequate public facilities requirements of this Part (transportation concurrency) on a transportation facility addressed by these adequate public facilities regulations, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for transportation concurrency determinations, pursuant to the requirements of section C. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in this Part.

C. General Requirements

- (1) An applicant may choose to satisfy transportation concurrency requirements by making a proportionate fair-share contribution toward a transportation improvement , pursuant to the following requirements:*
 - (a) The proposed development is consistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County and applicable requirements of this Code.*
 - (b) The five-year schedule of capital improvements in the Capital Improvement Element of the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County (CIE) includes a transportation improvement that, upon completion will satisfy the transportation concurrency requirements of the County.*

The provisions of Subsection C. (2) or C.(3) may apply if a project or projects needed to satisfy transportation concurrency are not presently contained within the CIE.

(2) *The County, at its option, may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy transportation concurrency requirements , but is not contained in the 5-year schedule of capital improvements in the CIE, where the following apply:*

(a) *The County adopts, by resolution or ordinance, a commitment to add the improvement to the 5-year schedule of capital improvements in the CIE no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be determined by the Board of County Commissioners to be financially feasible as defined in Section 163.3164 (32) Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this Code.*

As provided in Section 163.3180 (16)(b)1., Florida Statutes, updates to the CIE which reflect proportionate fair share contributions shall not be found to not be financially feasible if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

(3) *If the funds allocated for the 5-year schedule of capital improvements in the CIE are insufficient to fully fund construction of a transportation improvement required by the transportation concurrency regulations, or the 5-year schedule of capital improvements in the CIE does not include a transportation improvement required for a proposed project to satisfy the requirements of transportation concurrency the County, at its option, may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements that will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The entire proportionate fair-share amount shall be allocated to transportation improvements that significantly benefit the impacted transportation system and/or are contained in the 5-year schedule of capital improvements in the CIE. To qualify for consideration under this section, the proposed improvement must be determined by the Board of County Commissioners to be financially feasible as defined in Section 163.3164 (32) Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this Code. Additionally, if the improvement funded by the proportionate-share component is not contained in the 5-year schedule of capital improvements in the CIE, the County shall adopt, by resolution or ordinance, a commitment to add the improvement to the 5-year schedule of capital improvements in the CIE no later than the next regularly scheduled update.*

An improvement that may be considered as one that will significantly benefit the impacted transportation system shall meet the following criteria:

- (a) The improvement is included in the current the current Metropolitan Planning Organization Transportation Improvement Program, or the current Metropolitan Planning Organization Long Range Transportation Plan Highway Needs Assessment, or the current Metropolitan Planning Organization Transit Bus Route Needs for Hillsborough County, or the current Hillsborough County Capital Project Request List for Transportation (a.k.a. Unfunded Transportation CIP), or the current HARTLine Transit Development Plan; and*
 - (b) The improvement lies within or eliminates transportation deficiencies within the development's Area of Influence as described in Section 4.02.03.D.2 of this Code; and*
 - (c) The improvement lies on a regulated road or eliminates deficiencies on a regulated road listed in the Transportation Element of the Hillsborough County Comprehensive Plan; and*
 - (d) The improvement provides new capacity equal to or greater than the new traffic generated by the proposed new development.*
- (4) Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the entity maintaining the facility, however, improvements on the state highway system shall meet the design standards of the Florida Department of Transportation (FDOT) regardless of the entity maintaining the facility.*

D. Intergovernmental Coordination

The County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities regulated by this Part for transportation concurrency but not under the jurisdiction of Hillsborough County

E. Application Process

- (1) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of section C.*

- (2) *Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS) or any other transportation facility under the jurisdiction of the FDOT or any other governmental body, agency or authority, then FDOT or such other governmental body, agency, or authority will be notified and invited to participate in the pre-application meeting.*
- (3) *Proposed proportionate fair-share contributions to facilities on the SIS or any other transportation facility under the jurisdiction of the FDOT or any other governmental body, agency or authority requires the concurrence of FDOT or such other governmental body, agency, or authority. The applicant shall submit evidence of an agreement between the applicant and the FDOT or other applicable governmental body, agency, or authority for inclusion in the proportionate fair-share agreement.*

F. Determining Proportionate Fair-Share Obligation

- (1) *Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.*
- (2) *A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.*
- (3) *The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes.*

OR

$$\text{Proportionate Fair Share} = \sum \left[\left[\frac{(\text{Development Trips}_i)}{(\text{SV Increase}_i)} \right] \times \text{Cost}_i \right]$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i", which is the roadway segment necessary for the development to satisfy the transportation concurrency requirements, or for projects utilizing the option under Section 4.02.07.C.(3) the roadway improvement that would provide the capacity needed for the development to satisfy the transportation concurrency requirements, , and have triggered a deficiency per the provisions of this Part;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i”, which is the roadway segment necessary for the development to satisfy the transportation concurrency requirements, or for projects utilizing the option under Section 4.02.07.C.(3) the roadway improvement that would provide the capacity needed for the development to satisfy the transportation concurrency requirements , per section C;

Cost_i = Adjusted cost of the improvement to segment “i”, which is the roadway segment necessary for the development to satisfy the transportation concurrency requirements, or for projects utilizing the option under Section 4.02.07.C.(3) the roadway improvement that would provide the capacity needed for the development to satisfy the transportation concurrency requirements. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred. In the event that an improvement extends beyond the limits of segment “i”, the entire cost of the improvement shall be averaged to determine a cost per unit of measurement that shall be used to determine the cost of the improvement to segment “i.”

(4) For the purposes of determining proportionate fair-share obligations, the County shall determine improvement costs based upon the best estimate of the actual cost of the improvement using the most current cost estimates as obtained from the Capital Improvements Element, the MPO Transportation Improvement Program, the FDOT Work Program or the Hillsborough County Project Information Management System (PIMS). Improvement costs shall be escalated to the proposed year of construction using the Method for Cost Escalation as provided in Section I unless the costs are already escalated to the actual year of construction within the aforementioned sources. Where such information is not available or at the County’s discretion when necessary to ascertain the best estimate of the actual cost, improvement cost shall be determined using the following method:

(a) The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on land acquisition, drainage, and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District. Improvement costs determined using this method shall be adjusted using the Method for Cost Escalation as provided in Section I.

- (5) *If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.*
- (6) *If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication by fair market value established by an independent appraisal approved by the County and at no expense to the County. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant is less than the County estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners should contact FDOT for essential information about compliance with federal law and regulations.*

G. Proportionate Fair-Share Agreements

- (1) *Upon execution of a proportionate fair-share agreement (Agreement) the applicant shall receive a certificate of capacity for transportation concurrency for the development covered by such agreement. The certificate of capacity shall be effective for the time periods specified in Section 4.02.05 C. of this Code. Should the certificate of capacity expire, then the Agreement shall be considered null and void, and the applicant shall be required to reapply. Upon payment of the proportional fair share contribution, as provided in Section G.(2), the certificate of capacity shall become permanent.*
- (2) *Payment of the proportionate fair-share contribution is due in full prior to issuance of any building permit or recording of the final plat and shall be nonrefundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section F. and adjusted accordingly.*
- (3) *All developer improvements authorized under this Code must be completed prior to issuance of a certificate of occupancy, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of certificates of occupancy.*

- (4) *Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.*
- (5) *Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.*
- (6) *Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County will be nonrefundable.*

H. Appropriation of Fair-Share Revenues

- (1) *Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County capital improvements element, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).*
- (2) *In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of subsection C.(3).*
- (3) *Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., then the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT Transportation Regional Incentive Program (TRIP). Such coordination shall be ratified by the County through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.*

I. Method For Cost Escalation

This Section contains a method to estimate growth in costs, through the computation of a three-year average of the actual cost growth rates. This will provide a growth rate that should be smoothed to avoid overcompensating for major fluctuations in costs that have occurred due to short term material shortages.

$$Cost_n = Cost_0 \times (1 + Cost_growth_{3yr})^n$$

Where:

- $Cost_n =$ The cost of the improvements and associated costs in year n ;
- $Cost_0 =$ The cost of the improvement and associated costs in the current year;
- $Cost_growth_{3yr} =$ The growth rate of costs over the last 3 years using the FDOT District 7 rates;
- $n =$ The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

$$Cost_growth_{3yr} = [Cost_growth_{.1} + Cost_growth_{.2} + Cost_growth_{.3}]/3$$

Where:

- $Cost_growth_{3yr} =$ The growth rate of costs over the last 3 years;
- $Cost_growth_{.1} =$ The growth rate of costs in the previous year;
- $Cost_growth_{.2} =$ The growth rate of costs two years prior;
- $Cost_growth_{.3} =$ The growth rate of costs three years prior.

The growth rate shall be determined using the FDOT District 7 rates.



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

November 13, 2006

Gail M. Letzring, Manager-BOCC Records
Clerk of the Circuit Court
Hillsborough County
P.O. Box 1110, 12th Floor
Tampa, Florida 33601

Dear Ms. Letzring:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 9, 2006 and certified copies of Hillsborough County Ordinance Nos. 06-34 and 06-35, which were filed in this office on November 13, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dils.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700
850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX:
850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

RECEIVED
2006 NOV 15 PM 2:35

5443

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

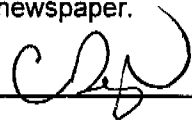
Metro IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of


10/26/2006

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.



Sworn to and subscribed by me, this 26 day
of October, A.D. 2006

Personally Known or Produced Identification
Type of Identification Produced _____





Ana Maria Hodel
Commission #DD551367
Expires: MAY 11, 2010
WWW.AARONNOTARY.com

RECEIVED BY
NOV - 1 2006
COUNTY ATTORNEYS OFFICE
ACCOUNTANT

SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE

5443

The Board of County Commissioners of Hillsborough County, Florida, proposes to adopt the following by ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS; RELATING TO TABLE OF ALLOWABLE USES IN ZONING DISTRICTS; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO PROHIBITED USE OPERATING PERMITS, CONDITIONS AND SAFEGUARDS FOR HYDROGEOLOGIC DATA AND ANALYSIS; RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; THONOTOSASSA MAIN STREET OVERLAY DISTRICT; AMENDING ARTICLE 4, NATURAL RESOURCES AND ADEQUATE PUBLIC FACILITIES, RELATING TO PROPORTIONATE FAIR-SHARE PROGRAM; AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO BUFFERING AND SCREENING REQUIREMENTS; LOTS- DIMENSIONAL, ACCESS AND RELATED; PARKING AND LOADING STANDARDS; SWIMMING POOLS; ACCESSORY DWELLING STANDARDS; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO APPEALS FROM ADMINISTRATOR TO LAND USE HEARING OFFICER; APPEALS FROM LAND USE HEARING OFFICER TO LAND USE APPEALS BOARD; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO ACCESSORY DWELLING, DWELLING UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The second public hearing will be held on Thursday, November 2, 2006, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.

The first accompanying map represents that portion of unincorporated Hillsborough County in which proposed amendment LDC 06-1427, which provides for Ruskin Town Center Development Regulations, will be effective if adopted.

The second accompanying map represents that portion of unincorporated Hillsborough County in which proposed amendment LDC 06-1404, which provides for a Thonotosassa Main Street Overlay District, will be effective if adopted.

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

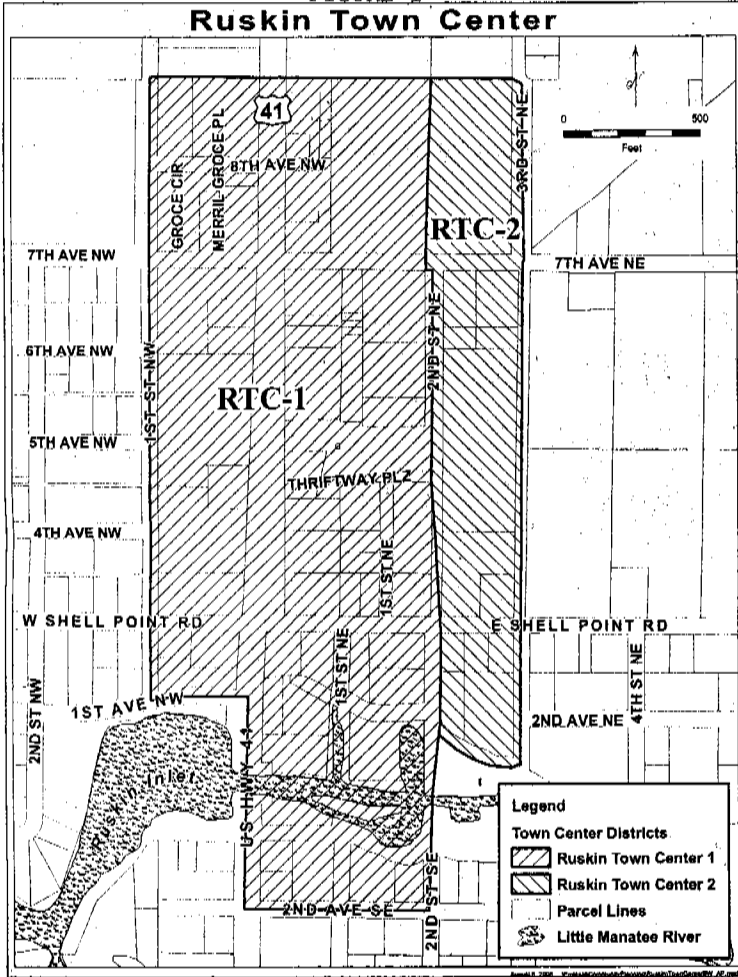
For copies of the proposed amendments and further information contact: The Hillsborough County Planning and Growth Management Department at (813) 276-2058.

the Tribune
Daily
County, Florida

Edward C. Pugh, who on oath says that
the Tampa Tribune, a daily newspaper
is published at Tampa in
Hillsborough County, Florida, each day and has been entered
in said Hillsborough County, Florida
publication of the attached copy of
neither paid nor promised any person,
newspaper.

Tampa Tribune

FIGURE 1



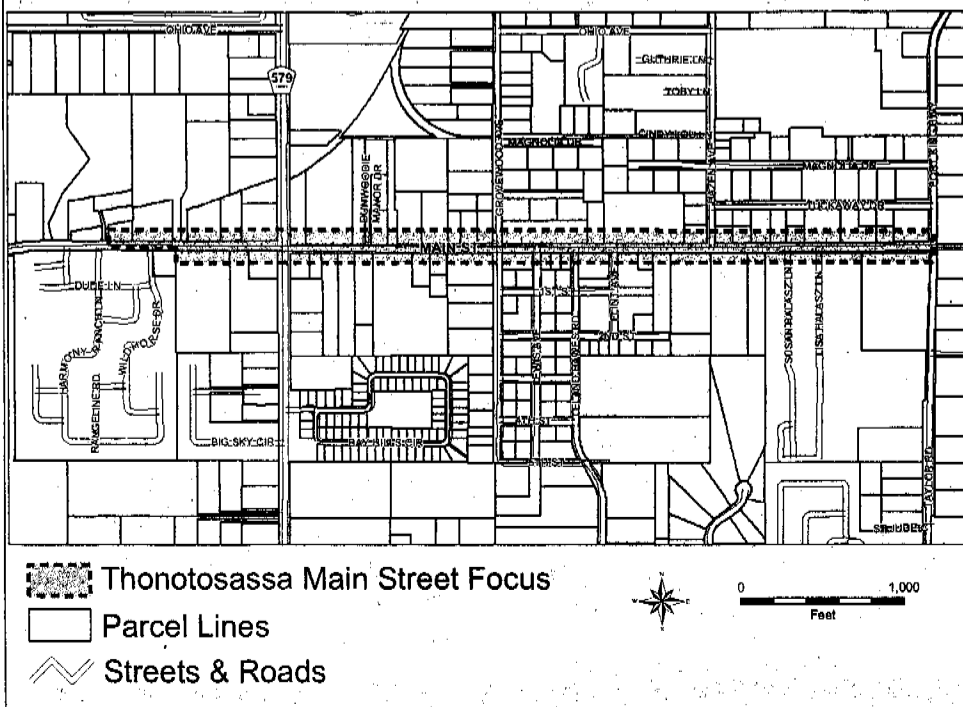
[Handwritten signature]



Ana Maria Hodel
Commission #DD551367
Expires: MAY 11, 2010
www.AARONNOTARY.com

RECEIVED BY
NOV - 1 2006
COUNTY ATTORNEYS OFFICE
ACCOUNTANT

THONOTOSASSA MAIN STREET OVERLAY DISTRICT





November 9, 2006

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance # 06-35
Amending Ordinance 92-5 as Amended, The Land Development Code
Relating to Proportionate Fair-Share Program

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #06-35, adopted by the Board of County Commissioners on November 2, 2006. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By: Beverly Anne Miller for
Gail M. Letzring,
Manager, BOCC Records

bam
Attachment
Federal Express AB # 8545 8087 4783

128

152

FedEx® **US Airbill**

EXPRESS

FedEx Tracking Number **8545 8087 4783**

1 From Please print and send here Sender's FedEx Account Number **1140-8846-3**

Date **11-9-06** **1140-8846-3**

Send Name **BOCC RECORDS PROCESSING** **CLERK CIRCUIT COURT 12TH FL** **601 EAST KENNEDY BLVD** **TAMPA FL 33602**

City **TAMPA** State **FL** ZIP **33602-3503**

2 Your Internal Billing Reference **130** **ORD# 06-34 and 06-35**

3 To Recipient's Name **LIZ CLOUD CHIEF**

Company **BUREAU OF ADMINISTRATIVE CODE**
DEPARTMENT OF STATE
500 S BRONOUGH ST RA GRAY BLDG
TALLAHASSEE FL 32399-0250

Recipient's Address **DUPLICATE/STAMP ROOM**

Address **To request a package be held at a specific FedEx location, print FedEx address here.**
City _____ State _____ ZIP _____

Try online shipping at fedex.com

By using this airbill, you agree to the service conditions on the back of this Airbill and to the current FedEx Service Guide, including terms that limit our liability. Questions? Go to our Web site at fedex.com or call 1.800.GoFedEx. 1.800.483.3338

0615
Sort 12
Sorters Copy

4a Express Package Service To add SATURDAY Delivery, see Section 5.
 FedEx Priority Overnight Next business morning.*
 FedEx Standard Overnight Next business afternoon.*
 FedEx First Overnight Mailbox to select insurance.**

FedEx 2Day Second business day.*
 FedEx Express Saver Third business day.*
*Declared value limit \$500.

4b Express Freight Service To add SATURDAY Delivery, see Section 5.
 FedEx 1Day Freight* Next business day.**
 FedEx 2Day Freight Second business day.*
 FedEx 3Day Freight Third business day.*

5 Packaging
 FedEx Envelope*
 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.
 FedEx Box
 FedEx Tube
 Other

6 Special Handling
 SATURDAY Delivery SATURDAY ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes. Does this shipment contain dangerous goods? One box must be checked:
 No
 Yes Shipper's Declaration
 Yes Shipper's Declaration
Dangerous goods including dry ice cannot be shipped in FedEx packaging.
 Dry Ice
 Cargo Aircraft Only

7 Payment Bill to: Sender Recipient Third Party Credit Card Cash/Check
Enter FedEx Acct. No. or Credit Card No. below.
FedEx Acct. No. _____
Credit Card No. _____

Total Packages _____ Total Weight _____ Total Declared Value* \$ _____
*Declared value limit \$500.

8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

No Signature Required
 Direct Signature
 Indirect Signature
519

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough) COUNTY ORDINANCE # (06 - 35)
(e.g., 00-001)

PRIMARY KEYFIELD
DESCRIPTOR: (Land Development Code Amendments)

SECONDARY KEYFIELD
DESCRIPTOR: (_____)

OTHER KEYFIELD
DESCRIPTOR: (_____)

ORDINANCE DESCRIPTION: (L.D.C. Amendments)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (92-5) AMENDMENT # 2: (_____)

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (_____) REPEAL # 3: (_____)

REPEAL # 2: (_____) REPEAL # 4: (_____)

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (_____)

KEYFIELD 1 CODE: (_____) KEYFIELD 2 CODE: (_____)

KEYFIELD 3 CODE: (_____) Rev. 4/10/01

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Brian Blair
Kathy Castor
Ken Hagan
Jim Norman
Thomas Scott
Mark Sharpe
Ronda Storms



Renée Francis Lee, County Attorney
Donald R. Odom, Deputy County Attorney

Managing Attorneys

Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To: Midge Dixon, Deputy Clerk, BOCC Records
From: Cameron S. Clark, Assistant County Attorney *CSC*
Date: November 6, 2006
Re: November 2 Land Development Code Amendment Public Hearing

Attached are two ordinances adopted by the Board of County Commissioners on November 2, 2006, adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. Also attached are two discs containing electronic copies of these amendments. The first ordinance, relating to the Proportionate Fair-Share Program, has an effective date of December 1, 2006; the effective date of the second ordinance is February 1, 2007. A certified copy of the ordinance must be transmitted to the Department of State within ten days of November 2, 2006.

An additional hard copy of the amendments and disks containing the amendments for transmittal to Municipal Code Corp. are also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc: Adam J. Gormly, Managing Attorney
Ronnie Blackshear, Planning & Growth Management Department

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 · Tampa, Florida 33601
(813) 272-5670

Fax: (813) 272-5231

An Affirmative Action/Equal Opportunity Employer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MS EVELYN JEFFERSON
MUNICIPAL CODE CORP
P O BOX 2235
TALLAHASSEE FL 32316**

** Please Return Receipt **

2. Article Number
(Transfer from service label)

7002 2410 0001 4265 4875

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7002 2410 0001 4265 4875
7002 2410 0001 4265 4875

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To **MS EVELYN JEFFERSON**
MUNICIPAL CODE CORP
Street, Apt. No.; or PO Box No. **P O BOX 2235**
City, State, ZIP+4 **TALLAHASSEE FL 32316**

PS Form 3800, June 2002

See Reverse for Instructions