

REASONABLE USE STANDARD:

Definitions:

(1) *“Reasonable use of the land.”* Pursuant to Section 1-11.07, a wetland or other surface water shall be authorized to be impacted if denial of the impact to the wetland or surface water denies or precludes reasonable use of a parcel of property. For purposes of this Basis of Review and the Commission Wetland Rule, “reasonable use” shall mean an actual, present use or activity on a parcel of real property or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject parcel of property, and which are compatible with adjacent land uses. Reasonable use of the property does not mean the highest and best use of the property. Any impacts authorized under this rule shall be reduced to the minimum amount necessary. The Commission recognizes that each property in Hillsborough County is unique. In determining reasonable use of a parcel of property any of the following factors may be considered, however any one or more of these criteria in itself will not necessarily constitute reasonable use:

- a.) The current zoning of the parcel of property on which the wetland or other surface water is located;
- b.) Whether the denial of the impact would result in a loss of all or substantially all economic value of the property;
- c.) Existing development on or use of the property (including the applicable zoning, permitting and subdivision history of that parcel);
- d.) The buildable area of a parcel as shown by a survey or drawing of the parcel of property (to scale) accurately depicting the location of the wetland or other surface water including the minimum setbacks required by any applicable municipal or Hillsborough County codes;
- e.) Whether the impact is for the purpose of accessing available buildable uplands where no alternative legal means of access is available and reasonable use of the entire property would otherwise be unattainable;
- f.) Documented efforts by the applicant to redesign the proposed development, structure or use in a manner to retain or preserve the wetland or other surface water;
- g.) The wetland or other surface water regulations in effect at the time the property owner acquired title to the parcel of property;
- h.) Whether the impacts are solely for the purpose of environmental restoration projects;
- i.) Reasonable efforts by the applicant to seek waivers or variances from any other development restrictions that would result in or necessitate impacts;
- j.) Whether the impacts are necessary for the protection of public health and safety; and
- k.) Any other pertinent information or special circumstances affecting the development of the parcel of property, including without limitation, any unusual topography and fill requirements, or unique engineering requirements.

(2) “*Land.*” Determination of what constitutes the “land” as provided in Section 1-11.07 for purposes of this Basis of Review and the Commission Wetland Rule is a question involving the consideration of three factors: physical contiguity; unity of ownership; and unity of use. The land shall be defined as the entire parcel or property under common ownership. In the event a portion of the property is subdivided or separated from the parent tract after the effective date of this rule and a denial of reasonable use is caused by a self imposed hardship then authorization to impact wetlands will be denied under this rule.