



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. \_\_\_\_\_

Meeting Date December 14, 2021

Consent Section     Regular Section (Public Comment Provided)     Public Hearing

**Subject:** As a result of the legal challenge filed on November 15, 2021 and the operation of Section 163.3184 (3), Florida Statutes, direct the County Attorney’s Office to advertise and set a first public hearing for January 12, 2022, at 10:00 a.m. and a second public hearing for February 2, 2022 at 10:00 AM, declaring zoning in progress and considering the enactment of an ordinance extending the current moratorium on the acceptance and processing of applications for rezonings and Planned Development zoning modifications within the Wimauma Village Residential-2 (“WVR-2”) Future Land Use Designation of the Future of Hillsborough Comprehensive Plan, until the conclusion of State of Florida Division of Administrative Hearings Case No. 21-3454GM and any appeals thereof.

**Department Name:** County Attorney’s Office

**Contact Person:** Johanna M. Lundgren

**Contact Phone:** 272-5670

**Staff’s Recommended Board Motion:**

As a result of the legal challenge filed on November 15, 2021 and the operation of Section 163.3184 (3), Florida Statutes, direct the County Attorney’s Office to advertise and set a first public hearing for January 12, 2022, at 10:00 a.m. and a second public hearing for February 2, 2022 at 10:00 AM, declaring zoning in progress and considering the enactment of an ordinance extending the current moratorium on the acceptance and processing of applications for rezonings and Planned Development zoning modifications within the Wimauma Village Residential-2 (“WVR-2”) Future Land Use Designation of the Future of Hillsborough Comprehensive Plan, until the conclusion of State of Florida Division of Administrative Hearings Case No. 21-3454GM and any appeals thereof.

**Financial Impact Statement:**

This action does not increase or decrease any County Department budgets in any year.

**Background:**

On October 8, 2019, the Board of County Commissioners directed the study and preparation of potential amendments to the Wimauma Village Residential-2 (“WVR-2”) Future Land Use Category, the Wimauma Village Community Plan and the Land Development Code (LDC).

Ordinance 19-27 was adopted by the Board of County Commissioners on December 4, 2019, and provided for a 270 day moratorium on new applications for rezonings and Planned Development zoning modifications within the WVR-2 Future Land Use Category that would increase the number of allowable residential units or non-residential square footage and/or reduce required buffers, unless the reduction is to provide for connectivity to adjacent property or rights-of-way.

Due to the emergence of the COVID-19 crisis in March 2020, Planning Commission staff shifted their outreach methods to virtual technology and encountered a decrease in community participation and engagement. In order to allow the necessary time for outreach and community engagement in formulation of the amendments, on June 17, 2020, the Board adopted an Ordinance providing for an extension of the moratorium for 270 days beginning September 1, 2020. This extension to the moratorium resulted in an end date of May 29, 2021.

In early 2021, the resurgent COVID-19 pandemic continued to pose challenges to citizen and stakeholder participation related to these amendments. During its February 4, 2021 public hearing, the Board directed that the County Attorney’s Office prepare and advertise an ordinance providing for the moratorium period to be extended to December 31, 2021 in order to allow sufficient time for staff and consultants to engage stakeholders in both in-person and virtual participation opportunities regarding the proposed amendments.

On October 14, 2021, following many months of public engagement and preparation of the proposed amendments in coordination with stakeholders, the Board adopted the WVR-2 and Wimauma Village Liveable Communities Element Comprehensive Plan Amendments (CPA 20-12 and CPA 20-13), along with related Land Development Code Amendments.

On November 15, 2021, Eisenhower Property Group, LLC and EPG1, LLC filed a petition for administrative hearing with the Division of Administrative Hearings (DOAH Case No. 21-3454) challenging the adopted plan amendments pursuant to Section 163.3184, Florida Statutes. A Notice of Hearing has been issued scheduling the administrative hearing on April 12 through 15, 2022. The County Attorneys' Office has retained Gregory Stewart and Carly Schrader of Nabors Giblin & Nickerson to assist in the representation of the County in the challenge.

Section 163.3184 (3), Florida Statutes, provides that if an adopted plan amendment is timely challenged by a petition for administrative hearing, the plan amendment does not become effective until the conclusion of the challenge. The County Attorney's Office and outside counsel recommend that the Board declare zoning in progress and schedule public hearings for the extension of the moratorium for the time required for resolution of the DOAH case. The extension of the moratorium will provide clear direction to staff and applicants that rezoning and Planned Development modification applications, which would be subject to the pending amendments, will not be accepted until the case is resolved and the amendments are in effect. This action will ensure that the intent of the Board, as evidenced in its adoption of the comprehensive plan and LDC amendments on October 14, is supported during the time period necessary for the resolution of these administrative proceedings while also complying with Florida statutes and Ordinance 21-38.

List Attachments:

Ordinance 21-38, which adopted HC CPA 20-12 and HC CPA 20-13

Petition for Formal Administrative Hearing in DOAH Case No. 21-3454GM and Notice of Hearing

# **ORDINANCE**

**21-38**

ORDINANCE NO. 21-38

FINAL  
10/14/2021  
JML

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, ADOPTING AMENDMENTS TO THE FUTURE OF HILLSBOROUGH COMPREHENSIVE PLAN FOR UNINCORPORATED HILLSBOROUGH COUNTY, AS ADOPTED BY ORDINANCE NO. 89-28, AS AMENDED, CHANGING THE TEXT OF THE PLAN.**

Upon motion by Commissioner Mariella Smith, seconded by Commissioner Kimberly Overman, the following ordinance was adopted by a vote of 7 to 0; Commissioner(s) \_\_\_\_\_ voting “No.”

**WHEREAS**, the Hillsborough County Board of County Commissioners adopted a comprehensive plan for Unincorporated Hillsborough County entitled *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* on July 12, 1989 by Ordinance 89-28 (the “Comprehensive Plan”); and

**WHEREAS**, Section 163.3184, Florida Statutes, provides for a process for adoption of amendments to comprehensive plans; and

**WHEREAS**, following a public hearing held on July 19, 2021, to consider the proposed amendments to the Comprehensive Plan, the Hillsborough County City-County Planning Commission recommended approval of the proposed amendments; and

**WHEREAS**, on August 12, 2021, the Board of County Commissioners of Hillsborough County, Florida, transmitted to the applicable reviewing agencies, local governments and local governmental agencies as prescribed by Section 163.3184, Florida Statutes, the below-described proposed amendments to the Comprehensive Plan along with supporting data and analyses:

<b>Text Amendment</b>	<b>Plan Elements</b>	<b>Description and Purpose of Proposed Text Amendment</b>
HC CPA 20-12	Comprehensive Plan Livable Communities (LCE)	Amended policy language for Wimauma Village
HC CPA 20-13	Future Land Use	Amended policy language regarding Wimauma Village Residential-2 FLUE category

and;

**WHEREAS**, pursuant to Section 163.3184(3)(c), Florida Statutes, the Hillsborough County Board of County Commissioners held a public hearing on October 14, 2021, to consider adoption of the above-described proposed amendments to the Comprehensive Plan.

**NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN A PUBLIC HEARING ASSEMBLED THIS 14TH DAY OF OCTOBER, 2021, IN TAMPA, FLORIDA:

**SECTION 1. PURPOSE AND INTENT.** This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Community Planning Act and Chapter 97-351 Laws of Florida, as amended.

**SECTION 2. ADOPTION OF THE AMENDMENTS TO THE COMPREHENSIVE PLAN.** The Plan Amendments to the Comprehensive Plan, as described above, are hereby adopted by the Board of County Commissioners. The specific amendments to the Comprehensive Plan described above and adopted by the Board of County Commissioners are attached hereto as Attachments “A” and “B” and are incorporated by this reference as an integral part of this Ordinance.

**SECTION 3. SEVERABILITY.** If any section, phrase, sentence or portion of the Plan Amendments adopted by this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. EFFECTIVE DATE.** The effective date of the Plan Amendments shall be thirty-one (31) days after the state land planning agency notifies Hillsborough County of receipt of a complete plan amendment package or if properly challenged, the effective date shall be the date a final order is entered by the Administration Commission or the state land planning agency determining the adopted amendments to be in compliance. No development orders, development permits or land uses dependent on a Plan Amendment may be issued or commence before the Plan Amendment has become effective.

**SECTION 5. CONCLUSION OF MORATORIUM.** Upon the effective date of the Plan Amendments, the moratorium established in Ordinance 19-27, as extended by Ordinances 20-12 and 21-12, shall conclude.

STATE OF FLORIDA                    )  
  )  
COUNTY OF HILLSBOROUGH        )

I, Cindy Stuart, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing ordinance is a true and correct copy of an ordinance adopted by the Board of County Commissioners of Hillsborough County, Florida, in its public hearing of October 14, 2021, as the same appears on record in Minute Book 545 of Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of October, 2021.

CINDY STUART,  
CLERK OF THE CIRCUIT COURT



By: *Diana Byles*  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
as to Form and Legal Sufficiency

By: *[Signature]*  
Senior Assistant County Attorney

Attachment A

CPA 20-12

**LCE ADOPTION 10.14.21**

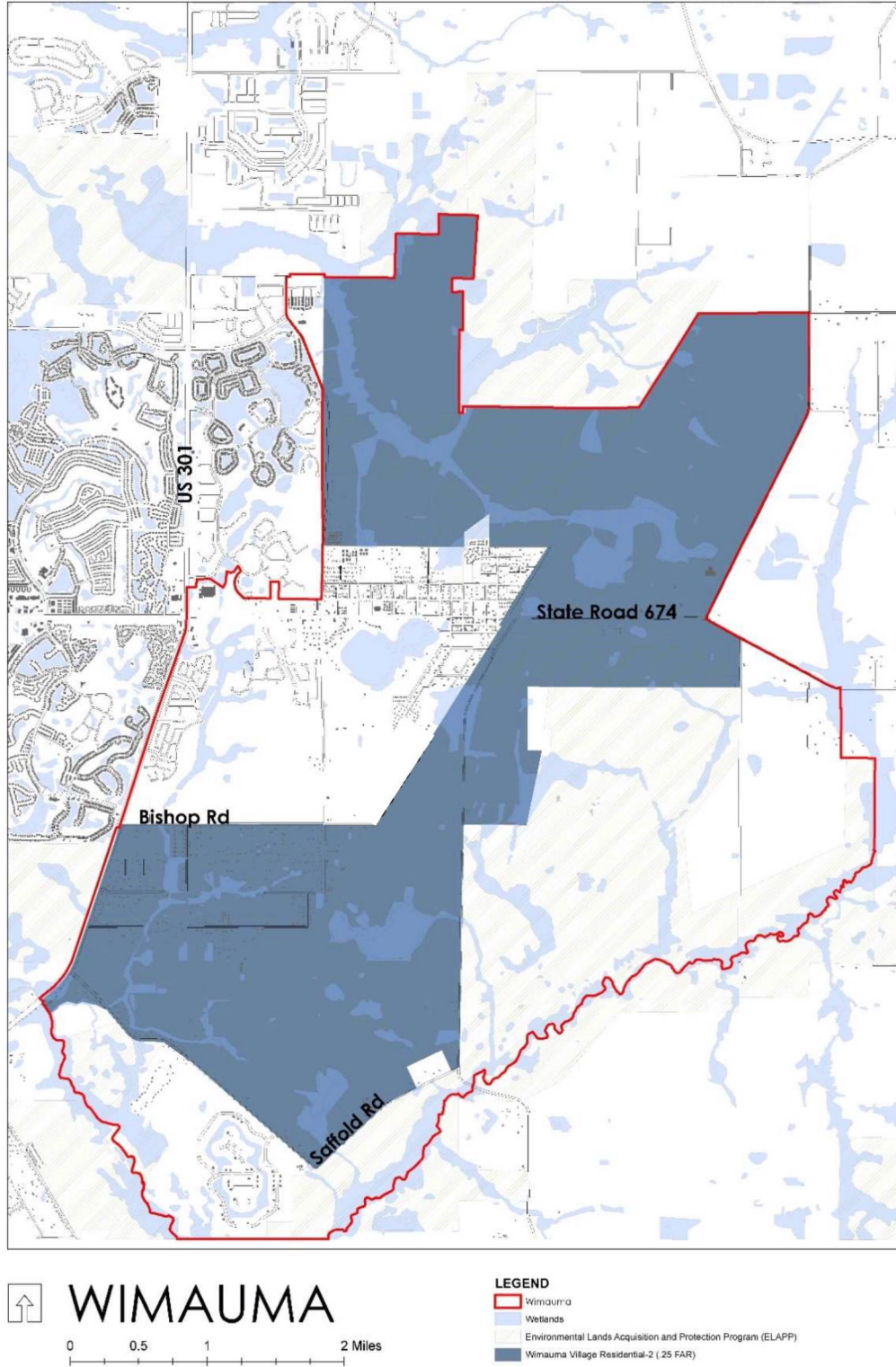


Figure 15 – Wimauma Village Plan Boundary Map



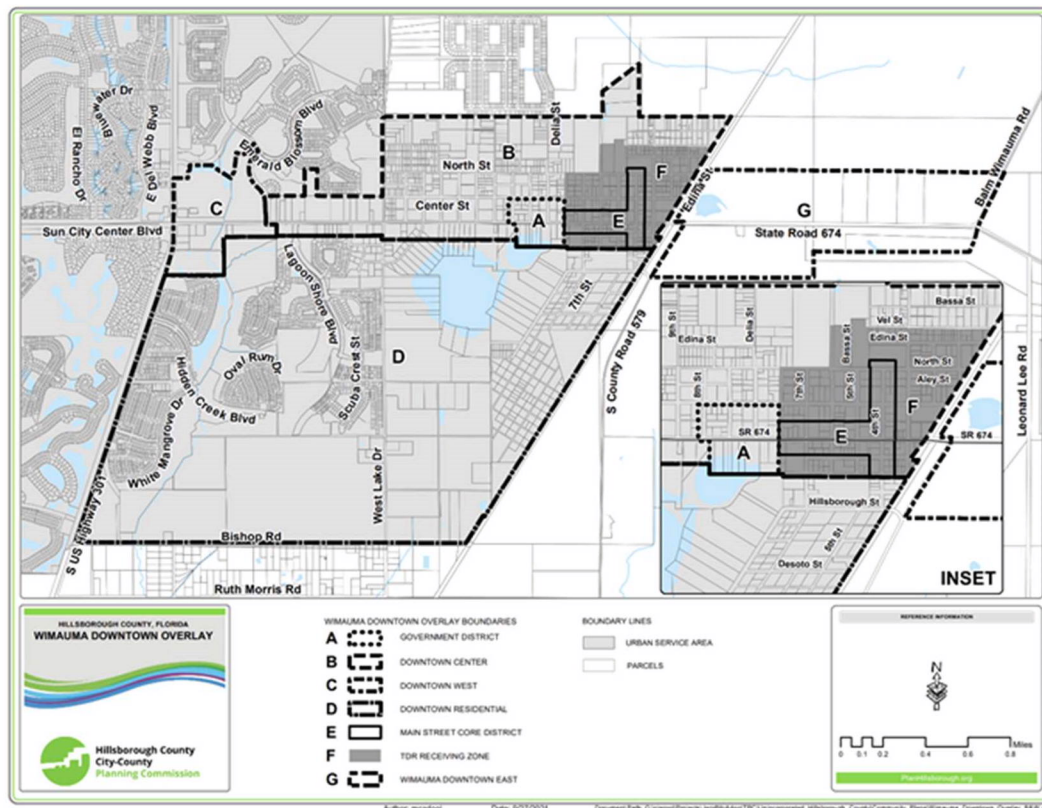
**LCE ADOPTION 10.14.21**

Figure 15A – Wimauma Downtown Boundary

**VISION STATEMENT**

In order to secure the participation of the community's diverse population in its economic growth, contribute to its readiness for the future, and connect to its assets and natural resources - the Wimauma Community Plan focuses on health, equity, resilience, and sustainability. The community-wide approach celebrates Wimauma's agricultural heritage, rural natural resources, local businesses, cultural legacy, and small-town character. As Wimauma grows, the community envisions an affordable, walkable community connected by a network of trails with thriving local businesses and farmers markets along a porch-like main street – a self-sustaining community which is safe and welcoming to residents and businesses with access to improved well-being, housing, and opportunity.

The elements addressed in the district-wide urban design framework – mobility, form and character, environment and open space, and cultural capital and community –

**LCE ADOPTION 10.14.21**

function to create an integrated approach to community revitalization and development. Implementation of the plan will ensure a future for Wimauma where residents can prosper, and visitors can share in the vitality of a small town with a lot to offer.

**GOALS AND STRATEGIES** (listed in order of priority):**Introduction**

The 2021 Wimauma Community Plan Update and Downtown Strategic Plan builds off of and prioritizes these goals and achieves two of the previously identified goals from the original 2006 Plan. These include the creation of regulations for the WVR-2 land use and specific regulation guiding the built form of redevelopment within downtown Wimauma. While the goals below appear in a ranked priority it is important to state that each goal is integral to the success of the Community Plan.

**1. Infrastructure and Public Realm– Enhance Wimauma’s public realm and improve infrastructure**

- Expand sewer and water for commercial development in downtown Wimauma
- Create an Infrastructure Prioritization Plan for Wimauma Downtown
- Expansion of internet access through infrastructure
- Provide for beautification / Florida-friendly landscaping along all main thoroughfares in Wimauma Downtown as part of the green infrastructure design
- Explore options to fund the development of the two identified Paseos as part of public realm improvements per the Community Plan
- Explore options to fund the development of the Wimauma Plaza del Sol, a park space at the former train station site

**2. Education – Improve educational opportunities at all levels**

- Provide early childhood care co-located with educational facilities or community services
- Support a community library in Wimauma that includes Spanish-language resources and historic data/material sections
- Provide after school programs co-located with educational facilities
- Support shared use agreements with the “Hillsborough County Public Schools” to meet civic infrastructure needs including access to libraries, computer labs, and recreation fields
- Co-locate schools, parks, libraries and fire stations
- Improve the existing facilities at Wimauma Elementary School
- A New elementary, middle and high schools will be needed to support the

## LCE ADOPTION 10.14.21

projected residential development of the area; recommended locations per the Community Plan

- Encourage shared facilities to support technical certificate programs, community college level courses, adult education courses, and English for Speakers of Other Languages (ESOL) courses in Wimauma through partnerships between “Hillsborough County Public Schools” and “Hillsborough Community College”
- Require applicants of re-zonings containing 50 or more residential units to consult with the “Hillsborough County Public Schools” regarding potential school sites

3. **Wimauma Downtown Plan and Development** – Revitalize the Wimauma Downtown by implementing the downtown master plan and overlay to enhance the appearance of the district, improve infrastructure, and promote business growth. The boundaries of the Wimauma Downtown Plan (refer to Figure 15A) include those lands within the Urban Service Area that are also within the Wimauma Community Plan boundary and the Wimauma Downtown East district located along SR 674. The Wimauma Downtown Plan is geographically defined further by a series of districts located mostly along SR 674. To ensure that standards for both block faces of each street are identical, the actual boundaries conform to property lines and or service alleys. The Wimauma Downtown Plan shall include:

**Wimauma Downtown Overlay Districts:**

- **Main Street Core**

Context: Development is most intense in the Main Street Core. Buildings are built along the front property line, creating a continuous street façade to increase walkability. Commercial and civic uses are anticipated in the Main Street Core; a mix of apartments and live/work buildings constitute the residential component of the Main Street Core within walking distance of surrounding residential areas of the Wimauma Village.

The Main Street Core is focused on Main Street (4<sup>th</sup> Street). The goal is to provide a consistent downtown streetscape of retail and services that is vibrant and scaled to pedestrians.

- Residential uses encouraged on 2<sup>nd</sup> or 3<sup>rd</sup> floor, above other uses
- Office uses encouraged on 2<sup>nd</sup> floor, above other uses
- Highest density and intensity within the Wimauma Downtown Overlay District

## LCE ADOPTION 10.14.21

- Serve as the priority receiving zone for Transfer of Development Rights in the Wimauma Village Plan area
- Within the Wimauma Downtown TDR Receiving Zone
- Commercial Locational Criteria shall be waived for uses identified as Commercial Neighborhood "CN" uses per the Land Development Code

- **Downtown Center**

Context: The Downtown Center encourages a range of uses, which should be compact and contain both attached and detached buildings. The residential character hosts a mix of housing types including single family attached and detached homes and multi-family units. Homes located in the Downtown Center zone are normally set back from the front property line to allow a front yard with a porch or stoop; lots often have private rear yards.

The Downtown Center encourages higher density residential with some retail services and office uses meeting locational criteria. This functions as a transition between Downtown Residential and suburban residential neighborhoods, and Main Street uses.

- Live-work units and mixed-use buildings are encouraged
- Includes the Wimauma Downtown TDR Receiving Zone

- **Government District**

Context: The Government District at Post Office Square is a special district within the Downtown Center adjacent to the Main Street Core. The character is consistent with the Downtown Center but is focused on institutional uses.

Government District at Post Office Square is a special district intended for government and institutional uses, so that they are centrally located in close proximity.

- Concentrates government services close to each other
- Other uses are encouraged to prevent vacant areas and maintain a mix of uses
- Regulations permit flexibility in design for public service buildings to meet community needs
- Uses such as libraries and government offices, nongovernment institutional including private institutional uses, such as hospitals, clinics and colleges are encouraged.

- **Downtown Residential**

Context: The Downtown Residential is adjacent to the Downtown Center and within walking distance to the Main Street Core. The Downtown Residential zone is residential in character with a mix of housing types including single family

**LCE ADOPTION 10.14.21**

attached and detached homes, live/work units, and some multi-family units in proximity to SR 674. Homes located in the Downtown Residential zone are normally set back from the front property line to allow a front yard with a porch or stoop; lots often have private rear yards. Development should maintain a connected street network.

- Residential uses are encouraged including single-family attached and detached homes
- Multi-family units are encouraged near SR 674

- **Wimauma Downtown West**

Context: Focus large scale retail and office uses outside of the compact downtown along SR 674 near the intersection with US 301 and provide enhanced mobility to these community attractors.

- Uses per the LDC typical use matrix
- Non-residential uses shall meet locational criteria

- **Wimauma Downtown East**

Context: Focus large scale uses including Industrial outside of the compact downtown along SR 674 to Balm Wimauma Road while providing enhanced mobility to the adjacent downtown core.

- The Wimauma Downtown East is located within the Rural Service Area
- The Wimauma Downtown East is designated WVR-2 on the Future Land Use Map
- All proposed development shall utilize the Wimauma Downtown Overlay and shall rezone through a planned development
- Commercial Locational Criteria shall be waived for uses within the Wimauma Downtown East District. Non-residential uses shall be oriented towards SR 674
- Multi-use development is encouraged, single use non-residential development may be considered
- Community benefits are not required for the development of non-residential uses within the district. Community benefits are required for any proposed residential use within the district
- In addition to the lot types within the Overlay, Industrial uses shall be regulated by the Manufacturing (M) or Agricultural Industrial (AI) zoning districts depending on use
- Buffering and screening as required by the Manufacturing (M) or Agricultural Industrial (AI) zoning district shall effectively double when abutting another residentially zoned lot
- Promote low impact development near Moody Pond

## LCE ADOPTION 10.14.21

- Gas stations including convenience stores with gas, and drive-thrus are not permitted
- Stand-alone commercial uses are limited to 40,000 square feet per structure

**Wimauma Downtown Plan Elements:**

- Enforce the overlay district to implement the plan
- Encouraging alternative development patterns to the north of SR-674 to promote greater pedestrian interaction and reduce truck conflicts
- Connecting development to the proposed Greenway system and bicycle network
- Maintaining the existing grid system
- Planting trees, providing bike paths & pedestrian friendly development
- Encouraging the implementation of traffic calming and Florida-friendly landscape features in the Wimauma Downtown
- Maintaining the small-town character
- Architectural theme for downtown
- Encouraging developments along SR 674 to adhere to "Design Standards" that include reduced building setbacks, courtyards, pedestrian friendly sidewalks, parking to the rear, accommodating parking spaces for larger than standard vehicles, etc
- Establishing street lighting with specific fixture styles within the Main Street Core and Downtown TDR Receiving Zone
- Sidewalks which are accessible
- Incorporating low impact design or green infrastructure for storm water management
- An architectural gateway at Main Street (SR 674 and 4<sup>th</sup> Street) to serve as a welcome to Wimauma; additional architectural markers located at SR 674 and 7<sup>th</sup> Street
- Establishing the Receiving Zone to support the Main Street mixed-use environment through Transfer of Development Rights. Stacking of TDR and Affordable Housing Density Bonuses are permitted within the Downtown TDR Receiving Zone
- Flexing of the underlying Future Land Use for development is permissible only within the Wimauma Downtown Main Street Core and west of West Lake Drive in the Wimauma Downtown West District
- Commercial locational criteria do not apply to non-residential-uses located within the Wimauma Downtown Main Street Core and Wimauma Downtown East District

## LCE ADOPTION 10.14.21

**4. Business and Economic Development – Provide opportunities for business growth and jobs in the Wimauma community**

- Expand the commercial core north and south of SR 674 within the Urban Service Area - (Refer to the Wimauma Downtown borders defined by the Wimauma Community Plan)
- Maintain the Light Industrial and Commercial district as Wimauma Downtown East district along SR 674, east of the conceptual Cross County Greenway to the intersection of Balm-Wimauma Road as an area for future non-residential uses, including industrial
- Expand job training opportunities within Wimauma, including training for farm workers on sustainable farming practices to help them establish local farm businesses

**5. Affordable Housing and Neighborhoods**

- Implement incentives to encourage affordable housing
- Encourage housing to accommodate a diverse population and a range of income levels
- Implement housing rehabilitation assistance to lower income homeowners and mobile homes
- Allow stacking of affordable housing bonus densities and the Transfer of Development Rights within the Wimauma Downtown TDR Receiving Zone
- Gated subdivisions will not be permitted in order to foster an economically integrated community
- Repair local streets within existing subdivisions
- Encourage mixed-use residential with commercial development within the Wimauma Downtown district
- Increase enforcement of the "Hillsborough County Property Maintenance Code"
- Orient residential development to the conceptual Cross County Greenway Trail-Wimauma

**6. Multi-modal Transportation and Connectivity – Ensure a balanced transportation system that reflects the community's character and provides for options including walking, bicycling and transit**

- Improve SR-674 from West Lake to County Road 579 providing pedestrian and bicycle friendly urban cross section with two drive lanes with a center turn lane
- Implement the bicycle network and the conceptual Cross County

## LCE ADOPTION 10.14.21

Greenway Trail-Wimauma as a main transportation mode

- Improve SR 674 from US 301 to West Lake as a 4-lane pedestrian and bicycle friendly urban cross section within the existing right-of-way
- New streets must connect with existing streets and rights-of-way to provide multiple north-south and east-west through routes for vehicles and pedestrians. Additionally, paved street stub-outs must be provided to accommodate future potential street connections. Exceptions shall be allowed where prohibited by environmentally sensitive lands
- A minimum of eighty (80) percent of all roadways internal to new subdivisions shall be constructed in such a manner as to ensure that both ends of a given roadway terminate with another roadway
- Expand local bus service, establish local circulator with connection to Ruskin, and provide bus shelters along the identified circulator route
- Consider the Transportation Hierarchy defined in the Community Plan when making transportation decisions
- Streets within the Downtown TDR Receiving Zone should be prioritized for pedestrian connectivity including 4<sup>th</sup> Street (Main Street), 7<sup>th</sup> Street, North Street, and Hillsborough Street. The area south of SR 674 will remain primarily residential. Pedestrian prioritization in street design should continue on 4<sup>th</sup> Street and 7<sup>th</sup> Street corridors from North Street through to Hillsborough Street in order to provide important connectivity and safe intersections at SR 674
- Provide enhanced pedestrian and bicycle facilities along the Bishop Road corridor to connect US 301 to CR 579 and the conceptual Cross County Greenway Trail-Wimauma
- Implement pilot and interim improvement projects in the short term for the bicycle network and street crossings
- Improve identified street crossings with traffic signals on SR 674 at 4<sup>th</sup> Street, 7<sup>th</sup> Street, and West Lake
- Maintain the existing street grid network and encourage/regulate important street grid connections within new development and Planned Developments
- Outside of the existing platted portion of Wimauma, through streets shall be established approximately every 1,320 feet, except where prohibited by environmentally sensitive lands

**7. Parks, Recreation, and Conservation – Protect and enhance Wimauma’s natural environment**

- All new development must occur such that sensitive native habitats are protected to the greatest degree possible



**LCE ADOPTION 10.14.21**

- Develop the conceptual Cross County Greenway Trail-Wimauma per the Community Plan
  - Encourage the development of Community Farms to maintain Wimauma's farming heritage and industry, and preserve open space through agricultural easements
  - Implement the "Hillsborough County Greenways and Trails Master Plan" within the Wimauma Village Plan Area
  - Encourage connection of existing publicly owned land to form a greenway system
  - Promote eco-tourism related businesses to take advantage of Wimauma's natural resources, such as the Little Manatee River and promote passive recreation approximate to ELAPP sites
  - Require open space to be established as a focal point of new subdivisions with 50 or more dwelling units
  - Encourage sustainable practices to maintain the long-term health of Lake Wimauma, the only natural lake fed by underground freshwater springs in the Little Manatee River watershed
  - Encourage development that allows for the maintenance of the scenic view corridors to Lake Wimauma
  - Investigate and identify funding opportunities to improve infrastructure in downtown Wimauma
  - Explore options to provide scenic vistas to Lake Wimauma from SR 674
  - No flexing of the plan category boundary will be permitted between SR 674 and the northern edge of both segments of Lake Wimauma from Sheffield Street in the east to West Lake Drive on the west
8. Health, Wellness, and Safety – Create a safer environment for the Wimauma Community
- Construct sidewalks in existing neighborhoods with priority given to neighborhoods closest to schools
  - Construct sidewalks on both sides of SR 674 within the USA portion of Wimauma Village
  - Establish a Safe Pathways to Schools Program so children can walk and bike to schools within the Wimauma Community.
  - Locate more officers in the Wimauma Downtown area in order to provide greater presence/visibility of law enforcement. Relocate Sheriff's Office to Wimauma Downtown
  - Encourage the use of energy efficient street lights and down-lighting to preserve the rural character
  - Establish street lighting with specific fixture styles throughout the USA

## LCE ADOPTION 10.14.21

portion of Wimauma Village with a focus on the Main Street Core, Wimauma TDR Receiving Zone and connections to the Main Street Core

- Waivers to required sidewalks shall only be permitted for environmental consideration
- Improve street crossings and slow traffic speeds on SR 674 between Railroad Street and West Lake
- Implement safety improvements such as pedestrian crossing signals, signage, and crossing guards near all school locations on SR 674 at West Lake and 4<sup>th</sup> Street and enforce school zone traffic calming
- Encourage the development of services to meet the critical needs of Wimauma residents for access to health care

9. Wimauma Village Residential-2 (WVR-2) – Establish the Wimauma Village Residential-2 (WVR-2) Future Land Use Category in areas previously classified as Residential Planned-2 (RP-2) inside the boundaries of the Wimauma Village Plan

- **Residential Gross Density**

Consideration of up to 2 dwelling units per gross acre on a minimum of five acres provided that the development meets the intent of the land use category and is consistent with this Plan and the Land Development Code. Otherwise the gross residential density may not exceed 1 dwelling unit per 5 acres. Residential development is limited to the maximum residential densities allowed in the Plan. Community Benefits and services which support the needs of the community, improve infrastructure, enhance economic opportunity, and achieve the goals of the community plan will be required of all new developments within the WVR-2 area of the Wimauma Village Plan unless otherwise specified.

- **Open Space**

Open Space, Conservation Area, and Agricultural Land (including parks, forestry, outdoor recreation, ELAPP, public uses, community gardens, ponds, wetlands, corridors and agricultural open space) shall constitute an important component of the Village Residential. To avoid environmental isolation and fragmentation, the plan seeks contiguity and connection to other open space or conservation areas. To ensure that the rural landscape is preserved, large areas of new development must be reserved for Open Space, Conservation Area, or Agricultural Land preferably at edges which are adjacent to rural land areas. Specific percentage standards for Open Space, Conservation Area, and Agricultural Land within the WVR-2 are established by the overall gross site acreage of each Planned Development. Open space shall constitute no less than 40% of the gross site acreage for a Planned Development with 30% of the open space being contiguous

**LCE ADOPTION 10.14.21**

and 10% of the open space, not contiguous, being internally located within the neighborhoods of the Planned Development site.

- **Typical Uses**

Agriculture, residential uses, and residential support uses may be considered anywhere in the category. Non-residential uses may be considered with a .25 FAR within the Wimauma Downtown East District. These uses are not subject to commercial locational criteria.

**Specific Intent of Category**

In order to avoid a pattern of single dimensional development that could contribute to urban sprawl, it is the intent of this category to designate areas inside the boundaries of the Wimauma Village Plan, formerly in the RP-2 category, that are suited for agricultural development in the immediate horizon of the Plan, but may be suitable for the expansion of the Village as described in this Plan.

- **Utilities**

The development shall be on a central public water and sewer system.

- **Approvals**

All approvals shall be through a planned unit development, requiring at a minimum, community benefits and an integrated site plan controlled through performance standards to achieve developments that are compatible with surrounding land use patterns.

- **Transfer of Development Rights**

The TDR Element encourages the transfer of density: to move potential development to certain locations inside the USA; to encourage continued use of land for rural and open space purposes by transferring potential density off the land which maintains value of the sending zone; and to allow the accumulation of sufficient development rights to support downtown development.

- Allow for the transfer of up to 2 dwelling units per gross acre densities between 2 separately owned or commonly held properties, whether or not they are contiguous to each other. The designated sending area shall be inside the limits of the Wimauma Village Residential-2 category. Receiving Zone: The designated receiving areas shall be inside the Wimauma Village Residential-2 category, inside the Urban Service Area portion of the Wimauma Village Plan(Wimauma TDR receiving zone), or other identified area within the Urban Service Area.

## LCE ADOPTION 10.14.21

- To support housing growth in the Wimauma Downtown and preserve rural areas within the WVR-2, the exchange ratio for transfer of dwelling units into the Wimauma TDR receiving zone will be 2 DU/GA to 4 DU/GA, a ratio of 1:2 (except in WVR-2 to WVR-2 transfers, the ratio is 1:1). The transfer of dwelling units shall not exceed 4 DU/GA within the Wimauma TDR receiving zone. No property shall be left with less development rights than there are existing dwellings on said properties, or less than 1 dwelling unit development for any parcel which would otherwise be eligible for a dwelling unit.
- To support the Main Street Core and economic development, stacking of TDR and Affordable Housing Density Bonuses will be allowed and encouraged in the Downtown Receiving Zone. Stacking of TDR and Affordable Housing Density Bonuses shall not be permitted in WVR-2 to WVR-2 transfers.

Attachment B  
CPA 20-13

# WVR-2 FLUE ADOPTION 10.14.2021

## **Wimauma Village Residential-2**

There are several areas of the County located outside the Urban Service Area (USA) boundary with land use designations that may be appropriate for up to 2 units per acre development sometime in the future. As these areas experience future growth the development is envisioned to balance this growth with a rural character or a small-town design while providing improvements to supporting infrastructure and services. Given the location of these areas outside the Urban Service Area, it will not be Hillsborough County's first priority to plan or program infrastructure to serve these areas within the planning horizon of this Plan. The capital costs associated with the provision of infrastructure needed to serve these areas must be provided by the developer of such a project and will not be funded by Hillsborough County. These new communities shall integrate into existing communities with respect to the natural and built environment with a compatible and balanced mix of land uses, including residential, employment where anticipated and the supporting services such as schools, libraries, parks and emergency services. The intent of these villages is to maximize internal trip capture and avoid the creation of single dimensional communities that create urban sprawl.

For Wimauma specifically, this section seeks to align with the intent of the Wimauma Community Plan. Areas defined as WVR-2 may be appropriate for development utilizing tools that incentivize small town stewardship, rural and agricultural preservation, design rules, form-based code principles, or use of transects.

Lands outside the USA, identified as Wimauma Village Planned-2 (WVR-2), that meet the Village intent may generally be considered for density greater than 1 unit per 5 gross acres with certain conditions as stated within this adopted section and the Land Development Code (LDC). Areas that do not meet the Village policies in WVR-2 are permitted for 1 unit per 5 gross acres, which is the base density, unless otherwise specified by existing zoning. Developments may be considered to achieve a maximum of 2 units per gross acre within lands designated Wimauma Village Residential-2 and where community benefits are provided, consistent with this section and the LDC. Up to 4 units per gross acre may be achieved in the Wimauma Village Residential-2 land use with Transfer of Development Rights (TDRs). These TDRs are a no net density increase to the rural service area and are transferred at a density of one to one, from and to the Wimauma Village Residential-2 land use. The Wimauma Village Residential-2 land use is also designated a TDR sending area to the Wimauma Downtown TDR Receiving Area. All capital costs associated with the provision of infrastructure needed to serve these Planned Villages shall be provided by the developer.

### **Objective 48: Purpose of WVR-2 land use plan category**

The purpose of the WVR-2 land use plan category is to discourage the sprawl of low-density residential development into rural areas, to protect and conserve agricultural lands, to provide a residential base to support commercial development in downtown Wimauma and direct potentially incompatible development away from environmental areas (i.e., wetlands, corridors, significant native habitats, etc.). The intent of this Objective is to support private property rights, promote community benefits that protect the rural nature of the community on the whole, and preserve the

# WVR-2 FLUE ADOPTION 10.14.2021

areas' natural, cultural, and physical assets.

## **Policy 48.1. Development Intent**

Development within WVR-2 is intended to do the following:

1. Prioritize the timeliness of appropriate land use, zoning, growth and development within the Rural Service Area;
2. Provide for a compatible transition of land use between the rural and Urban Service Area;
3. Preserve the rural character, encourage opportunities for continued agriculture;
4. Offset biological and ecological impacts of new development;
5. Maintain surface water quality and improve where possible;
6. Provide an interconnected system of native habitat preserves, greenways, parks, and open space;
7. Provide multimodal mobility options and connectiveness that reduces impacts of new single occupancy vehicle trips;
8. Encourage and support non-residential uses within Downtown Wimauma along and in proximity to SR 674;
9. Create efficiency in planning and in the provision of infrastructure;
10. Balance housing with workplaces, jobs, retail and civic uses; and
11. Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, and lifestyles.

## **Policy 48.2: Location & Boundaries**

The Wimauma Village Residential-2 land use plan category is located inside the boundaries of the Wimauma Village Plan and generally conforms to those properties previously classified as Residential Planned-2.

## **Policy 48.3: Residential Gross Density**

The WVR-2 land use allows consideration of up to 2 dwelling units per gross acre provided that the development is meeting the adopted provisions of this section and the LDC. Otherwise, the gross residential density may not exceed 1 dwelling unit per 5 gross acres. Connectivity, open space, diversity of housing type and provision of Community Benefits are required in order to obtain the maximum density. Required storm water ponds, when not internally located to the housing site and when associated with larger reserved open space, may be excluded from the net acreage calculation. In no event shall open space constitute less than 40% of the gross site acreage with 30% of open space being contiguous and 10% of open space internally located to the PD site.

## **Policy 48.4: Residential Development**

The WVR-2 is residential in character with a mix of housing types including single family

# WVR-2 FLUE ADOPTION 10.14.2021

attached and detached homes and multi-family dwelling units. Homes located in the WVR-2 zone are normally set back from the front property line to allow a front yard with a porch or stoop; lots often have private rear yards. Residential support uses may be considered internal to the development or as part of a community benefit.

## **Policy 48.5: Typical Uses and Floor Area Ratio**

Typical uses found within WVR-2 include agriculture, residential, public, residential support and district specific non-residential uses (commercial, industrial or otherwise) Residential support uses with a maximum 0.25 FAR may be considered within any WVR-2 designated property. Proposed developments of 100 or more acres shall reserve at least 1.5% gross acreage to establish a neighborhood center that may provide such uses. The Wimauma Downtown East district allows consideration of a variety of employment generating uses with a maximum 0.25 FAR. The Wimauma Downtown East district is established to provide employment opportunities that complement, enhance or otherwise further the Wimauma Community Plan and may include certain commercial, industrial, agricultural, or residential uses along or in proximity to SR 674. The Wimauma Downtown East district shall be guided by the Wimauma Downtown Overlay and other applicable sections of this Plan and the LDC.

## **Policy 48.6: Open Space, Conservation Area, and Agricultural Land**

Open Space, Conservation Area, and Agricultural Land (including parks, forestry, outdoor recreation, ELAPP lands, public uses, ponds, wetlands, corridors, and agricultural open space) shall constitute an important component of the Village Residential. To avoid environmental isolation and fragmentation, the plan seeks contiguity and connection to other open space or conservation areas.

To ensure that the rural landscape is preserved, large areas of new development must be reserved in WVR-2 for Open Space, Conservation Area, or Agricultural Land preferably at edges which are adjacent to rural land areas. Specific percentage standards for Open Space, Conservation Area, and Agricultural Land within the WVR-2 are established by the overall gross site acreage of each Planned Development. Open space shall constitute no less than 40% of the gross site acreage for a Planned Development with 30% of the open space being contiguous or adjoining and 10% of the open space being internally located to the PD site.

## **Policy 48.7: Community Benefit Options**

In order to achieve densities above the base density of 1 unit per 5 gross acres (unless otherwise specified by existing zoning), community benefits shall be required for proposed villages. Community benefits and services shall support the needs of the community within the WVR-2 and the Wimauma Community Plan area consistent with this Comprehensive Plan.



# WVR-2 FLUE ADOPTION 10.14.2021

See below for a listing of the community benefits further described in Part 5.04.00 of the LDC:

<b>Community Benefits</b>	
<p><u>Proposed villages including (50) fifty or more residential units shall conduct at least two public meetings and shall notify all registered Neighborhood, Homeowner and Civic Associations within the Community Planning Area as defined within the Livable Communities Element to discuss the utilization of Community Benefit Options. These meetings shall occur within the defined Community Plan boundary. One meeting shall occur prior to the application submittal. A second meeting shall occur after an application is submitted but prior to the letter of mailing notice deadline. Proof of the meetings in form of an affidavit shall be provided that identifies the date, location, and timing of the meeting, as well as a list of Associations contacted, and meeting minutes. This information shall be submitted to County staff by the Proof of Letter of Notice deadline.</u></p>	
<p><u>At least one benefit shall be offered for developments less than 25 acres.</u></p>	
<p><u>At least two benefits shall be offered for developments less than 50 acres but equal to or greater than 25.</u></p>	
<p><u>At least three benefits shall be offered for developments less than 100 acres but equal to or greater than 50.</u></p>	
<p><u>At least four benefits shall be offered for developments less than 160 acres but equal to or greater than 100.</u></p>	
<p><u>At least five benefits shall be offered for developments less than 320 acres but equal to or greater than 160.</u></p>	
<p><u>At least six benefits shall be offered for developments greater than 320 acres.</u></p>	
<p><u>Community Benefits that demonstrate meeting the requirements in the Community Benefits Table twice or by 100% or more may count the benefit two times, as approved by the Board of County Commissioners.</u></p>	
<p><b><u>Tier 1: Community Benefits Priority List</u></b></p>	
<p><b><u>(For projects greater than 50 acres but less than or equal to 100 acres, at least one community benefit must be provided from Tier 1. For projects greater than 100 acres, at least two community benefits must be provided from Tier 1).</u></b></p>	
<p><u>1</u></p>	<p>Construct multi-use trail within or adjacent to the TECO corridor (as agreed during PD process), consistent with Hillsborough County 2019 Greenways and Trails Master Plan for the Cross County Greenway-Wimauma and the Wimauma Community Plan or construct at least two connections to an adjacent County trail system planned or otherwise. When constructing connections to an adjacent trail, the connections shall meet Multi-use standard in the Hillsborough County Transportation Technical Manual and be at least a half mile in length within the project. If relevant, connect to Neighborhood Centers, or connect to other trails found in the Long-Range Transportation Plan with approval from Parks and Recreation, Community Infrastructure Planning, and other appropriate reviewing agencies. When constructing within a Multi-Use Trail within the neighborhood, the trail location shall be identified on the rezoning site</p>

## WVR-2 FLUE ADOPTION 10.14.2021

	<p>plan. Additionally, the entirety of the trail shall be constructed prior to the final plat approval of more than 75% of the residential units. When constructing within a Multi-Use Trail within the neighborhood, the required connection length into the neighborhood, and connection to a Neighborhood or other trails if applicable, shall be constructed in its entirety prior to the final plat approval of more than 75% of the residential units.*</p>
<u>2</u>	<p>Land dedication and conveyance for county owned land to be used for any type of recreational use (includes General Recreational Use for indoor/outdoor, Passive Recreation, and/or Regional Recreation Use defined by the Code provided property is publicly owned) and public civic/community uses (such as, but not limited to, community centers, libraries, fire or police stations). Park lands shall be 10 acres at a minimum all other public civic/community uses shall be 2 acres at a minimum. Final approval will be made by the BOCC. The applicant shall demonstrate at the time of rezoning that the County Agency is accepting the land dedication.*** and **</p>
<u>3</u>	<p><u>Construct new non-residential use in the Wimauma Downtown Main Street Core or Wimauma Downtown East. The requirement of 42 sq ft per household for the required non-residential uses shall be based on 30% total unit count or 3,000 sq ft whichever is larger.*</u></p>
<u>4</u>	<p><u>Benefit shall directly or indirectly contribute towards furthering a defined goal within the Wimauma Community Plan as exhibited in the Livable Communities Element. This benefit may include economic development, transit, affordable housing, internet access or other contributions. ****</u></p>
<b><u>Tier 2</u></b>	
<u>5</u>	<p><u>Transfer of Development Rights: Transfer a minimum of 10% of the base density of total PD units per acre to the Downtown TDR Receiving Zone in Wimauma Downtown per Sec. 3.24.11. and/or other TDR receiving area as defined by Hillsborough County. Lands sent may not contribute to 40% open space requirement.</u></p>
<u>6</u>	<p><u>Land dedication for ELAPP (approved by Hillsborough County) at a minimum of 10% of total site. Benefit is in addition to the minimum Open Space requirement per Section 3.24.04. *** and **</u></p>
<u>7</u>	<p><u>Internal recreation and open space shall exceed regulation per Section 3.24.04 by no less than 25% and 35%. Lands exceeding regulation shall be open to public use and maintenance of these lands shall not be the responsibility of Hillsborough County. Such areas when exceeding the minimums and identified for use as a community benefit shall not be excluded from density</u></p>

# WVR-2 FLUE ADOPTION 10.14.2021

	calculations.**
<u>8</u>	Construct on-site non-residential uses within the required Neighborhood Center acreage at 42 sq. ft. per housing unit utilizing 30 percent of the proposed units or 3,000 sq. ft. whichever is larger.*
<p><u>*The community benefit shall require that at least 50% of required on-site or off-site square footage shall receive a Certificate of Occupancy prior to the final plat approval of more than 75% of the residential units. 100% of the required on-site or off-site square footage shall receive a Certificate of Occupancy prior to the final plat approval of more than 90% of the residential units.</u></p> <p><u>**Compliance with these community benefits shall be demonstrated on the general site plan of the rezoning application.</u></p> <p><u>***These community benefits shall require written agreement/acceptance by the receiving entity of the dedicated land to provide assurances at the time of rezoning the benefit will be provided. Additionally, documentation of the conveyance of that land to the receiving entity is required prior to final plat approval.</u></p> <p><u>****Benefit may be used more than once if offering multiple benefits satisfying or furthering multiple Community goals.</u></p>	

## **Policy 48.8: Approvals & Tracking**

All approvals shall be through a planned unit development requiring, at a minimum, integrated site plans controlled through performance standards to achieve developments that are compatible with surrounding land use patterns. All rezoning inside the Wimauma Village Residential-2 (WVR-2) land use plan category shall be through a Planned Development district and shall comply with the LDC.

## **Policy 48.9: Transfer of Development Rights (TDR)**

In WVR-2, up to 2 dwelling units per gross acre (DU/GA) densities may be transferred between 2 separately owned or commonly held properties, whether or not they are contiguous to each other. The *designated sending area* shall be inside the limits of the Wimauma Village Residential-2 land use plan category.

### **Policy 48.9.a: Designated Receiving Zone**

The *designated receiving areas* shall be inside the Wimauma Village Residential-2 land use plan category, inside the Urban Service Area portion of the Wimauma Village Plan(Wimauma Downtown TDR Receiving Zone), or other identified areas within the Urban Service Area.

1. To support housing growth in the Wimauma Downtown and preserve rural areas within the WVR-2, the exchange ratio for transfer of dwelling units into the Wimauma Downtown Receiving Zone will be 2 DU/GA to 4 DU/GA, a ratio of 1:2. The transfer of dwelling units shall not exceed 4 DU/GA within the Wimauma TDR receiving zone. No property shall be left with less development rights than there are existing dwellings on said properties, or less than 1 dwelling unit development for any parcel which would otherwise be eligible for a dwelling unit.

# WVR-2 FLUE ADOPTION 10.14.2021

2. To support the Wimauma Main Street Core and economic development, stacking of TDR and Affordable Housing Density Bonuses (AHDB) will be allowed and encouraged in the Wimauma Downtown Receiving Zone. The stacking of TDR with any other density provision of the comprehensive plan or LDC shall be prohibited in WVR-2 to WVR-2 transfers.
  - a. 1 acre parcel with a Future Land Use of Residential-6, within the Wimauma TDR receiving zone, with no wetlands may be considered for up to 6 dwelling units. Applying for an Affordable Housing Density Bonus will increase the Residential 6 to the next highest category (Residential 9). The TDR receiving parcel may now be considered for as many as 9 dwelling units. The TDR sending parcel with a Future Land Use of WVR-2 may transfer density at a ratio of 2 DU/GA to 4 DUGA. The receiving of dwelling units shall not exceed 4 DU/GA within the Wimauma TDR receiving zone. Therefore, the total number of dwelling units that may be considered on a 1 acre parcel as described above is  $9 + 4 = 13$  dwelling units. Alternatively, the same parcel in this example may be considered for 10 dwelling units if not utilizing the AHDB. Any density considered above the Future Land Use category shall be by a Planned Development.
3. Properties within the WVR-2 may transfer to properties in the WVR-2 at a 1:1 ratio, not to exceed 4 DU/GA. These TDRs are a no net density increase to the rural service area and are transferred at a density of one to one, from and to WVR-2 properties.

Note: Wimauma-related terms not specifically defined in the Comprehensive Plan shall be defined in the Wimauma Downtown Overlay in the LDC.

## **Policy 48.10: Mobility and Access**

New development must accommodate the future street network through grid-like patterns as represented in the Plan. Each neighborhood must provide an interconnected network of streets, alleys or lanes, and other public passageways such as bicycle network or trail network, through provision, at a minimum, of the following:

1. Safe, convenient pedestrian access and circulation patterns within and between developments.
2. A continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk (rather than drive) between destinations.
3. A friendlier, more inviting environment by providing a pedestrian network that offers clear circulation paths from Off-Street Parking Areas to building entrances.
4. A continuous network of bicycle lanes and trails within and between developments, providing cyclists and pedestrians the opportunity to travel or commute (rather than drive) between destinations.

# WVR-2 FLUE ADOPTION 10.14.2021

5. Adequate consideration for the access needs of disabled residents and visitors through the provision of special parking spaces, accessible routes between Off-Street Parking Areas and buildings, passenger loading zones and access to other facilities in order to give disabled persons an increased level of mobility.
6. For the purpose of developing a greenway trail referred to as the conceptual South County Greenway-Wimauma (TECO Corridor), as defined in the Wimauma Downtown Overlay in the LDC:
  - a) in the case of property adjacent to or co-located with the conceptual South County Greenway-Wimauma, dedicated right-of-way for the greenway trail, or
  - b) in the case of property not adjacent to the conceptual South County Greenway, trail connections between neighborhoods that connect future development with the proposed or existing greenway trail adjacent to the conceptual South County Greenway-Wimauma, existing residential neighborhoods, Wimauma Elementary School, Downtown Wimauma, and facilities identified in the Hillsborough County Greenways and Trails Master Plan.

## **Policy 48.11: Building Lot Types**

A diverse building form shall be required in the Wimauma Village Residential-2 land use plan category for projects of 5 acres or more in order to prevent urban sprawl, provide for the efficient provision of infrastructure, and preservation of open space and the environment.

1. Proposed development of 100 acres or more shall provide at least six (6) different building lot types.
2. Proposed development less than 100 acres shall provide at least four (4) different building lot types.
3. This provision shall not apply to property within the Wimauma Downtown East District.

## **Policy 48.12: No parcel split to avoid community benefit requirements**

Parcels within the Wimauma Village Residential-2 land use plan category shall not be split into smaller parcels to avoid community benefit requirements applicable to all parcels seeking to develop at densities above 1 dwelling unit per 5 gross acres.

## **Policy 48.13: Community Benefits under Wimauma Village Plan**

Developments within the Wimauma Village Residential-2 land use plan category that request approval under the Wimauma Village Plan concept shall offer community benefits.

## **Policy 48.14: Residential Support Uses**

# WVR-2 FLUE ADOPTION 10.14.2021

Lands of three (3) acres or less designated for residential support uses within a Wimauma Village Plan(PD) of similar size, scale and massing to the prevailing residential uses shall not be subtracted from residential density calculations. The proposed Wimauma Village Plan shall be a minimum 100 acres.

## **Objective 48.a: Timeliness**

A planned village within the Rural Service Area (WVR-2) shall demonstrate that the proposed development is properly timed and not premature for the Rural Service Area.

## **Policy 48.a.1: Goal**

It is the goal of Hillsborough County to maximize and prioritize the timeliness of appropriate land use, zoning, growth and development within the Urban Service Area prior to the utilization of land use, zoning, growth and development in the Rural Service Area.

## **Policy 48.a.2: Two-tiered land use plan category**

Hillsborough County will continue to implement a two-tiered land use plan category in areas designated WVR-2 which permit a base density of 1 dwelling unit per 5 gross acres, with consideration of up to 2 dwelling units per gross acre for projects that meet the intent of the Planned Village concept as embodied in these policies and implementing LDC.

## **Policy 48.a.3: Capital Improvement Costs**

Capital improvement costs associated with the provision of public facilities and services as determined by the appropriate regulatory agency or public service provider to service the permitted development shall be the responsibility of the developer. All land for capital facilities shall continue to count toward project density.

## **Policy 48.a.4: Capital Facilities**

When a new WVR-2 development with density greater than 1 dwelling unit per 5 gross acres is proposed, the applicant shall meet with Hillsborough County to determine if capital facilities for emergency services, parks, and libraries are needed to serve the area and if so, encourage development to integrate land for those facilities into the design of their project, to the extent feasible. All land for capital facilities for emergency services, parks and libraries shall continue to count towards project density.

## **Policy 48.a.5: Rural Services**

Alternative methods for delivery of rural services may be considered with County approval. Services shall be consistent with the Comprehensive Plan, Land Development Code and shall further an expressed goal of the Wimauma Community Plan.

## **Policy 48.a.6: Potable Water Supply Well Sites**

# WVR-2 FLUE ADOPTION 10.14.2021

Publicly owned potable water supply well sites within an existing or proposed wellfield are not subject to density or intensity standards. Subdivision of well site away from the parent parcel shall be allowed provided the parent parcel continues to meet applicable standards. Potable water supply well sites shall be reviewed as public service facilities in the LDC not as Planned Developments.

## **Policy 48.a.7: Mobility Planning**

In the review of development applications consideration shall be given to the present and long-range configuration of the roadways involved. The five-year transportation Capital Improvement Program, TPO Transportation Improvement Program or Long-Range Transportation Needs Plan shall be used as a guide to consider designing the development to coincide with the ultimate roadway configuration as shown on the adopted Long Range Transportation Plan.

## **Policy 48.a.8: Provision of Connectivity to Roadway Networks**

Proposed villages including (50) or more residential units that do not have access to roadways shall provide connectivity to secondary roadway networks, to connect to roadway facilities.

## **Policy 48.a.9: Vision Zero**

Where possible and feasible Vision Zero principles, as outlined in the adopted *Vision Zero Action Plan* (2017), shall be incorporated into all mobility facility improvements.

## **Policy 48.a.10: School Sites**

Applicants of re-zonings containing 50 or more residential units shall consult with the School District of Hillsborough County regarding potential school sites prior to submitting a rezoning application. Applicants shall provide an affidavit confirming the time, location and meeting notes.

## **Policy 48.a.11: Open Space**

Open Space shall be prioritized for conservation to promote wildlife corridors and minimize negative effects on neighboring wildlife habitat.

## **Policy 48.a.12: Wildlife Corridors**

During development review processes, the County shall consider the effects of development on wildlife habitat and protect wildlife corridors from fragmentation. Where necessary to prevent fragmentation of wildlife corridors, the County shall require the preservation of effective wildlife corridors within development projects.

## **Policy 48.a.13: Agriculture**

# WVR-2 FLUE ADOPTION 10.14.2021

Up to 50% of the planned village open space requirement may be satisfied by the inclusion of a Community Farm and similar uses designed to incorporate the agricultural use into the planned village or to further a Community Plan.

## **Policy 48.a.14: Timeliness Indicators**

The timeliness of development within a proposed village shall be evaluated by the County. A project is considered premature if any of the following indicators are present:

1. The proposed site plan is not compatible with the surrounding area as further described in Policy 48.a.15.
2. The proposed planned development does not meet or exceed all Land Development Code requirements.
3. The project would adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with the policies of the Comprehensive Plan.
4. The project does not achieve internal trip capture either through the construction of an onsite mix of uses, or by being located within a 2-mile walking or driving distance of the segment of 674 that is within the Wimauma Village Downtown and in the Urban Service Area, or some combination thereof that ensures the provision of internal trip capture in the Wimauma Village. \*

\* A project that provides for commercial or office development fronting State Road 674 within the Wimauma Village Downtown, or within the Wimauma Main Street Core District, through construction, land dedication, or infrastructure development, shall not be considered premature on the basis of not achieving internal trip capture.

## **Policy 48.a.15: Compatibility Review**

Compatibility is of the utmost importance as this area is primarily rural in area any development at higher densities than 1 unit per 5 acres must be sensitive to that predominant rural character. Factors to address compatibility can include, but are not limited to, height, scale, mass and bulk of structures, circulation and access impacts, landscaping, lighting, noise, odor and architecture to maintain the character of existing development. Residential uses adjacent to residential uses shall demonstrate compatibility through the creation of a similar lot pattern, enhanced screening/buffering or other means. Maintenance and enhancement of rural, scenic, or natural view corridors shall also be a consideration in evaluating compatibility in this area.

Note: See Community and Special Area Studies, VI. LAND USE PLAN CATEGORIES and Definitions of the Future Land Use Element related to Wimauma Village Plan and Wimauma Village Residential-2 land use plan category.



# ADOPTION 10.14.2021

FUTURE OF HILLSBOROUGH

RURAL –RESIDENTIAL LAND USE CLASSIFICATION

## Wimauma Village Residential-2 (WVR-2)

### **RESIDENTIAL GROSS DENSITY**

Consideration of densities up to 2.0 dwelling units per gross acre may be achieved by demonstrating a Wimauma Village Plan concept and by providing community benefits identified in this Plan on at least 5.0-acres. Otherwise, the gross residential density may not exceed 1 dwelling unit per 5 gross acres. In no event shall contiguous open space constitute less than 30% of the gross site acreage. In addition to this requirement internal open space shall constitute no less than 10% gross site acreage.

Allow for the transfer of up to 2 dwelling units per gross acre densities between 2 separately owned or commonly held properties, whether or not they are contiguous to each other. The designated sending area shall be inside the limits of the WVR-2 category. The designated receiving areas shall be inside the WVR-2 category, in the Wimauma Downtown TDR Receiving Area or other areas identified inside the Urban Service Area. The transfer ratio shall be 2 dwelling units per gross acre to 4 dwelling units per gross acre when transferring to areas within the Urban Service Area unless otherwise specified. The transfer shall not exceed 4 dwelling units per acre into the Wimauma Downtown TDR Receiving Area. No property shall be left with less development rights than there are existing dwellings on said properties, or less than 1 dwelling unit development for any parcel which would otherwise be eligible for a dwelling unit.

### **TYPICAL USES**

Agriculture, residential uses and residential support uses, may be considered category wide. Commercial (except as limited by the Wimauma Community Plan), industrial and office uses may be considered within the Wimauma Downtown East District. Commercial locational criteria is waived for the Wimauma Downtown East District.

### **MAXIMUM FLOOR AREA RATIO OR SQUARE FEET**

Allow a maximum .25 FAR in the segment of the category identified as Wimauma Downtown East District. Stand-alone commercial uses are limited to 40,000 square feet per structure.

### **SPECIFIC INTENT OF CATEGORY**

In order to avoid a pattern of development that could contribute to urban sprawl, it is the intent of this category to designate areas inside the boundaries of the Wimauma Village Plan that are suited for agricultural development in the immediate horizon of the Plan, but may be suitable for the expansion of the Wimauma Village as described in this Plan.

Open Space, (including parks, forestry, outdoor recreation, ELAPP, public uses, ponds, wetlands, corridors, community garden(s) and agricultural open space) shall constitute an important component of this category. To avoid environmental isolation and fragmentation, the Plan seeks contiguity and connectivity to other open spaces or conservation areas.

Rezoning shall be approved through a site planned controlled rezoning district in which the site plan demonstrates detailed internal relationships and pedestrian integration among uses, controlled through performance standards adopted in the Land Development Regulations.

Developments within the WVR-2 Future Land Use category that request approval to achieve densities in excess of 1 dwelling unit per 5 gross acres under the Wimauma Village Plan concept shall be on a central public water and sewer system. All capital improvement costs associated with the provision of public facilities and services, including, but not limited to, public water, wastewater, fire, police, schools, parks, and libraries shall be the responsibility of the

**ADOPTION 10.14.2021**

developer and not the responsibility of  
Hillsborough County.

**The below Future Land Use Policy 4.5 and Future Land Use Appendix A are proposed to be amended to be found consistent with the proposed provisions of both the RP-2 and WVR-2 Land Use Categories as presented in HC/CPA 20-11 and HC/CPA 20-13.**

**FLUE Policy 4.5:**

~~Clustered development can only be used for projects where substantial open space can be maintained and still retain the rural character of the surrounding community or where clustering is used to achieve the requirements of the RP-2/WVR-2 or PEC ½ land use categories. The open space maintained in this case can be used for passive recreational use, bona fide agricultural purposes or placed into a conservation easement. These lands are not intended to be used for future development entitlements.~~

**FLUE Policy 4.5:**

Clustered development can only be used for projects where substantial open space can be maintained and still retain the rural character of the surrounding community or where clustering is used to achieve the requirements of the PEC ½ land use category. The open space maintained in this case can be used for passive recreational use, bona fide agricultural purposes or placed into a conservation easement. These lands are not intended to be used for future development entitlements.

**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA  
COUNTY OF Pinellas, Hillsborough, Pasco,  
Hernando Citrus

} ss

Before the undersigned authority personally appeared Jean Mitotes who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: Public Hearing was published in Tampa Bay Times: 7/28/21 in said newspaper in the issues of Tampa Bay Times/Local B/Full Run

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature Affiant

Sworn to and subscribed before me this 07/28/2021

Signature of Notary Public

Personally known     X     or produced identification

Type of identification produced \_\_\_\_\_



JESSICA ATTARD  
Commission # GG 308686  
Expires March 28, 2023  
Bonded thru Budget Notary Services

# NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS WILL CONSIDER THE PROPOSED CHANGES TO THE FUTURE OF HILLSBOROUGH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE (LDC) FOR UNINCORPORATED HILLSBOROUGH COUNTY. THE PLAN AMENDMENTS AND LDC AMENDMENTS WILL AFFECT LAND LOCATED IN THE GENERALIZED MAP AS DESCRIBED HEREIN. THE BOARD OF COUNTY COMMISSIONERS MAY CONSIDER ALTERNATIVE PROPOSALS WHICH MAY AFFECT ALL OR PARTS OF THE LAND IDENTIFIED.

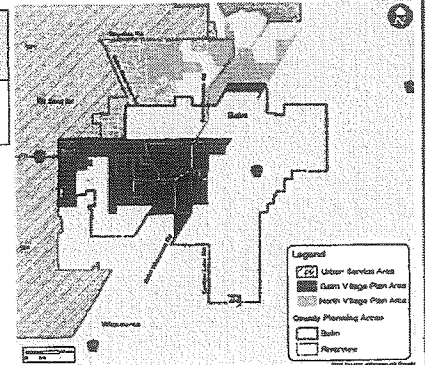
The Board of County Commissioners will hold a Public Hearing to consider an ordinance amending the Comprehensive Plan, Hillsborough County Ordinance 89-28, as amended, and the LDC on:

**Thursday, August 5, 2021 at 6:00p.m.\*\***

**Text Amendment to the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County**

HC/CPA 20-11: Future Land Use Element Text change provides new policy guidance for the Residential Planned-2 (RP-2) Future Land Use category'

'Hillsborough County: Land Development Code Amendment - 21-0288: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND-DEVELOPMENT CODE; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO PLANNED VILLAGE; PURPOSE AND SUB-PLAN DESIGNATION AREAS; APPLICABILITY; DEFINITIONS; DESIGN RULES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. All meeting facilities are accessible in accordance with the Americans with Disabilities Act. Any additional necessary accommodations will be provided with a 48-hour notice. For more information, please call the Communications Department at: (813) 272-5275 (TTY: 301-7173). If any person decides to appeal any decision made by the Hillsborough County Board of County Commissioners in regard to any matter considered at such meeting or hearing, such person will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made. For copies of the proposed amendment and further information, contact the Planning Commission at (813) 272-5940 or visit: [www.planhillsborough.org](http://www.planhillsborough.org).

\*\*This will be a hybrid meeting. The Board of County Commissioners (only) will establish a quorum at the County Center Building, 2nd Floor, 601 E. Kennedy Blvd., Tampa, FL 33602. The rest of the board, staff, and public participate virtually. Virtual participation in this public hearing is highly encouraged and is available through communications media technology, as described below.

The BOCC fully encourages public participation in its communications media technology hearing in an orderly and efficient manner. For information on how to view or participate in a virtual meeting, visit:

<https://www.hillsboroughcounty.org/en/government/meeting-information/speak-at-a-virtual-meeting>. Anyone who wishes to speak at the public hearing will be able to do so by completing the online Public Comment Signup Form found at: <https://HillsboroughCounty.org/SpeakUp>. You will be required to provide your name and telephone number on the online form. This information is being requested to facilitate the conferencing process. The Chair will call on speakers by name in the order in which they have completed the online Public Comment Signup Form. Prioritization is on a first come, first-served basis. Participation information will be provided to participants who have completed the form after it is received by the County. All callers will be muted upon calling and will be unmuted in the submission order after being recognized by the Chair by name. Up to three (3) minutes are allowed for each speaker. Signups for the August 5<sup>th</sup> public hearing will not be accepted after 5:30 PM on the day of the hearing. Public comments offered using communications media technology will be afforded equal consideration as if the public comments were offered in person.

The public can listen and view the public hearing live in the following ways:

- The County's official YouTube channel: [YouTube.com/HillsboroughCountyMeetings](https://www.youtube.com/HillsboroughCountyMeetings)
- The County's HTV channels on cable television: Spectrum 637 and Frontier 22
- The HCFLGov.net website by going to [HCFLGov.net/newsroom](http://HCFLGov.net/newsroom) and selecting the "Live Meeting" button
- Listen to the meeting on smart phones by going to the above YouTube link.

Any updates will be posted on the calendar listing prior to the hearing at: [www.hillsboroughcounty.org/calendar](http://www.hillsboroughcounty.org/calendar).

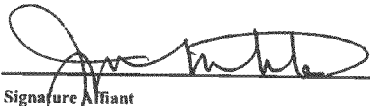
If you have any questions or need additional information for providing public input, you may call (813) 307-3115. Participants are encouraged (whenever possible) to submit questions to the Planning Commission in advance of the meeting by email to [Planner@plancom.org](mailto:Planner@plancom.org) or by calling (813) 272-5940. To best facilitate advance public comments, visit <https://www.hillsboroughcounty.org/en/government/board-of-county-commissioners> to leave comments with the Commissioner who represents your district. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law applicable to the Board of County Commissioners. The meeting may be continued in progress without additional notice to a date, time, and place (either physical, telephonic, or virtual) to be specified on the record at the meeting. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to contact the Hillsborough County ADA Officer Carmen LoBue at [lobuec@hcflgov.net](mailto:lobuec@hcflgov.net) or 813-276-8401; TTY: 7-1-1. For individuals who require hearing or speech assistance, please call the Florida Relay Service Numbers, (800) 955-8771 (TDD) or (800) 955- 8700(v) or Dial 711 no later than 48 hours prior to the proceedings. All BOCC meetings are closed captioned.

**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA  
COUNTY OF Pinellas, Hillsborough, Pasco,  
Hernando Citrus

Before the undersigned authority personally appeared **Jean Mitotes** who on oath says that he/she is **Legal Advertising Representative of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: Public Hearing** was published in **Tampa Bay Times: 9/29/21** in said newspaper in the issues of **Tampa Bay Times/Local B/Full Run**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


  
Signature Affiant

Sworn to and subscribed before me this **09/29/2021**

  
Signature of Notary Public

Personally known           X           or produced identification

Type of identification produced \_\_\_\_\_

 **JESSICA ATTARD**  
Commission # GG 308666  
Expires March 28, 2023  
Bonded thru Budget Notary Services

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS WILL CONSIDER THE PROPOSED CHANGES TO THE FUTURE OF HILLSBOROUGH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE (LDC) FOR UNINCORPORATED HILLSBOROUGH COUNTY. THE PLAN AMENDMENTS AND LDC AMENDMENTS WILL AFFECT LAND LOCATED IN THE GENERALIZED MAP AS DESCRIBED HEREIN. THE BOARD OF COUNTY COMMISSIONERS MAY CONSIDER ALTERNATIVE PROPOSALS WHICH MAY AFFECT ALL OR PARTS OF THE LAND IDENTIFIED.

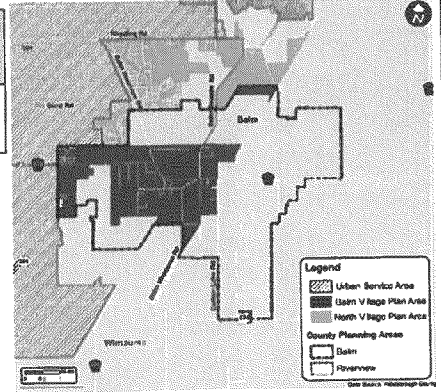
The Board of County Commissioners will hold a Public Hearing to consider an ordinance amending the Comprehensive Plan, Hillsborough County Ordinance 89-28, as amended, and the LDC on:

**Thursday, October 14, 2021 at 6:00p.m.\*\***

**Text Amendment to the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County**

**HC/CIPA 20-11: Future Land Use Element Text change: provides new policy guidance for the Residential Planned-2 (RP-2) Future Land Use category'**

**\*Hillsborough County: Land Development Code Amendment - 21-0288: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5. DEVELOPMENT OPTIONS, RELATING TO PLANNED VILLAGE: PURPOSE AND SUB-PLAN DESIGNATION AREAS; APPLICABILITY; DEFINITIONS; DESIGN RULES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. All meeting facilities are accessible in accordance with the Americans with Disabilities Act. Any additional necessary accommodations will be provided with a 48-hour notice. For more information, please call the Communications Department at (813) 272-5275 (TTY: 301-7173). If any person decides to appeal any decision made by the Hillsborough County Board of County Commissioners in regard to any matter considered at such meeting or hearing, such person will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made. For copies of the proposed amendment and further information, contact the Planning Commission at (813) 272-5940 or visit: [www.planhillsborough.org](http://www.planhillsborough.org).

**\*\*This will be a hybrid meeting. The Board of County Commissioners (only) will establish a quorum at the County Center Building, 2nd Floor, 601 E. Kennedy Blvd., Tampa, FL 33602. The rest of the board, staff, and public participate virtually. Virtual participation in this public hearing is highly encouraged and is available through communications media technology, as described below.**

The BOCC fully encourages public participation in its communications media technology hearing in an orderly and efficient manner. For information on how to view or participate in a virtual meeting, visit: <https://www.hillsboroughcounty.org/en/government/meeting-information/speak-at-a-virtual-meeting>. Anyone who wishes to speak at the public hearing will be able to do so by completing the online Public Comment Signup Form found at: <https://HillsboroughCounty.org/SpeakUp>. You will be required to provide your name and telephone number on the online form. This information is being requested to facilitate the conferencing process. The Chair will call on speakers by name in the order in which they have completed the online Public Comment Signup Form. Prioritization is on a first come, first-served basis. Participation information will be provided to participants who have completed the form after it is received by the County. All callers will be muted upon calling and will be unmuted in the submission order after being recognized by the Chair by name. Up to three (3) minutes are allowed for each speaker. Signups for the October 14<sup>th</sup> public hearing will not be accepted after 5:30 PM on the day of the hearing. Public comments offered using communications media technology will be afforded equal consideration as if the public comments were offered in person.

The public can listen and view the public hearing live in the following ways:

- The County's official YouTube channel: [YouTube.com/HillsboroughCountyMeetings](https://www.youtube.com/HillsboroughCountyMeetings)
- The County's HTV channels on cable television: Spectrum 637 and Frontier 22
- The HCFLGov.net website by going to [HCFLGov.net/newsroom](http://HCFLGov.net/newsroom) and selecting the "Live Meeting" button
- Listen to the meeting on smart phones by going to the above YouTube link.

Any updates will be posted on the calendar listing prior to the hearing at: [www.hillsboroughcounty.org/calendar](http://www.hillsboroughcounty.org/calendar).

If you have any questions or need additional information for providing public input, you may call (813) 307-3115. Participants are encouraged (whenever possible) to submit questions to the Planning Commission in advance of the meeting by email to [Planner@plancom.org](mailto:Planner@plancom.org) or by calling (813) 272-5940. To best facilitate advance public comments, visit <https://www.hillsboroughcounty.org/en/government/board-of-county-commissioners> to leave comments with the Commissioner who represents your district. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law applicable to the Board of County Commissioners. The meeting may be continued in progress without additional notice to a date, time, and place (either physical, telephonic, or virtual) to be specified on the record at the meeting. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to contact the Hillsborough County ADA Officer Camen LoBue at [lobuec@hcflgov.net](mailto:lobuec@hcflgov.net) or 813-276-8401; TTY: 7-1-1. For individuals who require hearing or speech assistance, please call the Florida Relay Service Numbers, (800) 955-8771 (TDD) or (800) 955- 8700(v) or Dial 711 no later than 48 hours prior to the proceedings. All BOCC meetings are closed captioned.

0000185905-01 September 29, 2021



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 22, 2021

Honorable Cindy Stuart  
Clerk of the Circuit Court  
Hillsborough County  
419 Pierce Street, Room 140  
Tampa, Florida 33601

Attention: Diana Leon

Dear Ms. Stuart:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 21-38, which was filed in this office on October 22, 2021.

Sincerely,

Anya Owens  
Program Administrator

AOM/b

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**EISENHOWER PROPERTY GROUP,  
LLC**, a Florida limited liability company, and  
**EPG1, LLC**, a Florida limited liability company,

Petitioners,  
v.

HC/CPA 20-12 & HC/CPA 20-13  
DOAH CASE NO.: 21-3454GM

**HILLSBOROUGH COUNTY**, a political  
subdivision of the State of Florida,

Respondent.

---

**CORRECTED\* PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioners, EISENHOWER PROPERTY GROUP, LLC (“Eisenhower”) and EPG1, LLC (“EPG1”) (“Petitioners”), hereby request a formal administrative hearing pursuant to Sections 120.569, 120.57(1), and 163.3184(5)(a), Florida Statutes, to determine whether amendments to the Hillsborough County Comprehensive Plan (the “Plan”) adopted by Respondent, HILLSBOROUGH COUNTY (the “County”) on October 14, 2021 through Ordinance No. 21-38, are in compliance with the Community Planning Act, Section 163.3161, *et seq.*, Florida Statutes (the “Act”). In support, Petitioners allege as follows:

**STATEMENT OF THE ISSUE**

1. On October 14, 2021, the County adopted HC/CPA 20-12 and HC/CPA 20-13, amending the Plan’s Future Land Use Element (“FLUE”) and Livable Communities Element (“LCE”) (collectively, the “Plan Amendments”). Together, the Plan Amendments revise portions of the Wimauma Village Plan and the Wimauma Village Residential-2 (“WVR-2”) Future Land Use category. This Petition alleges that the Plan Amendments are not “in compliance” with the Act, as defined in Section 163.3184(1)(b), Florida Statutes.

## **PARTIES**

2. Petitioner Eisenhower is a Florida limited liability company with its principal place of business located in Hillsborough County. Petitioner Eisenhower is also the contract purchaser of 193.99 acres of property in Wimauma, which is located in southern Hillsborough County. Petitioner Eisenhower's address, email address, and telephone number for purposes of this proceeding are that of its counsel: Glenn Burhans, Jr., Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., 106 East College Avenue, Suite 700, Tallahassee, Florida 32301, Phone: (850) 580-7200, Fax: (850) 329-4844, gburhans@stearnsweaver.com.

3. Petitioner EPG1 is a Florida limited liability company with its principal place of business located in Hillsborough County. Petitioner EPG1 is also the owner of 418 acres of property in Wimauma, which is located in southern Hillsborough County. Petitioner EPG1's address, email address, and telephone number for purposes of this proceeding are that of its counsel: Glenn Burhans, Jr., Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., 106 East College Avenue, Suite 700, Tallahassee, Florida 32301, Phone: (850) 580-7200, Fax: (850) 329-4844, gburhans@stearnsweaver.com.

4. The County is a political subdivision of the State of Florida charged with maintaining and implementing a comprehensive plan in compliance with the Act. The County's address, email address, and telephone number for purposes of this proceeding are that of the Hillsborough County Attorney: Christine Beck, 601 East Kennedy Boulevard, 27th Floor, Tampa, Florida 33601, Phone: (813) 272-5670, Fax: (813) 272-5231, becke@hillsboroughcounty.org.

## **NOTICE OF AGENCY ACTION**

5. Petitioners received notice of the County's adoption of the Plan Amendments on October 14, 2021, the date of adoption, by their counsel's attendance at the adoption hearing.



Pursuant to Section 163.3184(5)(a), Florida Statutes, Petitioners had thirty days from the date of adoption to file a petition challenging the County’s action. This petition is timely filed.

### **STANDING**

6. Petitioners meet the definition of “affected persons” as defined in Section 163.3184(1)(a), Florida Statutes. Petitioners own property in Hillsborough County. Petitioners also own and operate businesses in Hillsborough County. Petitioners, through counsel, provided oral and written comments, recommendations, and objections to the County between the transmittal hearing on August 12, 2021 and adoption of the Plan Amendments challenged in this petition on October 14, 2021. As “affected persons,” Petitioners are entitled to bring this action.

7. Additionally, the Plan Amendments adversely affect Petitioners’ substantial interests. The Plan Amendments revise portions of the Wimauma Village Plan and the WVR-2 Future Land Use category, both of which apply to Petitioners’ properties. As adopted, the Plan Amendments harm Petitioners’ ability to develop their properties by significantly limiting achievable residential densities and imposing unlawful exactions disguised as community benefits. Accordingly, the Plan Amendments adversely affect not just Petitioners’ substantial interests, but their constitutionally protected property rights as well.

### **PROCEDURAL BACKGROUND**

8. In 2007, the County adopted the Wimauma Village Plan and created WVR-2 as a new Future Land Use category inside its boundaries. WVR-2 replaced the previous Residential Planned-2 (“RP-2”) designation while maintaining its maximum residential density at two units per acre. The Wimauma Village Plan and WVR-2 policies were specifically crafted so that Wimauma and the surrounding areas would develop into one single planned village centered around downtown Wimauma.

9. To revitalize the downtown area, the Wimauma Village Plan and WVR-2 policies included locational requirements directing nonresidential development to the Wimauma Village Downtown to the greatest extent possible. This purpose was further supported by FLUE Policy 48.1, which stated:

The ability to obtain the maximum intensities and/or densities permitted in the WVR-2 land use category shall be dependent on the extent to which developments are planned to achieve on-site clustering. In order to achieve densities in excess of 1 du / 5 ga in the WVR-2 category, developments shall achieve the minimum clustering ratios, job opportunity provisions, and shopping provisions, required by this Plan except as noted in the Zoning Exception found in the Implementation Section of the FLUE.

As implemented, FLUE Policy 48.1 required applicants for planned development rezoning approval – which is a required development approval in WVR-2 – to demonstrate that the job opportunities necessitated by the number of residential dwelling units proposed could be provided in the future within the Wimauma Village Downtown.

10. On August 13, 2019, the Board of County Commissioners (“Board”) adopted a new interpretation of the Wimauma Village Plan and WVR-2 policies that effectively added a timing compliance standard. By this new interpretation, the County took the position that residential uses cannot be developed in WVR-2 unless the supporting nonresidential uses have already been constructed. Put simply, landowners in Wimauma cannot rezone their properties to allow residential development until they ensure a certain number of jobs have been created through the existence of constructed nonresidential space in the Wimauma Village Downtown.

11. Shortly thereafter, the Board directed the Planning Commission and County staff to study and prepare formal amendments to the WVR-2 policies. The Board also directed the advertisement and scheduling of public hearings for a 270-day moratorium on the processing of new rezoning applications or Planned Development modifications within WVR-2. The

moratorium took effect on December 9, 2019, was extended on two separate occasions due to the ongoing COVID-19 pandemic, and is now set to expire on December 31, 2021.

12. While the moratorium was in place, the County retained the University of South Florida's Center for Community Design and Research to conduct a land use study of the WVR-2 Future Land Use category and provide recommendations for updates to the Wimauma Village Plan and WVR-2 policies. The County also retained WTL+a to produce a demographic and real estate market analysis, as well as a community profile for Wimauma.

13. The County introduced these studies to the public at a community open house on March 4, 2020, followed by a workshop from March 5-7, 2020. The County also conducted an online survey from April 9-16, 2020, whereby residents were able to provide input in the planning process. At an April 20, 2020 meeting, the Planning Commission provided a summary of the feedback from the open house and workshop, and discussed initial recommendations for the proposed amendments, including a projected timeline for adoption. Petitioners, through counsel, participated and provided input in these meetings.

14. The County conducted a second online survey from June 1-15, 2020, and held a virtual work session on June 17, 2020 to share and solicit feedback on the initial recommendations from the studies. In August and September of 2020, the Planning Commission offered and conducted one-on-one and group meetings where the public could ask questions and provide comments on those recommendations. Then, the County held a virtual meeting on November 4, 2020, and an in-person open house on November 7, 2020, both of which offered the public and stakeholders an opportunity to provide feedback on the final study results and recommendations. Petitioners, through counsel, participated and provided input in these meetings.

15. On February 1, 2021, the Planning Commission held its first public hearing to consider the proposed amendments to the Wimauma Village Plan and WVR-2 policies. The proposal at that time, based on a draft of the amendments dated January 21, 2021, replaced the existing jobs requirement with a new concept of community benefits. To obtain maximum residential densities, new planned developments in WVR-2 would be required to provide community benefits and services that support the needs of the community, improve infrastructure, enhance economic opportunity, and achieve the goals of the community plan. The number of community benefits required would be dependent on the size of the project and could be selected from a menu that initially included nine options. Petitioners, through counsel, participated and provided comments to the Planning Commission at the public hearing.

16. The County subsequently conducted additional community and stakeholder meetings on March 27, April 15, May 8, and June 5, 2021, and a final community open house was held on June 26, 2021 to provide an update on the proposed amendments based on input the County received. Petitioners, through counsel, participated and provided input in these meetings.

17. On July 19, 2021, the Planning Commission conducted its second public hearing, this time based on a substantially revised draft of the proposed amendments dated July 9, 2021. The revised draft introduced a tiered system for community benefits, added four additional community benefit options, and added a requirement that development applications within the Rural Service Area must demonstrate the proposed development is properly timed and not premature. Ultimately, the Planning Commission voted to recommend approval of the proposed amendments as presented in the July 9, 2021 draft. Petitioners, through counsel, participated and provided comments to the Planning Commission at the public hearing.

18. The Board considered the proposed amendments at a public hearing on August 12, 2021. During the hearing, the Board struck five of the thirteen community benefit options – one of which was turned into a mandatory requirement – and amended two of the remaining options to make them more burdensome on the landowner. The Board then unanimously voted to approve Resolution R21-074 transmitting the proposed amendments to the State Land Planning Agency for review pursuant to Section 163.3184(3)(b)1., Florida Statutes. Petitioners, through counsel, participated and provided comments to the Board at the public hearing.

19. After the County transmitted the proposed amendments to the State Land Planning Agency, and while the proposed amendments were under review, the County conducted an additional community meeting on September 18, 2021 to communicate the changes that had been incorporated into the proposed amendments since the transmittal hearing. These changes were the result of Board direction during the transmittal hearing and additional staff discussion thereafter. Petitioners, through counsel, participated and provided input at this meeting.

20. Despite having invested more than 18 months of community and stakeholder engagement into the process of developing revisions to the Wimauma Village Plan and WVR-2 policies, at a public hearing on October 14, 2021, the Board approved Ordinance No. 21-38, adopting its substantially modified Plan Amendments pursuant to Section 163.3184(3)(c)1, Florida Statutes.

#### **DISPUTED ISSUES OF MATERIAL FACT**

21. Petitioners' statement of disputed issues of material fact is below. Petitioners reserve the right to amend and supplement these disputed issues of material fact.

22. Whether the Plan Amendments are “based upon relevant and appropriate data and analysis” and are, therefore, “in compliance” with Section 163.3177(1)(f), Florida Statutes.

23. Whether the Plan Amendments “provide for orderly and balanced economic, social, and physical development of the WVR-2 land use category,” “guide future decisions in a consistent manner,” “establish meaningful and predictable standards for the use and development of land” and “provide meaningful guidelines for the content of more detailed land development and use regulations” and are, therefore, “in compliance” with Section 163.3177(1), Florida Statutes.

24. Whether the Plan Amendments improperly include “documents adopted by reference but not incorporated verbatim into the plan” and are, therefore “not in compliance” with Section 163.3177(1)(b), Florida Statutes.

25. Whether the Plan Amendments render the Plan internally inconsistent and are, therefore, “not in compliance” with Section 163.3177(2), Florida Statutes.

26. Whether the Plan Amendments and Plan as amended include at least two planning periods, one covering at least the first 5-year period occurring after the plan’s adoption and one covering at least a 10-year period and is, therefore, “in compliance” with Section 163.3177(5), Florida Statutes.

27. Whether the Plan Amendments are “based upon relevant and appropriate data and analysis” as required specifically for the Future Land Use Element and are, therefore, “in compliance” with Section 163.3177(6)(a)2, Florida Statutes.

28. Whether the Plan Amendments include adequate criteria to coordinate future land uses with topography and soil conditions and the availability of facilities and services and are, therefore, “in compliance” with Section 163.3177(6)(a)3, Florida Statutes.

29. Whether the Plan Amendments include policies, guidelines, principles, and standards achieve a balance of uses in the Wimauma area that foster vibrant, viable communities and economic development opportunities, allow the operation of real estate markets to provide

adequate choices for permanent and seasonal residents and business, and accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period and are, therefore, “in compliance” with Section 163.3177(6)(a)4, Florida Statutes.

30. Whether the Plan Amendments are “based upon relevant and appropriate data and analysis” of the minimum amount of land needed to achieve the goals and requirements of Section 163.3177 and are, therefore, “in compliance” with Section 163.3177(6)(a)8, Florida Statutes.

31. Whether the Plan Amendments “discourage the proliferation of urban sprawl” and are, therefore, “in compliance” with Section 163.3177(6)(a)9., Florida Statutes.

32. Whether the Plan Amendments “ensure that private property rights are considered” and are, therefore, “in compliance” with Section 163.3177(6)(i), Florida Statutes.

33. Whether the Plan Amendments and the Plan as amended are “based upon relevant and appropriate data and analysis” regarding the existing transportation system, growth trends and travel patterns, intermodal deficiencies, projected transportation system levels of service and systems needs based upon the future land use map and projected integrated transportation system, and how Hillsborough County will correct existing transportation deficiencies, meet identified needs of the projected transportation system and advance the purpose of this paragraph and the other elements of the comprehensive plan and are, therefore, “in compliance” with Section 163.3177(6)(b), Florida Statutes.

34. Whether the Plan Amendments and the Plan as amended include sufficient principles, guidelines, standards, and strategies regarding the provision of housing for all current anticipated future residents, provision of adequate sites for future housing, including affordable workforce housing, formulation of housing implementation programs, creation of affordable

housing to avoid the concentration of affordable housing units only in specific areas of the jurisdiction, distribution of housing for a range of incomes and types, actions to partner with private and nonprofit sectors to address housing needs and minimize costs and delays and are, therefore, “in compliance” with Section 163.3177(6)(f)1 and (4), Florida Statutes.

35. Whether the Plan Amendments and the Plan as amended are “based upon relevant and appropriate data and analysis” regarding housing needs, including specified requirements, projected households and related characteristics derived from population projections, and minimum housing needs, including for affordable workforce housing, for current and anticipated future residents and are, therefore, “in compliance” with Section 163.3177(6)(f)2, Florida Statutes.

36. Whether the Plan Amendments and Plan as amended are “in compliance” with the requirements of Section 163.3180, Florida Statutes.

#### **STATEMENT OF ULTIMATE FACTS**

37. Petitioners’ statement of ultimate facts and specific facts that warrant reversal is set forth below. Petitioners reserve the right to amend and supplement this statement of ultimate and specific facts.

38. Section 163.3177(1)(f), Florida Statutes, requires that all “plan amendments shall be based upon relevant and appropriate data and analysis by the local government.” The required data “must be taken from professionally accepted sources” and “may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption.” “To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption.”

39. The Plan Amendments reflect a failure by the County to rely upon relevant and appropriate data and analysis demonstrating that future land use allocations and densities as



distributed by the future land use map and controlled by future land use policies, principles, guidelines, standards and strategies as amended are based on:

- a. permanent and seasonal population projections and are sufficient to accommodate projected population demand through the planning horizon;
- b. population projections for the unincorporated area and will ensure the unincorporated area captures its proportional share of total countywide population and population growth;
- c. the amount of land required to accommodate growth;
- d. the amount of land required to accommodate projected housing demands based on assessment of housing needs by type of housing, household size, household income and other factors impacting the housing delivery process;
- e. the character of undeveloped land;
- f. the discouragement of urban sprawl;
- g. the need for capital investment and economic development;
- h. providing a balance of uses that foster vibrant, viable communities and economic development opportunities; and
- i. allowing the operation of real estate markets to provide adequate choices for permanent and seasonal residents.

40. The Plan Amendments are not based on appropriate data and adequate supporting analyses and studies demonstrating that policies, principles, guidelines, standards and strategies as amended provide for orderly and balanced economic, social, and physical development of the WVR-2 land use category and shall guide future decisions in a consistent manner.

41. The Plan Amendments are not based on appropriate data and adequate supporting analyses and studies demonstrating that policies, principles, guidelines, standards and strategies as amended achieve internal consistency and coordination between all elements of the Plan and that all elements are based on consistent population estimates and projections.

42. The land use categories and related map amendments proposed for the Wimauma area are not based on appropriate data and adequate supporting analyses regarding availability of facilities and services; character of undeveloped lands, soils, topography and natural resources; and the minimum amount of land needed to achieve the goals and requirements of Section 163.3177(6)(a)(8), Florida Statutes.

43. The Plan Amendments do not include policies, guidelines, principles, and standards to achieve a balance of uses in the Wimauma area that foster vibrant, viable communities and economic development opportunities. The Plan Amendments allow non-residential uses within the Wimauma Downtown East District, which is not located within the transit supportive area as mapped by the County, while disallowing non-residential uses within the transit supportive area. The permitted uses, densities, and intensities are arbitrary and not based on data and supporting analysis.

44. The Plan Amendments do not include policies, guidelines, and standards to allow the operation of real estate markets in the Wimauma area to provide adequate choices for permanent and seasonal residents.

45. The Plan Amendments are not based on data and analysis evaluating how the Plan Amendments are coordinated with the Transportation Element and that the statutory requirements pertaining to the Transportation Element have been evaluated to achieve consistency between the FLUE, LCE, Capital Improvements Element and Transportation Element. The Plan Amendments

do not evaluate how they relate to, are based on, or impact the data and analysis and policy requirements set forth in Section 163.3177(6)(b), Florida Statutes, including but not limited to: traffic circulation, including the types, locations, and extent of existing and projected major thoroughfares, transportation routes, and bicycle and pedestrian ways; maps showing the location of existing and proposed transportation system features and how those are coordinated with the Future Land Use Map in relation to the amended WVR-2 policies and other provisions of the Plan Amendments; and growth trends and travel patterns, interactions between land use and transportation, existing and projected intermodal deficiencies and needs, and existing and projected transportation levels of service.

46. The Plan Amendments are not based on data and analysis evaluating how the Plan Amendments are coordinated with the Housing Element and that the statutory requirements pertaining to the Housing Element have been evaluated to achieve consistency between the FLUE, LCE, and Housing Element. The Plan Amendments do not evaluate how they relate to, are based on, or impact the data and analysis and policy requirements set forth in Section 163.3177(6)(b), Florida Statutes, including but not limited to: the provision of housing for all current and anticipated future residents, the provision of adequate sites for future housing, including affordable workforce housing; the formulation of housing implementation programs; the housing needs assessment required by Section 163.3177(6)(f)2, Florida Statutes; and the specific programs and actions to partner with the private sector and minimize costs for affordable housing as required by Section 163.3177(6)(a)2, Florida Statutes.

47. The Plan Amendments are not based on data and supporting analysis which demonstrates that the WVR-2 land use category applies density and other development standards based on the character of undeveloped lands, soils, topography, and the availability of public

facilities, and incorporates policies based on these criteria to guide the designation of the WVR-2 land use category in the FLUE and the Wimauma Districts as set forth in the LCE.

48. Section 163.3177(1), Florida Statutes, requires the comprehensive plan to “guide future decisions in a consistent manner,” “establish meaningful and predictable standards for the use and development of land,” and “provide meaningful guidelines for the content of more detailed land development and use regulations.” The Plan Amendments fail to address these requirements, are vague, and vest the County with unbridled discretion to determine the application of the provisions on an ad hoc basis. The following provisions would allow the County to arbitrarily approve or deny land use, zoning, and development applications:

a. Goal 9 of the Wimauma Village Plan, incorporated into the LCE, provides the following with regard to residential gross density in WVR-2: “Consideration of up to 2 dwelling units per gross acre on a minimum of five acres provided that the development meets the intent of the land use category and is consistent with this Plan and the Land Development Code. Otherwise gross residential density may not exceed 1 dwelling unit per 5 acres.” The determination of whether a development “meets the intent of the land use category” is an entirely subjective criteria left to the County’s discretion rather than one that provides predictability for the landowner as to the residential density available for development.

b. Goal 9 of the Wimauma Village Plan and FLUE Policy 48.6 require that “large areas of new development must be reserved in WVR-2 for Open Space, Conservation Area, or Agricultural Land preferably at edges which are adjacent to rural land areas,” and also state that “[s]pecific percentage standards for Open Space, Conservation Area, or Agricultural Land within the WVR-2 are established by the overall

gross site acreage of each Planned Development.” By basing the specific standards for open space on the size of the project without any meaningful guidelines to be used in making this determination, the Plan Amendments allow the County to arbitrarily assign open space requirements on an ad hoc basis.

c. FLUE Policy 48.7 provides that, “[i]n order to achieve densities above the base density of 1 unit per 5 gross acres . . . community benefits shall be required for proposed villages.” The policy then provides a tiered list of eligible community benefits for the applicant to choose from. However, many of these eligible community benefits require ownership or cooperation of landowners within downtown Wimauma, or require the County or other agencies to accept dedicated lands. Thus, the Plan Amendments grant nearly unfettered discretion to the County to approve rezoning applications and create a scenario that is both arbitrary and encourages unlawful exactions from landowners.

d. FLUE Policy 48.10 requires new development to provide “an interconnected network of streets, alleys or lanes, and other public passageways such as bicycle network or trail network,” including pedestrian access and circulation patterns, pedestrian walkways, and a network of bicycle lanes and trails, within and between developments. By requiring these network connections between developments, FLUE Policy 48.10 requires ownership or cooperation of landowners outside of the specific development at issue, and fails to establish predictable standards for the use and development of land.

e. FLUE Objective 48.a. requires planned developments within WVR-2 to demonstrate that “the proposed development is properly timed and not premature.” FLUE Policy 48.a.14 includes a list of timeliness indicators that the County will evaluate to

determine whether a project is premature. If any one of the timeliness indicators are present, the project is considered premature. That list includes: “[t]he proposed planned development does not meet or exceed all Land Development Code requirements.” As written, the Plan Amendments allow the County to arbitrarily deny a rezoning if the proposed planned development does not *exceed* Land Development Code requirements, thereby vesting the County with unbridled discretion in review of development applications.

f. The Goals and Strategies contained in the LCE parenthetically or otherwise indicate that they are presented in order of priority. This fails to provide meaningful direction for implementation to address how prioritization will be applied, and it is not clear if the intention is to give more weight to certain provisions in determining whether land development regulations and development orders are consistent with the Plan.

g. Many of the policies included in the Plan Amendments are written in a descriptive manner, such as FLUE Policy 48.4, which states in part, “the WVR-2 is residential in character with a mix of housing types,” or FLUE Policy 48.5, which states in part, “typical uses found within WVR-2 include agriculture, residential, ... .” The Definitions Section of the Plan includes definitions for “shall” and “should” to differentiate between mandatory and non-mandatory provisions of the Plan. Yet, the Plan Amendments include many ambiguous terms that will allow for arbitrary decision-making in the review of land development regulations and development orders.

h. The Plan does not define a plan horizon or long-term planning timeframe as required by Section 163.3177(5), Florida Statutes, yet the Plan Amendments make references to “planning horizon” and “immediate horizon” including in the WVR-2 land

use classification. This provision indicates that such lands are suited for agricultural use through the immediate planning horizon. The purpose of this statement is unclear, could be interpreted to disallow other uses through the undefined immediate planning horizon, and is not defined by a designated timeframe.

i. FLUE Policy 48.1 provides vague intent language stating that “development within WVR-2 is intended” to do certain things. It does not provide meaningful guidance for regulations and otherwise lacks standards. In addition, it is internally inconsistent with other policies in that it requires development within WVR-2 to balance housing with workplaces, jobs, and retail; yet, the WVR-2 land use category does not permit retail and workplaces outside of certain specified sub-areas. As such, it is not possible for development in all WVR-2 areas to balance housing with workplace and retail uses.

j. FLUE Policy 48.3 requires connectivity, open space, housing diversity, and provision of community benefits to obtain maximum density, but lacks standards or guidelines for determining whether a proposed WVR-2 planned development complies with these requirements. While the policy includes a numerical reference to open space, it does not state whether that standard is sufficient for obtaining maximum density.

k. FLUE Policy 48.5 allows non-residential uses within special districts, but does not specify or define such districts. It further requires developments of 100 acres or more to reserve 1.5% of the acreage for a neighborhood center and states that non-residential uses may occur within the neighborhood center without reference to a particular district. The policy refers to the Wimauma Downtown East District, but does not specify whether this is the only district that allows non-residential uses. As such, it is vague, lacks

meaningful guidelines, and is inconsistent with the WVR-2 land use category description, which limits non-residential uses to only certain districts.

l. FLUE Policy 48.10 requires new development to provide a grid-like street system, which conflicts with the definition of Planned Development contained in the Definitions Section of the Plan. That definition indicates that Planned Developments do not include a grid road system. Policy 48.10 further requires an interconnected network of streets, alleys or lanes, and bicycle or trail networks, but fails to provide meaningful guidelines for implementing regulations or for determining consistency of development orders. It further requires such networks within and between developments without sufficient guidelines to ensure consistency with other policies, such as wetland preservation areas. It also fails to specify a maximum distance for extending connections to other developments and for crediting such exactions against mobility fees. The policy relies on vague, meaningless terms, such as “friendlier,” which allows for arbitrary decision making, and refers to extrinsic documents that are not properly incorporated by reference into the Plan. It also refers to “Off Street Parking Areas” as though the term is defined, but neither the Plan Amendments nor the Definitions Section of the Comprehensive Plan provide a definition.

m. FLUE Policy 48.11 requires open space to be prioritized for conservation, but does not indicate if this is intended to apply in addition to other open space policies that specify percentages and related clustering policies.

n. FLUE Policy 48.14 is vague in regard to what constitutes the prevailing residential uses for the purpose of determining similar size, scale and massing. This policy



refers to Wimauma Village Plan and Wimauma Village Plan (PD), which are not defined terms and do not adequately describe the geographical areas subject to the policy.

o. FLUE Objective 48.a requires a development to demonstrate that it is not premature. However, it provides no measures for making that determination and the implementing policies listed for Objective 48.a lack sufficient guidelines to direct implementing regulations and ensure consistency in evaluating development orders. The implementing policies utilize vague and tentative terms, such as “consideration.”

p. FLUE Policy 48.a.9 does not define mobility facility improvements, nor does it define what would make implementation of Vision Zero Action Plan (2017) “principles” feasible. The Vision Zero Action Plan does not utilize the term “principles” and includes various references to developers and the private sector. This policy does not provide sufficient clarity to understand if it is intended to apply as a development order review requirement.

q. FLUE Policy 48.a.14.a. purports to regulate the timeliness of WVR-2 development approvals, but the criteria are not based on timing considerations. The policy fails to define meaningful guidelines for regulations and does not provide sufficient guidance for determining whether a development order can be approved. Compatibility is not a timing consideration and the criteria for determining compatibility are insufficient as addressed in the following objection to Policy 48.a.15. Adverse impact is not defined for the purpose of determining consistency with other policies of the Plan. The requirement to achieve internal capture by locating within two miles of the specified location within the urban service area conflicts with the accepted professional definition of internal capture, which means vehicular trips are captured within the development and do not utilize

roadways external to the development. Moreover, this flawed concept of internal capture conflicts with the definition of Planned Village, which refers to the accepted construct of internal capture from onsite non-residential uses. The two-mile distance is arbitrary and not based on data and supporting analysis, and the policy fails to specify a percentage threshold for internal capture.

r. The wording of FLUE Policy 48.a.15 is vague and includes apparent typographical errors. As such, the intent is not clear. It also does not make clear how residential use will be evaluated for compatibility determinations. FLUE Policy 48.a.15 requires compatibility and lists factors to be considered, including that residential uses must have similar lot patterns to existing residential patterns or provide enhanced screening or buffering. This policy conflicts with the definition of compatibility in the Definitions Section of the Comprehensive Plan, which specifically states that compatible does not mean “the same as.” It also fails to specify whether the compatibility test applies for contiguous properties or for greater surrounding areas. It also conflicts with FLUE Policy 48.1, which requires that WVR-2 function as a transition between urban and rural uses. It is evident that development within the WVR-2 land use category at up to two units per acre and clustered, as required by various policies set forth in the Plan Amendments, would yield lots substantially smaller in size than rural lots at one unit per five acres. As such, the Plan Amendments include policies that are internally inconsistent with each other and with existing Plan policies as related to lot size and compatibility requirements. Similarly, FLUE Policy 48.8 requires development to achieve compatibility with surrounding land use patterns based on unspecified performance standards and without any guideline on the distance for applying the compatibility test based on surrounding areas.

s. The Introduction Section of the LCE includes a list of goals, but many of the provisions include specific requirements in the same manner as policies. These so-called goals are not consistent with the definition of “goal” in Section 163.3164(19), Florida Statutes, and in the Definitions Section of the Plan. Goal 6 calls for the County to “encourage/regulate important street grid connections within new development and Planned Developments.” The term “encourage/regulate” does not make clear whether a grid system is, in fact, required. It also conflicts with the definition of Planned Development in the Definitions Section of the Plan, which specifically indicates that Planned Developments generally avoid a gridiron pattern of streets. Goal 7 includes a requirement to protect native habitats to the greatest extent possible, but lacks meaningful guidance for implementation. It also requires subdivisions with more than 50 units to incorporate open space as a “focal point,” which is ambiguous and lacks meaningful guidance for implementation.

t. FLUE Policy 4.5 states that clustered development can only be used for projects where substantial open space can be maintained and still retain the rural character of the surrounding community, but does not provide any guidelines as to what constitutes “substantial open space” or any standards for retaining “rural character.”

49. Numerous policies in the Plan Amendments utilize undefined terms and phrases, including but not limited to: “Plan,” “planned development,” “project,” “communities,” “villages,” “small town stewardship,” “districts,” “rural nature of the community as a whole,” and “interconnected,” to name a few. The policies utilize inconsistent language, making the intent of the objectives and policies unclear and subject to varying interpretations. Moreover, the Plan Amendments include the following notes:

Note: Wimauma-related terms not specifically defined in the Comprehensive Plan shall be defined in the Wimauma Downtown Overlay in the LDC.

Note: See Community and Special Area Studies. VI. LAND USE PLAN CATEGORIES and Definitions of the Future Land Use Element related to Wimauma Village Plan and Wimauma Village Residential-2 land use plan category.

The FLUE does not include definitions. The Plan includes a Definition Section, but it does not include definitions for any of the terms listed or for many others utilized in the Plan Amendments. For these reasons, the Plan Amendments fail to provide meaningful and predictable guidelines.

50. Section 163.3177(1)(b), Florida Statutes, requires documents adopted by reference into a comprehensive plan to “identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.” The Plan Amendments purport to adopt by reference provisions set forth in the County’s land development code, yet they fail to identify the title and author of the document and fail to identify which provisions and edition of the document is being adopted by reference.

51. Section 163.3177(1), Florida Statutes, requires a comprehensive plan to “provide meaningful guidelines for the content of more detailed land development and use regulations.” Specifically, a comprehensive plan must “describe how the local government’s . . . land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner.” Rather than including guidelines for the land development regulations, the Plan Amendments improperly refer to land development code (“LDC”) provisions to achieve compliance with the Comprehensive Plan. This is improper because the LDC may be amended without undergoing the State-mandated process for adoption of a comprehensive plan amendment; yet, here, the Plan Amendments allow changes to the LDC to effectively amend the Comprehensive Plan, in violation of section 163.3184, Florida Statutes.

52. Section 163.3177(2), Florida Statutes, requires the comprehensive plan elements to be consistent. However, the Plan Amendments render the Plan internally inconsistent, including:

a. FLUE Policy 8.3 provides that densities are applied on a gross residential acreage basis and that each development proposal is considered as a “project.” Pursuant to this policy, “[o]nly those lands specifically within a project’s boundaries may be used for calculating any density credits.” This is inconsistent with the Plan Amendments, which rely on the provision of community benefits to determine residential density. Many of the eligible community benefits included in the Plan Amendments require consideration of lands outside the “project” boundaries.

b. FLUE Objective 9 requires all development approvals to be consistent with the County’s land development regulations. However, FLUE Policy 48.a.14 contained in the Plan Amendments allows the County to deny planned development approval if the proposal does not *exceed* Land Development Code requirements.

c. FLUE Policy 13.3 includes a methodology for calculating density and intensity for properties that include wetlands, whereby credit is given for wetland acreage. The Plan Amendments provide that wetland areas are not included in the calculation of available density for WVR-2 properties, in direct contravention of FLUE Policy 13.3.

d. FLUE Policy 16.10 provides a definition of compatibility that is inconsistent with the definition included in the Plan Amendments as FLUE Policy 48.a.15.

e. FLUE Policy 20.1 requires the County to give high priority to the provision of affordable housing. By substantially decreasing available residential densities in WVR-2, the Plan Amendments have the opposite effect on the County’s housing development.

f. The WVR-2 land use category description requires a “central public water and sewer system.” This term is not defined in the Plan and is inconsistent with the requirement that the developer fund a private public water and sewer system.

g. The Plan Amendments include various policies referring to a Planned Village, but fail to define which geographic areas of the WVR-2 land use category are subject to such policies. Moreover, the Plan Amendments include requirements for Planned Villages that are inconsistent with the definition of Planned Village contained in the Definitions Section of the Plan.

h. The Plan Amendments include language in the WVR-2 land use category regulating development within the Wimauma Main Street Downtown Core and requiring landowners in the WVR-2 land use category to construct non-residential uses in the Wimauma Main Street Downtown Core, but the Wimauma Main Street Downtown Core is not located within the boundaries of the WVR-2 land use category. This creates a fundamental internal inconsistency between the maps and text of the Plan Amendments, and requires a landowner in the WVR-2 to develop in a different land use district to obtain entitlements within the WVR-2, which is fundamentally inconsistent with the purpose of land use categories as referenced by FLUE Objective 8 and FLUE Policy 8.1.

i. The Plan Amendments are not based on data and supporting analysis, which demonstrates that the various districts identified on Map 15A of the LCE are internally consistent with the underlying future land use categories in regard to permitted uses, densities and intensities and other applicable criteria. For example, the Wimauma Main Street Downtown is located partly within the Residential-6 future land use category and allows commercial uses at locations and quantities that are not consistent with the

commercial locational criteria applicable to the R-6 future land use category as referenced by FLUE Policy 22.2. In addition, the Main Street Core policies in the LCE waive commercial location criteria for commercial neighborhood uses in the LDC. This waiver fails to ensure internal consistency with the R-6 future land use category and FLUE Policy 22.2, which define applicable commercial location criteria, and allows land development regulations to be in conflict with those provisions. This also results in an internal inconsistency with FLUE Policy 9.1, which requires zoning to be consistent with the Comprehensive Plan. The Government District is another example whereby the LCE allows various institutional uses, including hospitals, clinics and colleges, even though these uses are not permitted within the underlying R-6 future land use category.

j. The WVR-2 land use category in the land use classification section of the FLUE states that industrial and office uses may be considered within the Wimauma Downtown East District, but fails to provide meaningful and predictable criteria to determine how that decision will be made and is internally inconsistent with FLUE Objective 8 and FLUE Policy 8.1, which require the land use categories set forth in Appendix A to specify permitting uses, densities and intensities. The WVR-2 land use category also fails to provide an intensity standard for office and industrial uses in contravention to FLUE Objective 8 and FLUE Policy 8.1. The WVR-2 land use category classification also waives commercial locational criteria applicable to the Wimauma Downtown East District without specifying if this waiver applies to FLUE Policy 22.2 or the land development code or both. This fails to provide meaningful guidelines to direct land development regulations and results in an internal inconsistency within the Comprehensive Plan.

k. The Wimauma Downtown West district as set forth in the LCE relies on the LDC to determine permitted uses, which is internally inconsistent with FLUE Objective 8 and FLUE Policy 8.1, which require that the underlying land use categories define permitted uses. This is also another example of the Plan Amendment improperly referencing the LDC and failing to provide meaningful guidelines for implementing regulations.

l. The LCE is replete with vague terminology that fails to provide meaningful guidelines required to enable a predictable implementation process and to ensure land development regulations and development orders can be properly evaluated to confirm consistency with the Comprehensive Plan. The LCE reads more like a citizen visioning document, and is actually formatted with bullets and phrases rather than complete sentences. As such, it also fails to demonstrate internal consistency and proper coordination with the FLUE and other elements of the Comprehensive Plan. It is conceptually flawed in that it attempts to waive various provisions of the Comprehensive Plan, includes permissive language without sufficient guidance and defers to the LDC rather than including required guidelines and standards. While the Plan Amendments reduce previously permitted density for portions of the WVR-2 land use category not otherwise designated with the Wimauma Downtown East District, the LCE is permissive in nature and seeks to exempt other lands within the Wimauma Downtown from the requirements of the Comprehensive Plan. As such, the LCE is fundamentally inconsistent with FLUE Policy 18.1, which states:

The County shall assist the Hillsborough County City-County Planning Commission in developing community plans for each planning area that are **consistent with and further** the Comprehensive Plan. The community plans will be adopted as part of the Comprehensive Plan in the Livable



Communities Element; these **more restrictive community-specific policies** will apply in guiding the development of the community. (emphasis added)

The LCE is clearly not consistent with the Comprehensive Plan, does not further the Comprehensive Plan and is not more restrictive; rather, it is designed to circumvent various requirements of the FLUE.

53. Section 163.3177(6)(a)9, Florida Statutes, requires any amendment to the future land use element to “discourage the proliferation of urban sprawl.” Among the primary indicators that a plan amendment does not discourage urban sprawl are that the amendment:

- a. promotes, allows, or designates substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development areas;
- b. fails to maximize use of existing and future public facilities and services;
- c. allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
- d. discourages or inhibits infill development or redevelopment of existing neighborhoods and communities;
- e. fails to encourage a functional mix of uses; and
- f. results in poor accessibility among linked or related land uses.

54. The Plan Amendments fail these and other indicators listed in Section 163.3177(6)(a)9, Florida Statutes. Further, the County failed to undertake an evaluation of the presence of these indicators as required by the statute.

55. Section 163.3177(6)(i)1, Florida Statutes, requires local governments to “ensure that private property rights are considered in local decisionmaking.” Such private property rights are to be protected in accordance with the legislative intent expressed in Sections 163.3161(10) and 187.101(3), Florida Statutes. The intent of the Legislature, as set forth in Section 163.3161(10), Florida Statutes, is that “all local governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights.” Specifically, it is the intent of the Legislature that “all rules, ordinances, regulations, comprehensive plans and amendments thereto . . . be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive.” Moreover, the Legislature’s intent is outlined in the application of its own State Comprehensive Plan, providing that the Plan “shall be reasonably applied where . . . economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. Fla. Stat. § 187.101(3). The Plan Amendments do not “ensure that private property rights are considered” and fail to comply with the Legislature’s intent as set forth in Sections 163.3161(10) and 187.101(3), Florida Statutes.

56. Section 163.3177(6)(i), Florida Statutes, requires local governments to include a private property rights element in their comprehensive plans which may not conflict with the following statement of rights:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

c. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

d. The right of a property owner to dispose of his or her property through sale or gift.

57. The Plan Amendments conflict with the statement of rights set forth in Section 163.3177(6)(i), Florida Statutes.

58. FLUE Policies 48.a.3, 48.a.4, 48.a.5, as well as the introductory language prior to Objective 48, Policy 48.1, and Policy 48.7, all include provisions requiring developers to fund infrastructure or public facilities and services, including but not limited to central water and sewer, libraries, emergency services, and parks when needed or required by (unspecified) regulatory agencies, as a basis for consideration of up to 2 units per gross acre and for determining whether development is timely and can proceed. These provisions require exaction payments from landowners and developers within the WVR-2 land use category to achieve the same density previously allowed as of right prior to adoption of the Plan Amendments.

59. The exaction policies contained in the Plan Amendments are “not in compliance” with various requirements of Section 163.3180, Florida Statutes, including:

a. Section 163.3180(1)(a), which requires the local government to adopt principles, guidelines, standard and strategies, including adopted levels of service, when imposing concurrency on public facilities other than those listed in Section 163.3180(1);

b. Section 163.3180(1)(b), which requires the local government to demonstrate that the concurrency requirements can be reasonably met and that the improvements to achieve and maintain the adopted level of service standard for the five-year planning period are identified in the capital improvements schedule;

c. Section 163.3180(4), which requires that the level of service standard apply uniformly to all development rather than imposing unique standards on landowners within the WVR-2 land use category;

d. Section 163.3180(5)(h)1.c., which requires that the local government allow an applicant to satisfy transportation concurrency through a proportionate share payment for a rezoning or other land use development permit. The exaction policies instead impose a unique de facto concurrency requirement on just WVR-2 lands, which must be satisfied in order to prevent the County from reducing previously authorized density allocations, and that requires the landowner or developer to fully fund the entirety of the improvement rather than paying a proportionate share; and

e. Section 163.3180(5)(h)2., which prohibits the local government from requiring payment or construction of transportation facilities whose costs would be greater than a development's proportionate share and specifies related methodology requirements.

60. The exaction policies contained in the Plan Amendments also create internal inconsistencies with the Capital Improvements Element ("CIE"), and are therefore "not in compliance" for at least the following reasons:

a. The policies impose concurrency standards on public facilities not subject to concurrency as established by the CIE and do so without establishing level of service standards and service areas.

b. The policies fail to differentiate between capital improvements that are subject to a level of service standard and those that are not, and fail to specify whether required public facilities and services must comply with urban or rural level of service

standards and whether such improvements are considered urban or rural for the purpose of determining consistency with applicable policies.

c. The policies fail to distinguish between Category A, Category B and Category C public facilities and fail to address how Category A facilities developed by a private landowner or developer will be conveyed for ownership and operation by a government entity as required by CIE Policy 1.A.

d. The policies fail to address the timing for such improvements and delivery of services and how the County will determine the density assigned to a parcel.

e. The policies fail to distinguish between regional parks and other facilities that serve a countywide need versus infrastructure that serves a local need as required by CIE Policy 1.C.

f. The policies fail to address how a determination of need for a public facility or service will be made as required by CIE Policy 1.D.

g. The policies fail to distinguish between existing deficiencies and projected deficiencies based on background growth versus deficiencies resulting from a particular development as required by CIE Policies 1.D and 2.B.2.a, and fail to ensure that a landowner or developer would be credited against mobility fees and concurrency.

h. The policies fail to address prioritization requirements as set forth in CIE Policy 1.E or address how improvements will be programmed in the Capital Improvement Schedule. These policies are not based on data and supporting analysis to identify the need for improvements and the rationale for imposing more stringent funding requirements on landowners and developers within the WVR-2 land use category as compared to other landowners.

i. The policies are internally inconsistent with CIE Policy 4.B. and the implementation requirements of the CIE, which apply concurrency standards only to development orders and not as a basis for maintaining previously established density allocations.

**SPECIFIC STATUTES/RULES REQUIRING REVERSAL**

61. The specific statutes and rules requiring reversal include, but are not limited to, Chapters 120 and 163, Florida Statutes; Sections 120.57, 120.569, 163.3177, 163.3164, 163.3180, 163.3184, Florida Statutes; and the corresponding goals, objectives, and policies of the Plan.

**REQUESTED RELIEF**

WHEREFORE, based on the foregoing, Petitioners respectfully request that:

a. The Division of Administrative Hearings schedule a formal administrative hearing to determine whether the Plan Amendments are “in compliance” with the Act;

b. An Administrative Law Judge conduct a formal administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, and enter a Recommended Order finding that the Plan Amendments are “not in compliance” with the Act;

c. The Administration Commission enter a Final Order finding that the Plan Amendments are “not in compliance” with the Act; and

d. Petitioners be granted such additional relief as deemed just and proper.

Respectfully submitted this 15<sup>th</sup> day of November, 2021.

**STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.**

*s/ Glenn Burhans, Jr.*  
GLENN BURHANS, JR.  
Florida Bar No. 605867  
ERIN J. TILTON  
Florida Bar No. 104729

106 East College Avenue, Suite 700  
Tallahassee, Florida 32301  
Telephone: (850) 329-4850  
Primary: gburhans@stearnsweaver.com  
          etilton@stearnsweaver.com  
Secondary: cabbuhl@stearnsweaver.com  
              abrantley@stearnsweaver.com  
              achapman@stearnsweaver.com  
-and-

JACOB T. CREMER  
Florida Bar No. 83807  
JESSICA M. ICERMAN  
Florida Bar No. 99865  
401 East Jackson Street, Suite 2100  
Tampa, Florida 33602  
Telephone: (813) 223-4800  
Primary: jcremer@stearnsweaver.com  
          jicerman@stearnsweaver.com  
Secondary: kstonebraker@stearnsweaver.com

*Counsel for Petitioners Eisenhower Property  
Group, LLC and EPG1, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed November 15, 2021, using DOAH's eALJ system, with a copy served by e-mail to the following counsel of record:

Christine Beck, Hillsborough County Attorney  
601 East Kennedy Boulevard, 27<sup>th</sup> Floor  
Tampa, FL 33601  
[beckc@hillsboroughcounty.org](mailto:beckc@hillsboroughcounty.org)

*s/ Glenn Burhans, Jr.*

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

EISENHOWER PROPERTY GROUP, LLC, A  
FLORIDA LIMITED LIABILITY COMPANY,  
AND EPG1, LLC, A FLORIDA LIMITED  
LIABILITY COMPANY,

Case No. 21-3454GM

Petitioners,

vs.

HILLSBOROUGH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,

Respondent.

\_\_\_\_\_ /

NOTICE OF HEARING

A hearing will be held in this case on **April 12 through 15, 2022**, at **9:00 a.m.**, Eastern Time, or as soon thereafter as can be heard at a location to be determined in Tampa, Florida. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ISSUE: Whether Amendments HC/CPA 20-12 and HC/CPA 20-13 to the Hillsborough County Comprehensive Plan, adopted by Ordinance No. 21-38 on October 14, 2021, are "in compliance" as defined in Section 163.3184(1)(b), Florida Statutes (2021), as contested in the Petition for Formal Administrative Hearing.

AUTHORITY: Chapter 120, Florida Statutes; and Florida Administrative Code Chapter 28-106, Parts I and II.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. Registered e-filers shall request subpoenas through eALJ. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Florida Administrative Code Rule 28-106.106. Failure to appear at this hearing may be grounds for closure of the file without further proceedings.

The agency shall be responsible for preserving the testimony at the final hearing. Fla. Admin. Code R. 28-106.214.



November 30, 2021

*Hetal Desai*

---

HETAL DESAI  
Administrative Law Judge  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
www.doah.state.fl.us

COPIES FURNISHED:

Glenn Thomas Burhans, Esquire  
Stearns, Weaver, Miller, Weissler, Alhadeff  
& Sitterson  
Suite 700  
106 East College Avenue  
Tallahassee, Florida 32301

Erin J. Tilton, Esquire  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 700  
106 East College Avenue  
Tallahassee, Florida 32301

Jacob T. Cremer, Esquire  
Stearns Weaver Miller  
Alhadeff & Sitterson, P.A.  
401 East Jackson Street  
Suite 2100  
Tampa, Florida 33602

Jessica M. Icerman, Esquire  
Stearns Weaver Miller, P.A.  
Suite 2100  
401 East Jackson Street  
Tampa, Florida 33602

Christine Beck, Esquire  
Hillsborough County Attorney's Office  
27th Floor  
601 East Kennedy Boulevard  
Tampa, Florida 33601

Carley J. Schrader, Esquire  
Nabors Giblin & Nickerson, P.A.  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308

Gregory Thomas Stewart, Esquire  
Nabors, Giblin and Nickerson, P.A.  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308

Elizabeth Desloge Ellis, Esquire  
Nabors, Giblin and Nickerson, P.A.  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308

ROOM CONFIRMATION COPY:

Judge's Secretary  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's assistant no later than ten days prior to the hearing. The Judge's assistant may be contacted at (850) 488-9675, via 800-955-8771 (TTY), 800-955-1339 (ASCIID), 800-955-8770 (Voice), or 844-463-9710 (Spanish) Florida Relay Service.