



Hillsborough County Florida Agenda Item Cover Sheet

Agenda Item N^o. D-1

Meeting Date 12/4/2019

Consent Section Regular Section Public Hearing

Subject: Final public hearing to approve an Ordinance providing for a 270 day moratorium on the acceptance and processing of new applications for rezonings and Planned Development zoning modifications within a portion of the Residential Planned-2 ("RP-2") Future Land Use Category

Department Name: County Attorney's Office

Contact Person: Johanna Lundgren **Contact Phone:** 272-5670

Sign-Off Approvals			
		<u>Susan Fernandez</u>	<u>11/14/2019</u>
		Managing County Attorney	Date
<u>Christine Beck</u>	<u>11/15/2019</u>		
County Attorney	Date	<u>Joint Department Director</u>	Date
<u>Kevin Brickey</u>	<u>11/15/2019</u>	<u>Johanna Lundgren</u>	<u>11/14/2019</u>
Management and Budget – Approved as to Financial Impact Accuracy	Date	Assistant County Attorney	Date

Staff's Recommended Board Motion:
Hold a final public hearing and consider adoption of an Ordinance providing for a 270 day moratorium on the acceptance and processing of new applications for rezonings and Planned Development zoning modifications within a portion of the Residential Planned-2 ("RP-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.

Financial Impact Statement:
This action does not increase or decrease any County Department budgets in any year.

Background:
On September 10, 2019, the Board of County Commissioners directed the study and preparation of amendments to the Residential Planned-2 ("RP-2") Future Land Use Category and Part 5.04.00 of the Land Development Code. On October 2, 2019, the Board directed the advertisement and scheduling of public hearings for the adoption of an ordinance providing for a 270 day moratorium on the acceptance and processing of new applications for rezonings and Planned Development zoning modifications within the Residential Planned-2 ("RP-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.

During the November 4, 2019 public hearing on the proposed moratorium, the Board of County Commissioners voted to reduce the effective area of the moratorium to those portions of the Residential Planned-2 ("RP-2") Future Land Use Category that are located within the Balm and Sun City Center Community Plan areas.

ORDINANCE NO. 19- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR REZONINGS AND PLANNED DEVELOPMENT ZONING MODIFICATIONS WITHIN PORTIONS OF THE RESIDENTIAL PLANNED-2 ("RP-2") FUTURE LAND USE DESIGNATION OF THE FUTURE OF HILLSBOROUGH COMPREHENSIVE PLAN, FOR A PERIOD OF 270 DAYS FOLLOWING THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, Hillsborough County possesses the police power to enact ordinances in order to protect the health, safety, and welfare of the County's citizens; and

WHEREAS, the Hillsborough County Board of County Commissioners determines that it is in the best interest of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare; and

WHEREAS, on September 10, 2019, the Hillsborough County Board of County Commissioners directed the Planning Commission and Development Services Department staff to begin the study and preparation of amendments to the Residential Planned-2 ("RP-2") category of the Future Land Use Element of the Future of Hillsborough Comprehensive Plan and implementing regulations in the Land Development Code; and

WHEREAS, the Board of County Commissioners desires to preserve the status quo during this period by enactment of a temporary moratorium on the acceptance and processing of new applications for rezonings and Planned Development zoning modifications within those portions

WHEREAS, in accordance with Section 125.66 (4), Florida Statutes, the Board of County Commissioners has conducted two (2) duly noticed public hearings regarding the adoption of this ordinance; and

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

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION 1: Recitals. The aforementioned recitations contained herein are true and correct, but are not required to be incorporated into the Hillsborough County Code of Ordinances.

SECTION 2: Purpose. The purpose of this ordinance is to preserve the status quo and enable sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Future Land Use Element of the Future of Hillsborough Comprehensive Plan and the Hillsborough County Land Development Code, including the Residential Planned (“RP-2”) Future Land Use Category and Part 5.04.00 of the Land Development Code. During this 270 day time period, the County will not accept and process new applications for rezonings and Planned Development zoning modifications within the Residential Planned-2 (“RP-2”) Future Land Use Category that are located within the Balm and Sun City Center Community Plan areas 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. It is not the purpose of this ordinance to permanently deny development orders and permits for other uses that are permitted by right and that otherwise comply with all applicable codes, ordinances, regulations and policies.

the County that an applicant for a permit has failed to disclose such intention, the County shall be authorized to enforce this ordinance by the methods set forth in Section 8.

SECTION 6: Process for Extension. The moratorium period established by this ordinance may be extended for up to an additional 270 days, upon approval by the Board of County Commissioners of the extension by ordinance following an advertised public hearing pursuant to Section 125.66(2)(a), Florida Statutes.

SECTION 7: Applicability. This ordinance shall be applicable in the unincorporated areas of Hillsborough County.

SECTION 8: Penalties. This moratorium may be enforced by the following methods of enforcement:

- (A) Revocation or temporary suspension of necessary development permits, development orders and/or certificates of occupancy and/or licenses; or
- (B) By an action for injunctive relief, civil penalties or both, through a court of competent jurisdiction; or
- (C) By any other process permitted by law or equity.

SECTION 9: Severability. If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

SECTION 10: Filing of Ordinance and Effective Date. In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this ordinance shall be filed