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### Sec. 4.01.03. Natural Resources Permit

#### A. When Required

Except as specifically exempted herein, it shall be unlawful for any person, firm or corporation, either individually or through an agent to cause land alteration within the unincorporated areas of Hillsborough County without having obtained a Natural Resources Permit from the Administrator, or to allow a condition which is the result of unauthorized land alteration activity to remain unremedied. The property owner at the time a violation is discovered may be held responsible for remedying said violation pursuant to [SectionPart 11.06.00](#) of the Code.

An applicant for a Natural Resources Permit that includes land mapped as significant wildlife habitat or for which there is evidence that gopher tortoises may be present on the site, as determined by the Administrator, shall submit a gopher tortoise burrow survey prepared by a Florida Fish and Wildlife Conservation Commission Authorized Gopher Tortoise Agent. Such survey shall identify all active and inactive gopher tortoise burrows on the site and designate onsite preservation or proposed relocation of any gopher tortoise habitat; the survey shall be submitted at the time of submittal of an application for a Natural Resources Permit or upon notification by the Administrator of a determination that gopher tortoises may be present on site.

An applicant required to submit a gopher tortoise burrow survey shall, commensurate with the submittal of such survey, submit a written and affirmative statement signed by the applicant and by the property owner (if different) indicating whether they have or have not been determined to have violated any regulations relating to gopher tortoises in the State of Florida.

#### B. Effect of Permit

Issuance of a Natural Resources Permit by the Administrator, or exemption from the requirement thereof, does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state or federal, which may have jurisdiction over the proposed activity upon the land.

#### C. Exceptions to Requirement of Permit

No permit under this section is required for:

1. The removal of dead or naturally fallen vegetation, except within an environmentally sensitive area.
2. The limited removal of understory vegetation necessary to obtain clear visibility between two points for the purpose of performing field survey work, provided the removal will not create a cleared swath wider than three feet.
3. The removal of vegetation that is endangering public health, safety or welfare, and, after consultation with Administrator, it is determined by Administrator that there is no other remedy provided in this Code.
4. The removal of exempted trees, as defined in this Code.
5. The removal of vegetation planted on the premises of a plant or tree farm and grown for the purpose of selling to the general public in the ordinary course of business.
6. The transplanting of understory vegetation, including any tree with a DBH of less than five inches, for use as landscaping material within the site or off the site, provided the understory vegetation is not transplanted from an environmentally sensitive area.
7. Land alteration activities within new, approved utility rights-of-way or easements necessary to supply gas, water, sewer, telephone, cable television, or electrical service with one exception, provided these activities do not adversely impact an environmentally sensitive area. The exception to this exemption is any land alteration activity within a new electrical transmission corridor greater than 100 feet in width.

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Pursuant to the definition of land alteration, activities undertaken to maintain existing utility rights-of-way or easements are not regulated by these land alteration regulations.

8. Land alteration activities necessary to install a sprinkler system, septic tank, septic tank drainfield, utility line or swimming pool; or minor filling for topsoil or foundation fill; provided these activities do not involve tree removal or are not undertaken within an environmentally sensitive area. (NOTE: Swimming pools, septic tanks and septic tank drainfields are prohibited within setbacks associated with wetlands and natural water bodies pursuant to 4.01.07.
9. Land alteration activities on residentially zoned land for single-family or two-family residential use where the principal structure allowed pursuant to the zoning regulations has been previously permitted and constructed, provided:
  - a. The activities do not impede or divert the flow of surface water entering or leaving the lot or parcel in a manner that adversely impacts offsite property; or
  - b. The activities do not adversely impact an environmentally sensitive area; or
  - c. The activities do not involve the removal of any tree having a DBH of 12 inches or greater or adversely impact the health of such trees.
10. Land alteration activities which are normal and necessary to conduct bona fide agricultural operations, as determined by the Administrator, where those operations are on land in a zoning category which allows agricultural use, provided:
  - a. The activities do not impede or divert the flow of surface water entering or leaving the land in a manner that adversely impacts offsite property; or
  - b. The activities do not adversely impact an environmentally sensitive area; or
  - c. Not more than 500 cubic yards of material are removed off-site.
  - d. The activities conform to the standards specified in Section 4.01.05.E of this Code.
11. Land alteration activities regulated by the Phosphate Mining Regulations. While no Natural Resources Permit is required, land alteration activities regulated by the Phosphate Mining Regulations shall be in compliance with certain standards and guidelines contained in the Natural Resources Regulations as specifically provided in the Phosphate Mining Regulations.
12. Land alteration activities regulated by the Land Excavation Regulations. While no Natural Resources Permit is required, land alteration activities regulated by the Land Excavation Regulations shall be in compliance with certain standards and guidelines contained in the Natural Resources Regulations as specifically provided in the Land Excavation Regulations.
13. Land alteration activities regulated by the Hillsborough County Solid Waste Ordinance.
14. Land alteration activities required by an administrative or judicial order for the correction of landfill violations or closure of a landfill pursuant to Chapter 17 of the Florida Administrative Code or Chapter 1-7, Rules of the EPC.
15. Hillsborough County land alteration activities within public rights-of-way, easements or parcels necessary to construct public works facilities are required to comply with the intent of the Natural Resources Regulations; and the Administrator shall review these activities to ensure such compliance. However, Hillsborough County shall not be required to submit an application, pay a review fee, or obtain a Natural Resources Permit. Any request for variance or waiver regarding such activities shall be heard directly by the Land Use Hearing Officer.
16. In the interest of public safety, health and general welfare during or following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the Administrator,

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upon finding that a waiver is necessary and defining geographically the area of the emergency, may suspend the Natural Resources Regulations for a period of up to 30 days in the affected area.

17. The trimming and removal of trees for runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids when federal law, Florida state law or local airport zoning regulations require trimming or removal of trees for public safety purposes. Additionally, no tree replacement in accordance to Sections 4.01.06.A.7 and .8 or contribution to the Restoration Fund in accordance with Section 4.01.15 shall be required for this permit exception; however any trimming or removal of trees under this subsection on land that is not owned or operated by a public aviation authority shall require compliance by the aviation authority with tree replacement requirements specified in Sections 4.01.06.A.7 and .8 to the extent allowed under the height regulations contained in federal law, Florida state law or local zoning regulations. Where height regulations prevent such replacement of trees, no contribution to the Restoration Fund shall be required under Section 4.01.15.

D. Certain Activities Exempt From Provisions Pertaining to Uplands Providing Significant and Essential Wildlife Habitat

1. The terms of 4.01.08 through 4.01.13, pertaining to Uplands Providing Significant and Essential Wildlife Habitat, shall not apply to the following activities:
  - a. Land alteration activities necessary to make the improvements shown on Site Development Plans and Subdivision Construction Plans approved prior to May 1, 1992; or
  - b. Land alteration activities necessary to develop a minor commercial project which does not require approval under the Site Development Regulations; or
  - c. Land alteration activities on land subdivided pursuant to the Subdivision Regulations for a subdivision that does not require improvement facilities; or
  - d. Land alteration activities necessary to construct a single family or two family residence.
2. Development specifically vested against land development regulations adopted to implement the Comprehensive Plan pursuant to a valid, unexpired Vested Rights Special Use Permit shall not be required to comply with 4.01.08 through 4.01.13, pertaining to Uplands Providing Significant and Essential Wildlife Habitat. The County shall determine the extent to which development rights have been vested in each case, based on the Order issued by the Vested Rights Hearing Officer.
3. Development specifically approved in a final, unexpired DRI Development Order which was adopted prior to the adoption of the Future of Hillsborough Comprehensive Plan is exempt from the provisions of 4.01.08 through 4.01.13, Uplands Providing Significant and Essential Wildlife Habitat. Further, any amendment to such DRI Development Order which does not increase the impact of authorized development within upland habitat areas sought to be protected by the provisions of 4.01.08 through 4.01.13 shall also be exempt from such provisions. Any amendment to such DRI Development Order which does increase the impact of authorized development within upland habitat areas sought to be protected by the provisions of 4.01.08 through 4.01.13 shall be addressed in the manner provided in that Section. Except as to applications subject to a Hearing Master recommendation pursuant to Part 9.02, the County Attorney's Office shall make a recommendation to the Board of County Commissioners as to the extent of vesting in each case.
4. These regulations shall not apply to those land alteration activities that are necessary to make the improvements shown on the CU Detailed Site Plans, Preliminary Plats, Commercial Site Plans and Commercial Landscaping Plans submitted to the Administrator for review prior to November 15, 1985. These activities shall be reviewed for compliance with Ordinance 74-13, as amended, and 77-1, as amended. Those land alteration activities associated with construction of the principal and ancillary structures on individual lots in a subdivision are activities separate from those described above and

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shall be required to comply with these regulations, except those activities associated with construction of the principal structures on residential subdivision lots which prior to November 15, 1985 were assessed fees pursuant to Ordinance 74-13.

5. The terms of 4.01.08 through 4.01.13 pertaining to upland significant wildlife habitat shall not apply to those land alteration activities which are normal and necessary to conduct bona fide agricultural operations where those operations are on land designated AR, A, or AM, once 8,500 acres of upland significant wildlife habitat on lands designated AR, A, or AM on the Future Land Use Map are permanently protected.
6. With exceptions, the terms of 4.01.08 through 4.01.13 pertaining to upland significant wildlife habitat shall not apply to any land alteration activities once 22,000 acres of upland significant wildlife habitat are permanently protected. The exceptions are as follows:
  - a. The terms of 4.01.09 C 3, 4 and 5 pertaining to roads shall continue to apply; and
  - b. The terms of 4.01.08 through 4.01.13 shall continue to apply to land alteration activities necessary to construct public utilities.

E. Inventory

The Administrator shall maintain an inventory and record of lands meeting the requirements prescribed in 4.01.03 D 5 and 6. To be credited toward the prescribed targets, such lands shall have been permanently protected on or after March 4, 1992. The Administrator shall certify that the prescribed targets have been met.

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#### Sec. 4.01.09. Environmentally Sensitive Areas—Upland Significant Wildlife Habitat

- A. In Hillsborough County, most of the original upland wildlife habitat has been replaced with urban, suburban or agricultural development. The remaining upland habitat is comprised of xeric and mesic natural plant communities which are either uncommon, scarce, occur in very restricted geographic areas, or have few high quality sites remaining. Protection of those xeric and mesic habitats which constitute significant wildlife habitat is necessary to retain habitat diversity and wildlife corridors and to maintain healthy and diverse populations of wildlife.
- B. Identification of Upland Significant Wildlife Habitat
1. Uplands which potentially constitute significant wildlife habitat are those natural plant communities listed as xeric or mesic habitats in this section and mapped on the County's Geographical Information System as significant wildlife habitat.
  2. Xeric habitats are:
    - Sandhill
    - Sand Pine Scrub
    - Xeric Oak Scrub
    - Scrubby Flatwoods
    - Xeric Hammock
  3. Mesic habitats are:
    - Dry Prairie
    - Pine Flatwoods
    - Mesic Hammock
  4. If the Administrator demonstrates that an unmapped area meets the significant wildlife habitat definition and size/width criteria as described in the Significant Wildlife Habitat Guidelines of the Development Review Procedures Manual, Section 4.1.6 the Administrator shall notify affected property owners of the public hearing at which the Board shall consider amending the GIS map to designate the area as land which potentially constitutes significant wildlife habitat.
  5. Determination of the existence, type, and extent of any upland significant wildlife habitat shall be made by the Administrator by conducting an evaluation upon request or upon submission of an application for a Natural Resources Permit. This determination shall be refutable upon a showing of clear and convincing evidence to the contrary.
- C. Protection of Upland Significant Wildlife Habitat
1. The developer shall protect xeric and mesic habitats which constitute significant wildlife habitat. Protection of xeric habitat shall consist of preservation of all xeric habitat acreage existing on the property, up to and including fifty (50) percent of the upland area onsite. Preservation of mesic habitat shall consist of preservation of all mesic habitat acreage existing on the property, up to and including twenty-five (25) percent of the upland area onsite. However, ~~in no case shall~~ the preservation requirement shall not exceed fifty (50) percent of the upland area onsite. In the case of unpermitted land alteration of significant wildlife habitat, as set forth in the provisions of 11.06.07, the preservation or restoration payment requirement may require preservation of or a restoration payment for unpermitted land alteration which exceeds fifty (50) percent of the upland area onsite. If the application of the provisions of this paragraph would prevent the construction, operation, or maintenance of a utility corridor, the preservation requirements of this paragraph shall be adjusted the

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minimum amount necessary to accommodate such activities, provided such activities are designed and conducted in a manner to minimize their adverse impacts to significant wildlife habitat.

2. Preservation of significant wildlife habitat shall be required where necessary to prevent fragmentation of a wildlife corridor. Significant Wildlife Habitat Guidelines, as set forth in the Development Review Procedures Manual, Section 4.1.6 shall be used as a guide for identifying wildlife corridors. The factors to consider when determining minimum corridor widths described in the Development Review Procedures Manual, shall be used as a basis for determining the area of significant wildlife habitat to preserve to prevent fragmentation of a wildlife corridor.
3. New road rights-of-way shall be routed to avoid traversing significant wildlife habitat, unless there is no feasible and prudent alternative and the roadway design incorporates design features for the safe passage of wildlife, as described in 5., below.
4. Improvements to existing roads (i.e., road reconstruction or widening) within significant wildlife habitat shall incorporate design features for the safe passage of wildlife, as described in 5., below.
5. Design features for the safe passage of wildlife shall be appropriate for the wildlife species expected to utilize the crossing and shall be designed in accordance with the recommendations of the Florida Game and Freshwater Fish Commission.
6. Xeric and mesic habitats to be preserved shall meet the onsite preservation provisions of 4.01.12.
7. Onsite preservation shall be required only when sufficient management capabilities exist to maintain or restore the habitat to a high quality natural plant community or communities, in accordance with the Habitat Management Guidelines set forth in the Development Review Procedures Manual. The Administrator's determination of the feasibility of onsite management shall be refutable upon a showing of clear and convincing evidence to the contrary.
8. When the amount of significant wildlife habitat to be preserved onsite cannot be sufficiently managed, protection shall consist of preservation offsite of habitat acreage equal to the amount of habitat that would have been preserved onsite according to 1., above, and shall meet the offsite preservation provisions of 4.01.13.
9. Unpermitted land alteration of upland significant wildlife habitat shall be subject to the provisions of 11.06.07 in addition to the provisions of this section.

**Sec. 4.01.17. – Significant Wildlife Habitat Protection and Preservation Fund**

**A. Purpose**

The purpose of the Significant Wildlife Habitat Protection and Preservation Fund is to ensure that funds collected as a result of the unpermitted land alteration of significant wildlife habitat are used for the restoration, acquisition or protection of significant wildlife habitat in Hillsborough County. Funds may be used for: acquiring significant wildlife habitat; acquiring property to be used for restoration of significant wildlife habitat; restoration, management and carrying costs of significant wildlife habitat; inventorying significant wildlife habitat; and the protection of significant wildlife habitat through enforcement of the County’s natural resource regulations. The Administrator shall coordinate the collection and disbursement of funds in accordance with the provisions of this section.

**B. Source of Funds**

Significant Wildlife Habitat Protection and Preservation Fund monies may consist of the following:

1. All monies collected pursuant to the provisions of Section 11.06.07.
2. All monies accruing as interest to the Significant Wildlife Habitat Protection and Preservation Fund, unless otherwise restricted by specific terms and conditions identified by a particular grant, gift, or other instrument of contribution.

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## Sec. 5.03.07. Changes to approved PD districts

### A. Changes to Critical Design Features

1. Changes to any condition on the site plan or to the list of conditions that have received a "critical design feature" designation shall be considered a Major Modification and shall be reviewed in accordance with procedures in Sec. 10.03.00.

### B. Changes to Approved PD Site Plans

The Administrator is authorized to approve the administrative modifications specifically listed in this section of the PD Ordinance, as long as they are in harmony with the originally approved PD district. The Administrator shall not have the power to approve changes that constitute a minor or a major modification of the approval. A minor modification shall require approval by resolution of the Board and shall be heard in the form of a personal appearance. A major modification shall require approval of the Board and shall be handled in the same manner as the original approval.

1. Administrative Modification: The Administrator is authorized to approve the following modifications to approved Planned Development Districts:
  - a. Reduce the number of parking spaces by an amount not to exceed 10 percent of the approved spaces, provided the reduction meets the minimum off-street parking requirement for the uses.
  - b. Any relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.
  - c. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development. If no single-family units are included in the project, the requirements of the RSC-9 district shall be the minimum permitted.
  - d. Allow interim passive agricultural uses, as defined by this Code, prior to development, site construction plan approval and/or final subdivision plat approval of the planned district or portion(s) thereof, provided the agricultural activity will not impede development in any part of the district under separate ownership. Additionally, the allowance shall be restricted to planned districts or portions thereof that were agriculturally zoned at the time of rezoning to PD. 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 standard 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.
  - e. Allow redevelopment of mobile home parks in the Urban Service Area with affordable housing at the same permitted density with any housing type pursuant to the affordable housing requirements of Section 6.11.07 of this Code and connection to public water and wastewater services. The project shall be subject to the affordable housing standards in Sections 6.11.07 and 6.01.02 of this Code for the RSC-9 district unless alternative standards are necessary to achieve the permitted density. Such alternative standards shall be subject to approval of the Administrator as being the minimum necessary for the provision of affordable housing pursuant to Section 6.11.07 of this Code. If alternative standards are requested, the applicant shall provide written justification with a detailed explanation of why the alternative standards are necessary to achieve the permitted density.



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f. Developments that preserve significant wildlife habitat in excess of the maximum required by the Code may reduce minimum lot sizes and/or widths for lots entirely internal to the development up to 10% below required minimums. The collective reduction shall be capped at the total land area equal to the area of the excess significant wildlife habitat being preserved.

2. Minor Modification: In reaching a decision as to whether or not the changes are substantial enough to be considered a minor modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
  - a. Any change in parking areas resulting in a reduction of more than ten percent in the number of approved spaces which also reduce any minimum required spaces.
  - b. Significant changes in the basic form.
  - c. Any reduction in the amount of open space/recreation area or any substantial change in the location or characteristics of open space.
  - d. Changes in location, or type of pedestrian or vehicular accesses or circulation, or any increase or decrease in the number of pedestrian or vehicular accesses.
  - e. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. Relocation of uses, density or intensity which triggers these thresholds shall be considered a minor modification.
  - f. Any increase in density or intensity of use of up to five percent usable floor area, three percent of the number of dwelling units, or five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
  - g. An increase in structure height less than 15 feet or an increase in number of stories.
  - h. Any change in a condition specifically required by the Board as part of the PD amendment. However, any condition which merely restates a Code requirement without deviation may be modified by the Administrator if the regulation allows a waiver or if the regulation has subsequently been changed by the Board of County Commissioners.
  - i. Any decrease in required yards, except that when such decrease is to apply to three or less single-family lots within the project, the change shall be reviewed per Section 11.04.
  - j. Any deletion of a specifically approved use.
  - k. Any increase in the area allocated to any land use type, except open space/recreation area, by ten percent or less.
  - l. Any increase in traffic generation, up to ten percent.
  - m. Any request for a decrease in intensity from commercial to residential support or conventional single-family, or from commercial or office to conventional single-family, shall be considered a minor modification.
  - n. If any of the above changes are present, the change shall be considered a minor modification.
3. Major Modification: In reaching a decision as to whether the changes are substantial enough to be considered a Major Modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
  - a. Any increase in intensity of use shall be considered to be an increase of more than five percent usable floor area, or an increase of more than three percent in the number of dwelling units, or

an increase of more than five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.

- b. Any increase in structure height of 15 feet or greater.
- c. Any addition of a use from the specifically approved use. However, a change from multi-family to single family shall be an administrative modification if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development.
- d. Any increase in the area allocated to any land use type, except open space, by more than ten percent.
- e. Any increase in traffic generation by more than ten percent.
- f. If any of the above changes are present, the change shall be considered a major modification.

TABLE 5.1  
CHANGES IN APPROVED GENERAL PLANS

N/A = not applicable

LAND DEVELOPMENT CODE			
	Administrative Modification	Minor Modification	Major Modification
Parking	Reduction ≤ 10% of spaces above the minimum requirement	Reduction > 10% of spaces that also reduce required spaces	N/A
Basic Form	N/A	Significant changes	N/A
Open Space (See also Use)	NA	Reduction in area, location or characteristics; includes recreation area	N/A
Access/Circulation	N/A	Changes in location or type of pedestrian or vehicular accesses or circulation. Increase or decrease in number of pedestrian or vehicular accesses.	N/A
Density/Intensity	Relocation > 500' from zoning lot line or > 200' from other owner and not minor/major modification	Increase or relocation ≤ 500' from zoning lot line or ≤ 200' from other owner	N/A
	N/A	Increase ≤ 5% usable floor area, ≤ 3% of number of dwelling units, ≤ 5% outside land area for sales, displays, demonstrations	Increase > 5% usable floor area, > 3% of number of dwelling units, > 5% outside land area for sales, displays, demonstrations

Height	N/A	Any increase in structure height < 15 feet or increase in number of stories	Any increase ≥ 15'
Conditions	<u>N/A-Lot size adjustment to recognize additions Significant Wildlife Habitat protection</u>	Any change in condition specifically required by BOCC	N/A
Yards	N/A	Any decrease in required yards (see 5.03.04.C.i.)	N/A
Use	Change from M-F to S-F if no increase in external impacts and is consistent in lot size, coverage, yards with other S-F in development. If no other S-F, then minimum requirements are RSC-9	Any deletion of a specifically approved use.	Any addition of a use different from the specifically approved use
		Any increase in area allocated to any land use type (except open space/recreation area) by ≤ 10%	Any increase in area allocated to any land use type (except open space) by > 10%
		Change from commercial to residential support or conventional S-F	
		Change from commercial or office to conventional S-F	
Traffic Generation	N/A	Any increase ≤ 10%	Any increase > 10%

C. Time Limits for Approved PD Site Plans

If site construction plans, or the equivalent thereof, have not been approved for all or part of a PD rezoning within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the certified PD General Development Plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points.

If site construction plans, or the equivalent thereof, have been approved for all or part of an approved PD district within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the General Development Plan shall remain valid until the expiration date of the initially-approved site construction plans or any other subsequently-approved site construction plans or until five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning, whichever is longer.

Any portion of the internal transportation network and/or external access points constructed pursuant to approved site construction plans is not subject to expiration.

Upon expiration, re-certification of the PD General Site Plan for those portions that have expired shall require a Minor Modification to the PD, in accordance with subsection B above, the scope of review of which shall be to

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reevaluate the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points of the PD for consistency with current Comprehensive Plan policies and Code regulations.

Such reevaluation shall include consideration of the existing transportation network, existing development, and how any modification to the previously approved internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points would affect the ability to develop the approved uses.

1. Upon initial review of a PD or at any time thereafter, the BoCC may approve a duration exceeding five (5) years when supported by evidence that the characteristics of the property or the scope, scale or anticipated timing or phasing of the project would make a longer duration more practical or is reasonably necessary to complete the project in its entirety.
2. If a PD is approved along with a development agreement, the PD shall have a duration of at least the duration of the development agreement.
3. The property owner may request the Administrator to allow a one-year extension of development rights to the original PD conditions and General Site Plan, provided the following is met:
  - a. The request is submitted to the Administrator at least thirty (30) days prior to expiration.
  - b. The applicant must provide a written explanation as to the status of the project and the need for the extension.
4. Notwithstanding anything to the contrary, this Subsection C. shall not apply to any PD approved before May 20, 2021, or to any PD for which a complete application was pending as of May 20, 2021. However, this Subsection C. shall apply to modifications to an otherwise exempt PD that proposes a substantial modification to the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points.

(Ord. No. 06-18, § 2, 8-1-06; 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. 18-30, § 2(Exh. A), 10-11-18, eff. 10-18-18; Ord. No. 21-18, § 2(Exh. A), 5-20-21, eff. 5-27-21)

**Sec. 6.01.01. - Schedule of District Area, Height, Bulk, and Placement Regulations**

Except as specifically provided in this Code, regulations governing the minimum zoning lot size, width and area per dwelling unit, required front, side and rear yards, maximum permitted floor area ratio (FAR), maximum permitted height of structures, maximum permitted lot coverage, maximum permitted impervious surface and related matters shall be for the districts as shown in the following table:

**SCHEDULE OF AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS**

The standards described in this table shall be used for the purpose of establishing individual lot standards pursuant to a property's zoning. Individual lots may only be developed using these standards as a minimum to the extent it can be demonstrated in a plat or site development plan that the project as a whole does not exceed gross density as defined and regulated by the Comprehensive Plan.

Minimum Zoning Lot Size <sup>35</sup>				Required Yard <sup>36</sup>						Maximum Percent	
District	Lot Area (sf)	Area/du	Width	Front <sup>37</sup>	Side <sup>38</sup>	Rear <sup>39</sup>	Added Yard	Maximum F.A.R. <sup>34</sup>	Maximum Height	Building Coverage <sup>27</sup>	Impervious Surface
Agricultural and Residential Districts											
AM	871,200 <sup>2</sup>	871,200	150'	50'	25'	50'	NA	NA	50'	NA	NA
A	435,600 <sup>2</sup>	435,600	150'	50'	25'	50'	NA	NA	50'	NA	NA
AR	217,800 <sup>2</sup>	217,800	150'	50'	25'	50'	NA	NA	50'	NA	NA
AS-0.4	108,900 <sup>2</sup>	108,900	150'	50'	25'	50'	NA	NA	50'	NA	NA
AS-1	43,560 <sup>2</sup>	43,560	150'	50'	15'	50'	NA	NA	50'	NA	NA
ASC-1	43,560 <sup>2</sup>	43,560	150'	50'	15'	50'	NA	NA	50'	NA	NA
AI	43,560	43,560	150'	50'	15'	50'	NA	NA	50'	NA	NA
RSC-2	21,780 <sup>3</sup>	21,780 <sup>3</sup>	100'	25'	10'	25'	NA	NA	35'	30	NA
RSC-3	14,520 <sup>3</sup>	14,520	75'	25'	7.5'	25'	NA	NA	35'	32	NA
RSC-4	10,000 <sup>3</sup>	10,000	75'	25'	7.5'	25'	NA	NA	35'	35	NA
RSC-6	7,000 <sup>3</sup>	7,000	70'	25'	7.5'	25'	NA	NA	35'	40	NA
RSC-9	5,000 <sup>3</sup>	5,000	50'	20'	5'	20'	NA	NA	35'	40	NA
RSC-10 <sup>31</sup>	4,000 <sup>3</sup>	4,000	40', 50' <sup>32</sup>	15', 5' <sup>33</sup>	5'	15'	NA	NA	35'	55	NA

MH	as per underlying zoning district											
RDC-6 <sup>4</sup>	7,260	7,260	60'	25'	7.5'	20'	NA	NA	35'	30	NA	
RDC-12 <sup>5&amp;6</sup>	3,500	3,500	40'	20'	5'	20'	NA	NA	35'	35	NA	
RMC-6 <sup>5</sup>	21,780 <sup>3</sup>	7,260 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	35'	35	60	
RMC-9 <sup>5</sup>	14,520 <sup>3</sup>	4,840 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	35' <sup>8</sup>	35	70	
RMC-12 <sup>5</sup>	10,890 <sup>3</sup>	3,630 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	35' <sup>8</sup>	40	70	
RMC-16 <sup>5</sup>	8,175 <sup>3</sup>	2,725 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	45' <sup>8</sup>	40	75	
Minimum Zoning Lot Size <sup>35</sup>				Required Yard <sup>30</sup>						Maximum Percent		
District	Lot Area (sf)	Area/du	Width	Front <sup>9</sup>	Side <sup>1</sup>	Rear <sup>1</sup>	Added Yard	Maximum F.A.R. <sup>34</sup>	Maximum Height	Building Coverage <sup>27</sup>	Impervious Surface	
RMC-20 <sup>5</sup>	6,540 <sup>3</sup>	2,180 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	45' <sup>8</sup>	40	75	
Non-Residential Districts												
B-PO	7,000	NA	70'	30'	10&11	10&11	NA	.20	50' <sup>8</sup>	20	60	
O-R	7,000	NA	70'	30'	10&11	10&11	NA	.20	35' <sup>8</sup>	20	60	
C-N	7,000	NA	70'	30'	10&11	10&11	NA	.20	35' <sup>8</sup>	20	60	
C-G	10,000	NA	75'	30'	10&11	10&11	NA	.27 <sup>29</sup>	50' <sup>8</sup>	27	70	
C-I <sup>12</sup>	20,000	NA	100'	30'	10&11	10&11	NA	.30	50' <sup>8</sup>	30	75	
M <sup>12</sup>	20,000	NA	100'	30' <sup>13</sup>	10&11	10&11	NA	.75	110' <sup>8</sup>	75	75	
Special Purpose Districts												
SB	as per underlying zoning district and Sec. 3.01.02											
Special Public Interest Districts												
SPI-HC	as per underlying zoning district unless modified by Sec. 3.01.07											
SPI-UC: UC-1—												
SF du	7,000 <sup>3&amp;14</sup>	7,000	70'	25'	7.5'	25'	NA	NA	35'	30	NA	

Res. ≤ 12 du/ac	10,890 <small>3&amp;14</small>	3,630 <small>7&amp;34</small>	70'	25'	10'	20'	NA	NA	35'	40	70
Res. > 12 du/ac	6,540 <small>3&amp;14</small>	2,180 <small>7&amp;34</small>	70'	25'	10'	20'	NA	NA	— <sup>15</sup>	40	75
NonRes.	7,000	NA	70'	25'	<small>10&amp;11</small>	25'	NA	.75	— <sup>15</sup>	50	75
UC-2—											
NonRes.	7,000	NA	70'	25'	<small>10&amp;11</small>	25'	NA	.75 <sup>28</sup>	— <sup>15</sup>	50	75
UC-3—											

Minimum Zoning Lot Size <sup>35</sup>				Required Yard <sup>30</sup>						Maximum Percent	
District	Lot Area (sf)	Area/du	Width	Front <sup>9</sup>	Side <sup>1</sup>	Rear <sup>1</sup>	Added Yard	Maximum F.A.R. <sup>34</sup>	Maximum Height	Building Coverage <sup>27</sup>	Impervious Surface
SF du	7,000 <sup>14</sup>	7,000	70'	25'	7.5'	25'	NA	NA	35'	30	NA
Res. ≤ 12 du/ac	10,890 <sup>14</sup>	3,630 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	35'	40	70
Res. > 12 du/ac	6,540 <sup>14</sup>	2,180 <sup>7&amp;34</sup>	70'	25'	10'	20'	NA	NA	— <sup>15</sup>	40	75
NonRes	7,000	NA	70'	25'	<sup>10&amp;11</sup>	25'	NA	.25	— <sup>15</sup>	25	75
SPI-AP:											
AP-1	30,000	NA	100'	NA	NA	NA	NA	NA <sup>8</sup>	NA	NA	80 <sup>16</sup>
AP-2	30,000	NA	100'	NA	NA	NA	NA	NA	NA	NA	80 <sup>16</sup>
AP-3	30,000	NA	100'	30 <sup>17</sup>	10 <sup>18</sup>	20 <sup>18</sup>	NA	.50	35'	NA	80 <sup>16</sup>
AP-4	30,000	NA	100'	30 <sup>17</sup>	10 <sup>18</sup>	20 <sup>18</sup>	NA	.60	35'	NA	80 <sup>16</sup>
AP-5	30,000	NA	100'	30 <sup>17</sup>	10 <sup>18</sup>	20 <sup>18</sup>	NA	.60	70' <sup>8</sup>	NA	80 <sup>16</sup>
AP-V	30,000	NA	100'	NA	NA	NA	NA	NA	NA	NA	80 <sup>16</sup>
SPI-NDM	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>	40'	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>	<sup>19</sup>
Interstate I-75 Planned Development Districts <sup>20</sup>											
IPD-1:											
Res	NA	12 <sup>21</sup>	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	NA	<sup>23&amp;15</sup>	NA	70 <sup>24</sup>
Off	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	0.50 <sup>25</sup>	<sup>23&amp;15</sup>	NA	60 <sup>24</sup>
Com	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	0.50 <sup>25</sup>	<sup>23&amp;15</sup>	NA	70 <sup>24</sup>
Ind	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	0.50 <sup>25</sup>	<sup>23&amp;15</sup>	NA	75 <sup>24</sup>
IPD-2:											
Res.	NA	20 <sup>21</sup>	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	NA	<sup>23&amp;15</sup>	NA	75 <sup>24</sup>
Off	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	1.00 <sup>25</sup>	<sup>23&amp;15</sup>	NA	60 <sup>24</sup>



Minimum Zoning Lot Size <sup>35</sup>				Required Yard <sup>30</sup>						Maximum Percent	
District	Lot Area (sf)	Area/du	Width	Front <sup>9</sup>	Side <sup>1</sup>	Rear <sup>1</sup>	Added Yard	Maximum F.A.R. <sup>34</sup>	Maximum Height	Building Coverage <sup>27</sup>	Impervious Surface
Com	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	1.00 <sup>25</sup>	<sup>23&amp;15</sup>	NA	70 <sup>24</sup>
Ind	NA	NA	NA	30' <sup>15</sup>	<sup>22</sup>	<sup>22</sup>	NA	1.00 <sup>25</sup>	<sup>23&amp;15</sup>	NA	75 <sup>24</sup>
IPD-3											
Res	NA	50 <sup>21</sup>	NA	12'-15' <sup>26</sup>	20' <sup>15&amp;26</sup>	20' <sup>15&amp;26</sup>	NA	NA	<sup>10</sup>	NA	80 <sup>24</sup>
Off.	NA	NA	NA	12'-15' <sup>26</sup>	20' <sup>15&amp;26</sup>	20' <sup>15&amp;26</sup>	NA	2.50 <sup>25</sup>	<sup>10</sup>	NA	80 <sup>24</sup>
Com	NA	NA	NA	12'-15' <sup>26</sup>	20' <sup>15&amp;26</sup>	20' <sup>15&amp;26</sup>	NA	2.50 <sup>25</sup>	<sup>10</sup>	NA	80 <sup>24</sup>
Ind	NA	NA	NA	12'-15' <sup>26</sup>	20' <sup>15&amp;26</sup>	20' <sup>15&amp;26</sup>	NA	2.50 <sup>25</sup>	<sup>10</sup>	NA	80 <sup>24</sup>

<sup>35</sup> Developments that preserve significant wildlife habitat in excess of the maximum required by the Code may reduce minimum lot sizes for lots entirely internal to the development up to 10% below required minimums. The collective reduction shall be capped at the total land area equal to the area of the excess significant wildlife habitat being preserved.

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## Sec. 11.06.05. Other Remedies

### A. Generally

The Administrator or the Board of County Commissioners may have recourse to such other remedies in law and equity as may be necessary to ensure compliance with the provisions of this Land Development Code.

### B. Available Remedies

The remedies available shall include the following:

1. Injunctive relief to enjoin and restrain any person from violating the provisions of the Land Development Code and recovery of damages for such violation.
2. Prosecution by the State Attorney's Office as provided by Section 125.69, Florida Statutes, as amended.
3. Prosecution before the Hillsborough County Code Enforcement Board.
4. Revocation of any permit or changing the conditions of any permit granted under the Land Development Code.
5. Withholding the issuance of any Construction Plan approval, Building Permit, Certificate of Occupancy, or inspection by the County.
6. Requiring the restoration of a protected tree(s) by the property owner or other responsible party with a monetary value as established by application of the International Society of Arboriculture Shade Tree Formula. This remedy shall be appropriate for the replacement of trees measuring nine inches DBH and larger.
7. Requiring restoration by the property owner or other responsible party of any vegetation removed in violation of the Natural Resources or Landscaping Regulations or violation of any permit issued under the Natural Resources or Landscaping Regulations. Vegetation removed may be determined by surveys, field inspections, aerial interpretation and comparisons by undertaking random sampling techniques on abutting properties containing vegetation of similar type. Restoration shall require the following:
  - a. Understory vegetation for natural plant communities shall be replaced on an in kind, one for one basis. Vegetation planted in accordance with this requirement shall be replaced if it dies within two years from the time of planting; and/or
  - b. Inch for inch restoration of trees measuring five inches DBH and larger with a native tree or trees of similar canopy potential. These trees must be of sufficient number to total the DBH of the tree(s) removed. Restoration trees shall meet the specifications as defined in Division 7.3 (Definitions). Restoration trees in accordance with this requirement shall be replaced if the tree(s) dies within two years after planting; and/or
  - c. The contribution of funds to the Environmental Restoration Fund to restore vegetation removed in violation of the Natural Resources Regulations. The amount to be contributed shall be identified in an agreement signed by the contributing party and the Administrator or his designee.
  - d. For unpermitted land alteration of significant wildlife habitat, the property owner or other responsible party shall restore any habitat removed in violation of the Natural Resources or Landscaping Regulations. Habitat removed may be determined by surveys, field inspections, aerial interpretation, and comparisons by undertaking random sampling techniques on abutting properties containing habitat of similar type. Restoration shall require the following:

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(1) Restoration of the habitat to a high-quality natural plant community or communities, in accordance with the Habitat Management Guidelines set forth in the Development Review Procedures Manual and the provisions of section 11.06.07. Natural plant communities shall be replaced on an in kind, one for one basis. Plants and vegetation planted in accordance with this requirement shall be replaced if they die within two years from the time of planting; or

(2) In the event the Administrator determines that onsite preservation is not feasible or that the land alteration would have been permittable, a contribution of funds to the Significant Wildlife Habitat Protection and Preservation Fund pursuant to the provisions of 11.06.07.

8. Any sign erected or maintained in violation of this Code, or erected in violation of any previously existing ordinance, may be removed by the building official or his designated agent, at the expense of the owner, agent, or lessee of the sign or the property owner upon which the sign is located; provided however, that the building official has first given seven days written notice, by certified mail or hand delivery, to said person, of the violations charged which notice shall be in the following form:

YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING VIOLATIONS OF THE HILLSBOROUGH COUNTY SIGN ORDINANCE HAVE BEEN DISCOVERED: YOU HAVE SEVEN DAYS FROM RECEIPT OF THIS NOTICE TO CORRECT ALL ABOVE VIOLATIONS. ONCE CORRECTED, YOU SHALL CALL THE DEVELOPMENT SERVICES DIVISION AND ARRANGE FOR AN INSPECTION OF THE PARCEL. IF YOU BELIEVE THAT AN ERROR HAS BEEN MADE, YOU MAY FILE AN APPEAL WITH THE DEVELOPMENT SERVICES DIVISION, WITHIN SEVEN DAYS OF RECEIPT OF THIS NOTICE. PLEASE BE ADVISED THAT HILLSBOROUGH COUNTY MAY REMOVE THE OFFENDING SIGN AT THE EXPIRATION OF THE SEVEN DAY PERIOD OF THE VIOLATIONS HAVE NOT BEEN CORRECTED. ALL COSTS FOR SUCH REMOVAL, SHALL BE CHARGED TO THE OWNER, AGENT OR LESSEE OF THE SIGN OR THE OWNER OF THE PROPERTY UPON WHICH THE SIGN IS LOCATED.

No sign shall be removed pursuant to the authority granted in this Code until such a time as all appeals, which have been properly and timely filed, have been exhausted.

9. Requiring replacement by the permit holder of any trees removed in violation of any permit issued under the land excavation regulations. Replacement trees shall be of sufficient size and quality to replace the DBH inches removed. At the time of planting a replacement tree shall have a minimum height of six feet and shall be Florida Grade #1 or better (State of Florida grades and standards for nursery plants).
10. Revocation of any permit or changing the conditions of any permit granted under the land excavation regulations pursuant to the following procedures:
- a. The Board shall hold a public hearing to consider revocation of a permit or a change in permit conditions. At least 15 calendar days prior to the hearing, notice of public hearing shall be provided to the permittee by registered mail or hand delivery, and shall be posted in a conspicuous location on the land excavation site.
  - b. At the public hearing the Administrator shall present specific evidence showing the conditions which have been violated and/or the actions causing damage to surrounding properties.
  - c. The permittee shall be given an opportunity to rebut this evidence.
  - d. The public shall have an opportunity to present relevant statements and evidence.
  - e. During the public hearing the Board shall consider those factors in which would be considered in its review of a land excavation application as they relate to any violation under consideration.
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- f. At the conclusion of the public hearing, the Board shall determine whether a violation has or has not occurred.
  - g. Upon finding that permit conditions and/or division requirements have been violated and/or that the land excavation operation is causing damage to surrounding properties, the Board may revoke the permit or impose revised permit conditions.
11. With regard to the phosphate mining regulations, failure of any dam, spillway or other outlet structure of a settling or thickening pond resulting in degradation of the quality of any waters outside the permittee's property shall subject the permittee to a civil penalty to be paid to the County in an amount equal to the amount of actual damages done and/or the actual amount required to reclaim the affected area.
  12. With regard to the phosphate mining regulations, failure of a permittee to have completed reclamation of any lands as required at the conclusion of any reporting year shall subject the permittee to a civil penalty to be paid to the County in an amount equal to the actual amount required to reclaim the lands involved.
  13. In addition to the penalty provided for violation of County Ordinances in Section 125.69 Florida Statutes, adult bookstores, adult theaters, special cabarets, physical culture establishments or adult photographic or modeling studios not in conformity with the requirements of this section are declared to be nuisances and the Administrator or its successor is authorized to bring appropriate civil action in the court of appropriate jurisdiction for their abatement.

**Sec. 11.06.07. - Special Provision Relating to the Unpermitted Land Alteration of Significant Wildlife Habitat**

**A. Intent**

Destruction of significant wildlife habitat can irreparably harm a wildlife population. Therefore, proposed impacts to such habitat must be reviewed and permitted by the County in advance to minimize the effects upon wildlife except where the proposed impact is exempt from the from the requirement to obtain a Natural Resources Permit as set forth in the provisions of 4.01.03. To discourage unpermitted land alteration of significant wildlife habitat in instances where such permits are required, unpermitted land alteration shall be subject to the mandatory restoration requirements as set forth in this section. Unpermitted land alteration of significant wildlife habitat may also constitute violations of other state or local regulations, and any remedies under this section shall not be deemed to represent or substitute for enforcement mechanisms or penalties available under such other laws or regulations.

**B. Mandatory Restoration of Unpermitted Land Alteration of Significant Wildlife Habitat**

Except where otherwise exempt under the provisions of section 4.01.03, for each acre or portion thereof of significant wildlife habitat for which land alteration without an approved Natural Resources Permit has occurred, the property owner or other responsible party shall be required to restore the impacted significant wildlife habitat. Restoration shall require reestablishing natural plant communities and conditions which are at least the ecologically functional equivalent of the pre-disturbed land according to an approved restoration and management plan. Onsite restoration shall be required only when sufficient management capabilities exist to restore and maintain the habitat to a high-quality natural plant community or communities, in accordance with the Habitat Management Guidelines set forth in the Development Review Procedures Manual. The Administrator's determination of the feasibility of onsite restoration and management shall be refutable upon a showing of clear and convincing evidence to the contrary.

**C. Restoration Payment for Unpermitted Land Alteration of Significant Wildlife Habitat Where Land Alteration is Deemed Permittable or Where Onsite Restoration is Determined Infeasible**

When the Administrator determines onsite restoration and management is either not feasible or that the land alteration of significant wildlife habitat would have been permittable, the property owner or other responsible party shall pay a restoration payment to the County in an amount equal to the amount required to restore the habitat. Beginning in calendar year 2022, this amount is established at \$7,000 per acre or any portion of an acre. Beginning on January 1, 2025, and every three years thereafter, the amount payable per acre for unpermitted land alteration of significant wildlife habitat shall be adjusted based upon the per acre significant wildlife habitat restoration costs reported by the County's Environmental Lands Acquisition and Protection Program (ELAPP) or, if such costs are not available, by such other measure of habitat restoration costs as approved by the Administrator. The payment shall be paid to the Significant Wildlife Habitat Protection and Preservation Fund as set forth in the provisions of 4.01.17.

**D. Additional Remedies**

1. Where applicable, onsite restoration or restoration payments pursuant to the provisions of this section shall be in addition to the requirements for on-site or off-site preservation imposed pursuant to the provisions of 4.01.12 and 4.01.13, which shall be based upon the acreage of significant wildlife habitat existing prior to the unpermitted land alteration, with credit given for each acre restored or for which a restoration payment has been made. In the event the number of acres for which a restoration payment is made exceeds the number of acres of significant wildlife habitat which would have been required to be preserved pursuant to the provisions of 4.01.09, no refund of any portion of the restoration payment shall be issued.
2. Remedies in this section for the unpermitted land alteration of significant wildlife habitat shall be in addition to the requirements in the Land Development Code for the restoration of any trees removed without the required permits.
3. Remedies in this section for the unpermitted land alteration of significant wildlife habitat shall be in addition to any fines or costs imposed pursuant to F.S. Ch. 162.
4. Where applicable, the Administrator or designee shall report unpermitted land alterations of significant wildlife habitat to state or federal authorities with jurisdiction over the impacted wildlife and/or habitat.

<u>LDC 22-1406</u>	<u>Division Director</u> <u>Sign-off</u>	<i>J. Brian Grady</i>
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