

ORDINANCE NO. 12- 07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING PORTIONS OF SECTION 10-1.101, DEFINITIONS OF THE CODE OF LAWS OF LEON COUNTY; AMENDING ARTICLE IV OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING SECTION 10-4.101, SHORT TITLE, AMENDING SECTION 10-4.102, DEFINITIONS AND RULES OF CONSTRUCTION, DELETING SECTION 10-4.106, INTERIM MINIMUM ENVIRONMENTAL REGULATIONS FOR THE INCORPORATED AREA OF THE COUNTY, AMENDING SECTION 10-4.202, PRE-DEVELOPMENT ENVIRONMENTAL ANALYSIS REVIEWS, AMENDING SUBDIVISION 1, STORMWATER OF DIVISION 3, AMENDING SUBDIVISION 2, DEVELOPMENT GUIDELINES AND RESTRICTIONS FOR PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS AND CULTURAL RESOURCES OF DIVISION 3, AMENDING SUBDIVISION 3, LANDSCAPING OF DIVISION 3, AMENDING SUBDIVISION 4, TREE PROTECTION OF SUBDIVISION 3, AMENDING SECTION 10-4.401, REDEVELOPMENT ALLOWANCES; AND AMENDING ARTICLE VII OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA BY AMENDING SECTION 10-7.530, SPECIAL ROADWAY SETBACKS.

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1: Portions of Section 10-1.101 of the Code of Laws of Leon County, Florida, are hereby amended as follows:

Certified arborist means an arborist certified by the International Society of Arboriculture.

County administrator shall mean the chief administrative officer of the county, or the county administrator's designee. Within the incorporated area of the County, the county administrator's designee shall be the Director of the City of Tallahassee Growth Management Department.

DBH, diameter at breast height means the diameter of a tree measured at a height of 54 inches above the naturally occurring ground level. Trees with gross abnormalities or buttressing at breast height should be measured above and immediately adjacent to the irregularity. Trees

1 that fork at breast height should be measured below breast height and recorded as a single trunk.  
2 Trees that fork below breast height will be recorded as separate DBH for each stem. shall mean  
3 diameter at breast height; the diameter of a tree measured at a height of 54 inches above the  
4 ground; or for split trunk trees where the split occurs at a point lower than 54 inches above the  
5 ground, the diameter of the largest trunk at a height of 54 inches above the ground.

6  
7 *Closed basin* shall mean a naturally depressed or artificially closed off portion of the  
8 earth's surface for which there is no natural ~~and~~ or normal outlet for runoff other than  
9 percolation, evaporation, transpiration, or discharge into a karst feature.

10  
11 *Developed area* means that portion of a site upon which any building, structure,  
12 pavement, or stormwater facility has been placed or upon which land clearing or grading has  
13 taken place.

14  
15 *Endangered species* are defined based on the same criteria and analogous to the state and  
16 federal list: shall refer to any species of plant or species of the animal kingdom, including any  
17 mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate,  
18 Any species of fish and wildlife or plant naturally occurring in Florida, whose prospects of  
19 survival are in jeopardy due to the following conditions: (1) Modification or loss of habitat;(2)  
20 Over-utilization for commercial, sporting, scientific, or educational purposes; (3) Disease; (4)  
21 Predation; (5) Inadequacy of regulatory mechanisms; or (6) Other natural or man-made factors  
22 affecting its continued existence. "Endangered species" shall include those species listed as  
23 endangered in F.A.C. tit. 39, and those species listed as endangered species by any other official  
24 state or federal law, rule, or regulation.

25  
26 *Exceptional specimen* shall mean an individual tree which is in very good to good  
27 condition as evidenced by less than ten percent upper crown dieback, few epicormic branches,  
28 absence of signs or symptoms of virulent disease, or other characteristics commonly employed to  
29 measure tree health, and which exhibits characteristics of size, species, age, form, historical  
30 significance, or other qualities which make it of such greater value than individuals of the same  
31 species usually found in the county as to warrant special consideration as a biological and social  
32 resource to be preserved for the benefit of the general public. Such a determination shall be made  
33 by the County Administrator or designee ~~director~~ pursuant to these criteria in cases of doubt.

34  
35 *Floodplain or floodprone area* shall mean any land area susceptible to being inundated  
36 by water from any source. Floodplains are normally designated in terms of their probability of  
37 flooding within a specified period such as one, ten, 25, 50 and 100 years.

38  
39 *Floodprone area* shall mean any land area susceptible to being inundated by water from  
40 any source.

41  
42 *Floodway* shall mean the channel of a river, stream, or other watercourse and the adjacent  
43 land areas that must be reserved in order to discharge the base flood, without cumulatively  
44 increasing the water surface elevation of the floodway, including but not limited to FEMA  
45 delineated floodways. The floodway is further defined as the area left in a channel after the  
46 overbank area is reduced until the water level is raised exactly no more than one foot. The

1 reduction must create equal conveyance loss on each side.

2  
3 Friable material means a soil texture that is easily crumbled or pulverized. A typical soil  
4 composition that would render this condition is a 50 percent sandy loam and peat moss  
5 (mushroom compost may be substituted for peat moss) and 50 percent existing soil.

6  
7 High quality successional forest shall mean a medium quality ~~upland~~ natural plant  
8 community. These forests typically show signs of past disturbances, but still retain a good  
9 distribution of high quality indicator species. They will be forest types described in the Florida  
10 Natural Areas Inventory publication "Guide to the Natural Communities of Florida", and will  
11 meet that publication's rarity ranking of S1, S2, S3, or S4. These forests shall be identified and  
12 delineated using Leon County's Publication titled "Natural Plant Community Criteria" and must  
13 meet the minimum area requirement, which may include adjacent conservation and preservation  
14 features. ~~These plant community types shall generally include upland pine forest, upland~~  
15 hardwood forest, and upland mixed forest. A medium quality natural community generally  
16 possesses the following characteristics:

- 17 1) The floristic composition contains many of the more common species typical of the  
18 natural community type, although most rare species are absent;
- 19 2) The community may contain invasive exotic plants that could be controlled through  
20 management;
- 21 3) The community has likely had some past disturbance, but not to the extent that the  
22 potential for recovery or restoration to a high quality natural community is significantly  
23 impaired (unauthorized activities in high quality successional forest areas resulting in a  
24 violation of the ordinances will not be excluded from protection as such).

25  
26 Native forest shall mean a high quality ~~upland~~ natural plant community; ~~that: These plant~~  
27 ~~communities are recognized as those occurring in Leon County at the time of European~~  
28 ~~settlement. These forests show little to no past disturbance and are dominated by high quality~~  
29 ~~indicator species. These forests shall be identified and delineated using Leon County's~~  
30 ~~Publication titled "Natural Plant Community Criteria" and must meet the minimum area~~  
31 ~~requirements. ~~These plant community types shall generally include upland pine forests, upland~~~~  
32 ~~hardwood forests, and upland mixed forests.~~

- 33 (1) Is dominated by native species, including trees, understory vegetation, and wildlife;
- 34 (2) Is a forest type described in the Florida Natural Areas Inventory publication "Guide to the  
35 Natural Communities of Florida"; and
- 36 (3) Meets that publication's rarity ranking of S1, S2, S3, or S4;
- 37 (4) These forests shall be identified and delineated using Leon County's Publication titled  
38 "Natural Plant Community Criteria" and must meet the minimum area requirements.

39 A high quality natural community generally possesses the following characteristics:

- 40 (a) The plant species composition is dominated by high quality indicator species which  
41 are typical of their natural community type;
- 42 (b) The community may contain invasive exotic plants that could be controlled through  
43 management;
- 44 (c) Evidence of historical disturbance may be present, but the disturbance has not  
45 destroyed or prevented the re-establishment of a high quality natural community

1 type (unauthorized activities in native forest areas resulting in a violation of the  
2 ordinances will not be excluded from protection as such).

3  
4 *Recreation facility, passive* shall mean recreation lands and improvements that are natural  
5 resource oriented, e.g., hiking and nature trails, picnicking, camping, canoeing, biking, horseback  
6 riding (excluding riding within wetland and floodplain areas), archaeological and historical sites.

7  
8 *Redevelopment* means development activity occurring on a site where there is existing  
9 developed area, or the addition of developed area to an existing developed area or site, but  
10 excluding subsequent phases of phased development activity planned under a common master  
11 site development plan. shall mean the demolition or removal of the principal structure or 50  
12 percent or more of the impervious surface existing on a site.

13  
14 *Species of special concern* ~~shall mean any species, subspecies, or isolated population of~~  
15 ~~fish, wildlife or plant as defined by the comprehensive plan. are defined based on the same~~  
16 criteria and analogous to the state and federal list: A species, subspecies or isolated population  
17 which warrants special protection, recognition or consideration because it has an inherent  
18 significant vulnerability to habitat modification, environmental alteration, human disturbances,  
19 or substantial human exploitation which, in the foreseeable future may result in its becoming a  
20 threatened species; may already meet certain criteria for designation as a threatened species but  
21 for which conclusive data are limited or lacking; may occupy such an unusually vital and  
22 essential ecological niche that should it decline significantly in numbers or distribution, other  
23 species would be adversely affected to a significant degree, has not significantly recovered from  
24 past population depletion.

25  
26 *Threatened species* ~~shall mean any species of plant or member of the animal kingdom,~~  
27 ~~including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other~~  
28 ~~invertebrate, are defined based on the same criteria and analogous to the state and federal list:~~  
29 Any species of fish, wildlife and plants naturally occurring in Florida the state which exists in  
30 such small populations as to become endangered if it is subjected to increased stress as a result of  
31 further modifications of its environment. Threatened species shall include those species listed as  
32 threatened species in F.A.C. ch. 39 and in any other state or federal law, rule or regulation.

33  
34 *Tree* shall mean any self-supporting woody plant having at least one well-defined stem a  
35 minimum of two inches DBH, and which normally grows to a minimum height of 25 20 feet in  
36 the county area.

37  
38 *Tributary* ~~shall be defined as a watercourse with greater than 120 acres of drainage area.~~  
39 ~~Excluded are manmade type conveyances such as swales along road rights-of-way and~~  
40 ~~stormwater facility discharges.~~

41  
42 *Underbrushing* shall mean the removal of understory vegetation, either by hand or with  
43 the use of equipment, which neither disturbs the soil nor causes the destruction of any ~~protected~~  
44 tree.

45  
46 *Urban forest*, as defined outside of the incorporated areas of Leon County, shall mean an

1 association of trees and other woody and herbaceous vegetation which may not be recognizable  
2 as a forest natural community type, but which now provides a visual counterpoint to urbanization  
3 by creating a forested effect along roadways, buffering development along roadways, providing  
4 wildlife areas and corridors, and buffering between and within developed areas, and which has  
5 the following characteristics:

- 7 (1) An association of trees which provides a forest-like visual appearance with large,  
8 medium, and small species and individuals in a natural-like setting.
- 10 (2) Remnant planted or naturally regenerated pines, hardwoods, or other native tree  
11 species.

12  
13 *Water body* shall mean any natural or artificial pond, lake, reservoir, or other area which  
14 normally contains surface water. ~~See also Article VI.~~

15  
16 *Watercourse* shall mean any natural or artificial stream, river, creek, channel, ditch,  
17 canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash, in which  
18 water flows in a definite direction, either continuously or intermittently, and which has a definite  
19 channel, banks or bed. For preservation purposes, see definition in Section 10-4.102.

20  
21 *Wetland* shall mean an area included within the landward extent of surface waters of the  
22 state, pursuant to applicable rules in the Florida Administrative Code, or any area which is  
23 inundated or saturated by surface water or groundwater at a frequency and duration sufficient to  
24 support, and which under normal circumstances does supports, a prevalence of vegetativeion or  
25 aquatic life typically adapted for life in periodically saturated soils. ~~conditions, known as hydric~~  
26 ~~soils, or saturated or periodically saturated nonsoil substrates. Soils present in wetlands generally~~  
27 ~~are classified as hydric or alluvial, or possess characteristics that are associated with reducing~~  
28 ~~soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate~~  
29 ~~hydrophytic macrophytes that are typically adapted to areas having soil conditions described in~~  
30 ~~this definition. These species, due to morphological, physiological, or reproductive adaptations,~~  
31 ~~have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil~~  
32 ~~conditions. Wetlands generally include swamps, marshes, bayheads, bogs, and similar areas such~~  
33 ~~as, cypress domes and strands, sloughs, wet meadows prairies, riverine overflows swamps and~~  
34 ~~marshes, sand flats, beaches, hydric seepage slopes, and temporary natural ponds. tidal marshes,~~  
35 ~~mangrove swamps and other similar areas.~~

36  
37  
38 **SECTION 2: Section 10-4.101 of Article IV of the Code of Laws of Leon County, Florida,**  
39 **is hereby amended as follows:**

40  
41 **Sec. 10-4.101. Short Title, Authority and County-wide Minimum Environmental**  
42 **Regulations**

- 43 (1) Short Title. This article shall constitute and be known as the “Leon County  
44 Environmental Management Act.”
- 45 (2) Authority. This Article is adopted pursuant to the home-rule authority granted by  
46 the Florida Constitution and the general authority granted in Chapter 125, Florida

1 Statutes and the Leon County Charter. The provisions adopted herein are consistent with  
2 Chapter 163, Florida Statutes, and the adopted Tallahassee-Leon County Comprehensive  
3 Plan.

4 (3) Minimum Environmental Regulations. Section 10-4.202(a)(2). Predevelopment  
5 Environmental Analysis Reviews of Division 2., the entirety of Division 3. Development  
6 Standards and of Division 4. Redevelopment Standards of Article IV. Environmental  
7 Management and the applicable portions of Sec. 1.101, of Chapter 10, the Land  
8 Development Code, Leon County Code of Laws, establish the minimum standards,  
9 procedures, requirements and regulations for the protection of the environment applicable  
10 within both the unincorporated and incorporated areas of the County pursuant to Sec.  
11 1.6(2) of the Charter of Leon County, Florida.

12 (A) A municipality may adopt ordinances, standards, procedures, requirements  
13 or regulations establishing more stringent levels of environmental protection within the  
14 incorporated area of the County than those adopted herein.

15 (B) The municipality's environmental ordinance, standards, procedures,  
16 requirements or regulations shall be deemed in conformance with minimum  
17 environmental regulations herein upon adoption by the municipality of an ordinance in  
18 conformance with or more stringent than this article.

19 (C) The environmental ordinance, standards, procedures, requirements, and  
20 regulations of the City of Tallahassee, upon approval of Ordinance No. 12-O-14 by the  
21 City Commission of the City of Tallahassee, are hereby deemed to be in conformance  
22 with the County's minimum environmental regulations.

23 (D) Subsequent amendments to the County's minimum environmental  
24 regulations or the environmental regulations of a municipality shall be coordinated  
25 between the local governments to ensure future consistency through an interlocal  
26 agreement.

27 (E) Each local government shall be responsible for reviewing and issuing  
28 development permits for development located within its respective jurisdiction.

29  
30  
31 **SECTION 3: Section 10-4.102 of Article IV of the Code of Laws of Leon County, Florida,**  
32 **is hereby amended as follows:**

33  
34 **Sec. 10-4.102. Definitions and rules of construction.**

35  
36 As stated in section 10-1.101, section 10-1.101 applies to this article. In case of any  
37 difference of meaning or implication between the text of this article and any other ordinance or  
38 any caption, illustration, map, chart, summary table, or illustrative table, the text of this article  
39 shall control unless the context clearly indicates the contrary, or unless the provision conflicts  
40 with the comprehensive plan and all amendments and successors thereto.

41  
42 In addition, the following words, terms and phrases, when used in this article, shall have  
43 the meanings ascribed to them in this section, except where the context clearly indicates a  
44 different meaning:

45  
46 *Development* in addition to the definition provided in Article I, section 10-1.101, shall

1 mean:

- 2
- 3 (1) The construction, installation, alteration, demolition, or removal of a structure,
- 4 impervious surface, or stormwater management facility, except that maintenance
- 5 and the construction of any publicly owned or maintained stormwater conveyance
- 6 system shall not constitute development activity; or
- 7
- 8 (2) Clearing, scraping, grubbing, or otherwise removing, damaging, or destroying the
- 9 vegetation of a site, except that underbrushing alone (with no associated earth
- 10 work or tree removal) shall not constitute development activity unless otherwise
- 11 specifically prohibited or in areas designated to remain natural and unaltered
- 12 pursuant to this article or pursuant to the provisions of the Tallahassee-Leon
- 13 County Comprehensive Plan; or
- 14
- 15 (3) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing,
- 16 dumping, piling, dredging, or otherwise significantly disturbing the soil, mud,
- 17 sand or rock of a site.
- 18

19 *Retrofit* shall mean to provide rate control and treatment for stormwater runoff where

20 needed because of existing development. This definition shall not apply when a site has new

21 development or redevelopment.

22

23 *Site and development plan* shall mean that term as defined in section 10-1.101; provided,

24 however, that for purposes of Article IV of Chapter 10, site and development plan reference may

25 also include any unexpired, previously approved preliminary plats. Inclusion of such preliminary

26 plat does not guarantee permit issuance.

27

28 *Subdivision* shall mean a division of any parcel or parcels of land for the purpose,

29 whether immediately or in the future, of any transfer of ownership or right of possession or any

30 development activity. "Subdivision" shall also mean the establishment of a street or the replatting

31 of existing plats.

32

33 *Watercourse* means a naturally occurring perennial or intermittent stream which retains

34 sinuosity that is generally in balance with existing soils and vegetation. A watercourse should

35 also provide fish or wildlife habitat or have some ecological value. An environmental biologist

36 will make the initial determination for the presence of a watercourse. The County Administrator

37 or Designee will make the final determination of the existence of a watercourse, as a preservation

38 area. Any watercourse that does not specifically meet the aforementioned definition will not be

39 regulated as a preservation area.

40

41

42 **SECTION 4: Section 10-4.106 of Article IV of the Code of Laws of Leon County, Florida,**

43 **is hereby deleted in it's entirety as follows:**

44

45 ~~**Sec. 10-4.106. Interim Minimum Environmental Regulations for the Incorporated Area of**~~

46 ~~**Leon County**~~

1  
2 (1) ~~Adoption of Interim Minimum Environmental Regulations.~~ Pursuant to Article I, Section  
3 1.6 of the Home Rule Charter of Leon County, Florida, the County shall establish  
4 minimum environmental standards, procedures, requirements and regulations for the  
5 protection of the environment to be effective within the unincorporated and incorporated  
6 areas of the County. Until such time as County-wide minimum environmental standards  
7 can be adopted, interim regulations for the incorporated area of Leon County are hereby  
8 adopted, as follows:

9 (a) ~~The water quality treatment standards in Section 10-4.301(4) and (5) in Article IV~~  
10 ~~of Chapter 10 of the Code of Laws of Leon County, Florida shall apply to new~~  
11 ~~development within the incorporated area of Leon County. Nothing in this~~  
12 ~~section shall affect redevelopment within the incorporated area of Leon County,~~  
13 ~~which shall remain subject to the requirements of Chapter 5, Environmental~~  
14 ~~Management, of the Tallahassee Land Development Code as it may be amended~~  
15 ~~from time to time.~~

16 (b) ~~Except as provided in paragraph (a) above, Chapter 5, Environmental~~  
17 ~~Management, of the Tallahassee Land Development Code, as it may be amended~~  
18 ~~from time to time, is hereby adopted by reference for purposes of environmental~~  
19 ~~management within the incorporated area of Leon County.~~

20  
21 (2) ~~Enforcement.~~ This ordinance shall have no effect on the enforcement or permitting  
22 authority of the City of Tallahassee's Growth Management Department, which shall  
23 continue to enforce regulations, render decisions, and issue permits on all applications for  
24 development or redevelopment within the City limits.

25  
26 (3) ~~Expiration of Interim Minimum Environmental Regulations.~~ This Section shall be in  
27 effect until April 1, 2012, unless such date is extended by ordinance adopted by the Board of  
28 County Commissioners. The Board of County Commissioners will consider an ordinance  
29 amending the expiration date of this Section at the request of staff or representatives of the City  
30 or County. If minimum environmental standards are not adopted by that date, the following  
31 articles of the Leon County Land Development Code shall apply County-wide to the extent not  
32 inconsistent with the Comprehensive Plan in effect as of April 1, 2011: Article IV,  
33 Environmental Management; Article X, Aquifer/Wellhead Protection.

34  
35  
36 **SECTION 5: Section 10-4.202 of Article IV of the Code of Laws of Leon County, Florida,**  
37 **is hereby amended as follows:**

38  
39 **Sec. 10-4.202. Pre-development environmental analysis reviews.**

40  
41 (a) Every application for standard form permit, for subdivision approval, for  
42 conceptual or final PUD approval, for approval of any project which includes 40 percent or more  
43 area of the proposed site located in a conservation or preservation overlay district, for every  
44 required application for site and development plan approval, for all roadway projects on new  
45 locations, and all widening of existing roadways, shall be accompanied by an environmental  
46 analysis which shall become, upon approval, a part of the final development approval. The

1 environmental analysis shall include the following components:  
2

- 3 (1) *Natural features inventory (NFI)*--The identification and mapping of conservation  
4 areas, preservation areas and special development zones, located on or adjacent to  
5 the property under review. A natural features inventory--no impact, may be  
6 submitted in lieu of a standard natural features inventory if the property under  
7 review is less than 20 acres in size and contains no conservation areas,  
8 preservation areas or special development zones. Conservation and preservation  
9 areas are defined as:

10  
11 *Preservation areas.* Wetlands, waterbodies, floodplains and floodways,  
12 watercourses, native forests, severe grades (greater than 20 percent slope), areas  
13 of environmental significance (springs and other active karst features), habitat for  
14 endangered, threatened, or species of special concern

15 *Conservation areas.* Altered floodplains, altered floodways, altered watercourses,  
16 high quality successional forest, significant grades (10--20 percent),  
17 archaeological or historical sites, closed basins, and designated canopy roads  
18 protection zones.

19  
20 The natural features inventory will be performed by a qualified professional and  
21 shall include:

- 22  
23 a. Identification of all endangered and threatened species, all species of  
24 special concern, and their habitat, which are located on the property, and  
25 which are located adjacent to the property to the best of the applicant's  
26 knowledge after reasonable investigation. Wildlife corridors must also be  
27 identified, as well as habitats for species expected to occur on site.  
28 Species identification shall include scientific names.
- 29  
30 1. Identification of species will be based on a visual survey of the site  
31 using appropriate methods and at times that maximize chances for  
32 species identification. Surveys shall focus on species known to occur  
33 on-site, adjacent off-site, or species known to use available habitat  
34 type found on-site. A narrative description of survey method used and  
35 a map of survey transect and/or point locations are required. Current  
36 survey guidelines or protocol provided by state and federal agencies  
37 shall be used where applicable. Where guidelines or protocol are not  
38 available from federal or state agencies, survey method shall be based  
39 on species biology and ecology. Limited survey designs that do not  
40 detect species presence should not be used to infer species absence,  
41 due to seasonal variations of the species and its habitat. Any signs of  
42 habitat use by the species, including evidence of feeding, tracks, trails,  
43 or scat shall be reported.
- 44  
45 2. An assessment of the species and its habitat will be based on the  
46 following factors provided by the applicant: population size or

1 population estimate; number of individuals on-site; distance to nearest  
2 known occurrence; and habitat suitability based on Leon County's  
3 Natural Community Criteria or the individual species needs. State and  
4 federal agency guidelines for assessing the species and its habitat shall  
5 be used where applicable.  
6

- 7 b. A narrative description and classification map of all on-site plant  
8 communities and those which are located adjacent to the property to the  
9 best of the applicant's knowledge after reasonable investigation. Species  
10 identification shall include Latin names. Quality of the upland plant  
11 communities shall be evaluated and provided based on Leon County's  
12 Natural Plant Community Criteria. A narrative description of observed  
13 non-listed wildlife shall be provided.  
14
- 15 c. Identification of natural grades, including the nature and extent of soils,  
16 located on the property, and which are located adjacent to the property to  
17 the best of the applicant's knowledge after reasonable investigation.  
18
- 19 d. Mapped inventory of on-site conservation and preservation features,  
20 special development zones, topography, drainage basin and watershed  
21 divides, tributaries, underground storage tanks, water wells, soils types  
22 and a narrative, drawn, or mapped inventory of adjoining and downstream  
23 environmental constraints to the best of the applicant's knowledge after  
24 reasonable investigation. Maps must be provided at a standard engineering  
25 scale no smaller than 1"= 400'. Submittal of digital files of surveyed  
26 feature points in AutoCAD or a GIS feature class, spatially referenced to  
27 the County's current geographic datum, shall be required.  
28
- 29 e. Identification of the 100-year floodplain for properties that have all or a  
30 portion of their area located within the 100-year floodplain. Where a  
31 FEMA base flood elevation was not provided, the applicant should use the  
32 best available data from the inventory of drainage studies to determine the  
33 base flood elevation. Available studies may include, but are not limited to,  
34 the USGS-91 study, a private engineering study, or the certified results of  
35 a County-approved drainage study performed by a professional engineer  
36 licensed in the state of Florida.  
37

38 (2) *Standards for the protection of natural features.* If an application contains one or  
39 more of the preservation/conservation areas and/or special development zones  
40 listed in subsection (1) above, the applicant shall propose measures to mitigate the  
41 adverse affects of the development on such areas, using as a minimum, the  
42 standards and guidelines set forth below. Details of the proposed mitigation for  
43 on-site preservation/conservation areas must be supplied with the environmental  
44 impact analysis application.  
45

- 46 a. *Preservation areas.* Development activity is prohibited in preservation

1 areas, however if there is no other suitable option development may be  
2 allowed at one unit per 40 acres not to exceed a total of five percent  
3 disturbance for preservation areas. Conservation easements which include  
4 the limits of the feature within the subject parcel and the appropriate  
5 buffer and setback requirements stated below shall be required for all  
6 preservation areas. Conservation easements shall be dedicated in favor of  
7 the county.  
8

- 9
- 10 1. *Wetlands, waterbodies, and watercourses.* These features shall be  
11 protected in accordance with section 10-4.322, section 10-4.324  
12 and section 10-4.327(3). Buffers ~~and setbacks~~ are required in  
13 accordance with Table 1 of section 10-4.202 (a)(2)e. A minimum  
14 ~~20~~ 50-foot vegetated buffer ~~plus the appropriate setback~~ must be  
15 maintained from the jurisdictional boundary of all wetlands. A  
16 ~~buffer width of up to 50 feet plus a setback may be required for~~  
17 ~~wetlands depending on the land use designation of the parcel.~~
  - 18 2. *Floodplains and floodways.* These features shall be protected in  
19 accordance with section 10-4.327 (3). A drainage or conservation  
20 easement is required for the limits of the 100-year floodplain and  
21 any floodway as determined during the natural features inventory.  
22
  - 23 3. *Native forests.* Native forests shall be protected as follows:
    - 24 (a) Areas determined to be native forest shall be preserved to  
25 the boundary determined during the natural features  
26 inventory plus a minimum ~~20~~ 25-foot buffer and placed in  
27 conservation easement.
    - 28 (b) When impact to the native forest is unavoidable and does  
29 not exceed the 5% disturbance criteria, priority must be  
30 given to preserve the largest total area of the native forest  
31 by considering adjacent on and off-site native forests and  
32 associated wetlands, floodplains, significant and severe  
33 slopes, and canopy road protection zones, while ultimately  
34 minimizing fragmentation of the natural plant community.
    - 35 (c) The preserved native forest areas shall be ~~restored~~  
36 maintained and enhanced in accordance with a vegetation  
37 management plan. The plan shall ensure protection and  
38 appropriate management of the native forest, including  
39 protection from secondary impacts of development. The  
40 plan shall, at a minimum, provide the following:  
41 description and mapped limits of the native forest;  
42 description of desired future conditions; description of  
43 management techniques; management and monitoring  
44 schedules; estimated costs; designated responsible  
45 management entity; and conservation easement signage.  
46

- 1 4. *Severe grades.* Regions of severe grade (areas with greater than 20  
2 percent slope) shall be preserved to the boundary determined  
3 during the natural features inventory and placed in conservation  
4 easement in accordance with Section 10-4.327(2)e.  
5
- 6 5. *Areas of environmental significance.* Areas of environmental  
7 significance include springs and other active karst features. The  
8 limits of the feature as determined by the uppermost contiguous  
9 contour or slope break plus a minimum buffer width of 35 feet  
10 shall be placed in conservation easement as outlined in section 10-  
11 4.325.  
12
- 13 6. *Habitat for endangered, threatened, and species of special*  
14 *concern.*  
15
- 16 (a) Habitats of endangered, threatened, and species of special  
17 concern shall be preserved to the boundary of suitable habitat  
18 determined during the Natural Features Inventory, plus a  
19 minimum 20' vegetated buffer, and placed in a conservation  
20 easement. Habitat preserve designs and buffers recommended  
21 by state and federal agencies shall be followed where  
22 applicable. Essential corridors for movement must also be  
23 provided.  
24
- 25 b. Where impacts to the habitat cannot be avoided, on-site  
26 mitigation may be allowed, provided that the following are  
27 demonstrated by the applicant and all other ordinances have  
28 been met:  
29
- 30 (1) The preserved habitat areas are placed in a conservation  
31 easement.  
32 (2) Priority is given to preserve the largest areas, considering  
33 adjacent off-site habitat, that are of highest quality and will  
34 most likely protect the population and its habitat by  
35 preventing fragmentation. Effects of preserve  
36 configuration and protection of corridors must also be  
37 considered.  
38 (3) The mitigation will result in a net benefit to the species and  
39 is supported by published scientific research.  
40 (4) The preserved habitat area is proven to support the  
41 population of the species occurring on-site.  
42 (5) The preserved habitat areas are restored or enhanced where  
43 needed.  
44
- 45 c. A habitat protection and management plan shall be required  
46 and shall, at a minimum, meet guidelines provided by state and

1 federal agencies. The plan shall ensure adequate protection  
2 and appropriate management of the listed species and its  
3 habitat, including protection from secondary impacts of  
4 development. The plan shall, at a minimum, provide the  
5 following: description and mapped limits of the habitat and  
6 listed species locations; description of desired future  
7 conditions; description of vegetation management techniques;  
8 management and monitoring schedules; estimated costs; a  
9 designated responsible management entity; conservation  
10 easement signage; buffers; protection during construction; and  
11 methods for reducing impacts from passive use, invasive  
12 plants, and domestic or feral animals.

- 14 b. *Conservation areas.* Development activity is permitted within  
15 conservation areas provided that it is specified in the document  
16 establishing the conservation area and is consistent with the following  
17 criteria:
  - 19 1. *Altered floodplains.* Development is allowed within altered  
20 floodplains provided that no floodway is adversely affected,  
21 compensating volume is provided for any net fill within the  
22 floodplain, and the lowest floor elevation of any structure is placed  
23 at or above the flood protection elevation.
  - 25 2. *Altered floodways.* Development shall not be allowed in areas  
26 designated as floodways, as defined in section 10-1.101. However,  
27 public sector infrastructure projects shall be allowed if it can be  
28 shown by certified technical methods, approved by the county  
29 administrator or designee, that the development activity will not  
30 cause an increase in the 100-year floodplain profile. For floodways  
31 not designated as FEMA floodways, it shall be demonstrated that  
32 all activities associated within the development shall not increase  
33 the 100-year floodplain elevation offsite. ~~by more than one foot.~~
  - 35 3. *Altered watercourses.* Development is allowed within altered  
36 watercourses pursuant to meeting other Code sections if  
37 compensating volume is provided for any net fill within the  
38 watercourse, and the lowest floor elevation of any structure is  
39 placed at or above the flood protection elevation.
  - 41 4. *High quality successional forest.* Impacts to the forest must meet  
42 the following criteria:
    - 44 (a) If the entire parcel under review is considered high quality  
45 successional forest, then the site may be developed at the  
46 allowed density with no more than 20% disturbance of the

1 site or 4,000 square feet, whichever is greater, at a density  
2 of one unit per two acres.

3 (b) If the site is not entirely high quality successional forest,  
4 development density shall be transferred to non-  
5 environmentally sensitive areas at the allowed density to  
6 the extent practicable. If the transfer option is not used and  
7 impact is unavoidable, development may be permitted at a  
8 density of one unit per two acres with a maximum  
9 disturbance of 5% ~~may be allowed.~~ or 4,000 square feet per  
10 two acres, whichever is greater.

11 (c) Those areas designated to be preserved shall be placed in  
12 conservation easement. Priority must be given to preserve  
13 the largest total area of the high quality successional forest  
14 by considering adjacent on and off-site high quality  
15 successional forests and associated wetlands, floodplains,  
16 significant and severe slopes, and canopy road protection  
17 zones, while ultimately minimizing fragmentation of the  
18 natural plant community.

19 (d) The preserved high quality successional forest areas shall  
20 be restored and enhanced in accordance with a vegetation  
21 management plan. The plan shall ensure protection and  
22 appropriate management of the high quality successional  
23 forest, including protection from secondary impacts of  
24 development. The plan shall, at a minimum, provide the  
25 following: description and mapped limits of the high  
26 quality successional forest; description of desired future  
27 conditions; description of management techniques;  
28 management and monitoring schedules; estimated costs;  
29 designated responsible management entity; and  
30 conservation easement signage.

31  
32 5. *Significant grade area.* Significant (ten percent to 20 percent  
33 slope) grade areas shall be protected in accordance with Section  
34 10-4.327(2)c.

35  
36 6. *Closed basins.*

37 (a) Development activity within closed basins must meet the  
38 standard outlined in section 10-4.301 and 10-4.303.

39 (b) *One-hundred-year storm event flood exclusion area.* The  
40 applicant shall determine the post-development critical  
41 100-year storm event flood elevation within the closed  
42 basin assuming full build-out of all on-site and off-site  
43 property within the closed basin. A broad range of storm  
44 durations and sequences, up to a ten-day duration, shall be  
45 analyzed and the storm sequence generating the highest  
46 flood elevation shall be utilized. No on-grade structures or

1 other development activity shall be permitted below the  
2 critical 100-year storm event flood elevation other than  
3 those which are approved under this article relating to  
4 landscaping, stormwater management, sidewalks, roads,  
5 and outside passive recreation facilities. All property of the  
6 applicant located within the 100-year storm event  
7 floodplain shall be encumbered by the applicant with flood  
8 easements for the benefit of the public, and deed  
9 restrictions enforceable by the local government,  
10 prohibiting all uses which violate this restriction. If the  
11 applicant owns all of the property within the existing 100-  
12 year floodplain and no other sensitive features are present,  
13 disturbance to the floodplain may be allowed as long as  
14 sufficient storage volume exists for all of the requirements  
15 of this subsection and there are no adverse impacts to  
16 adjacent property owners. If the pre-existing 100-year  
17 floodplain is recontoured within the site under this  
18 provision, the lowest elevation of the reconfigured  
19 floodplain shall be at least five feet above seasonal high  
20 water table and shall not cause any adverse impacts to the  
21 aquifer.

- 22
- 23 7. *Cultural resources.* Significant cultural resources shall be  
24 protected in accordance with section 10-300. A cultural resource  
25 protection plan is required for areas containing identified  
26 significant cultural resources. This plan may require a  
27 conservation easement encompassing the cultural resources,  
28 provision of public access to the cultural resource site, or other  
29 measures to protect, maintain, and manage the resource or to  
30 mitigate for impacts to the resource.
- 31
- 32 8. *Canopy road.* The canopy road protection zone includes all lands  
33 within 100 feet from the centerlines of the roadways. The uses  
34 permitted in the canopy road protection zone are those uses  
35 permitted in the underlying zoning district. Canopy road citizens'  
36 committee review is required when development is proposed  
37 within the canopy road tree protection zone. The following special  
38 restrictions shall apply within the canopy road protection zone:
- 39 (a) All structures shall be set back a minimum of 100  
40 feet from the centerline of the canopy road;
- 41 (b) Any structure which exceeds 40 feet in height must  
42 be set back an additional one foot for every one foot  
43 in excess of 40 feet in height;
- 44 (c) No development may occur in the canopy road  
45 protection zone unless authorized for health, safety  
46 or welfare of the public;

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- (d) Any part of the canopy road protection zone that is cleared or has trees removed from it must be widened in some other location by the same amount that was removed and shall be replanted if necessary, with native, non-invasive canopy trees, understory trees and shrubs;
- (e) A full analysis of the impact of a development on the affected canopy road as described in Section 10-4.206(b) shall be submitted by the applicant as a component of the environmental impact analysis;
- (f) Joint access to canopy roads shall be required unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one property;
- (g) If the site is accessible by roads other than the canopy road, it shall not have direct vehicular access to the canopy road.
- (h) The canopy road tree protection zone shall be placed in a conservation easement.
- (i) No removal of understory vegetation (underbrushing) shall be allowed within the canopy road tree protection zones, except as specified in a vegetation management plan, submitted to and approved by the County Administrator or designee, which outlines specific planting and maintenance operations designed to restore or maintain the natural vegetation component of a specific canopy road section, and is consistent with the objectives of this chapter.
- (j) Repair and maintenance of existing lawfully established structures and fences shall meet the requirements in Sec. 10-4.206.
- (k) Sidewalks shall be a maximum of 6 feet in width. The County Administrator or designee can allow up to a maximum of 10 feet in width if mitigation is sufficient to offset the negative impacts to the canopy. In determining whether a sidewalk will be permitted in the canopy road overlay, the impacts to other conservation/preservation areas will be considered. A natural feature inventory/environmental impact analysis shall be submitted for assessment and determination of placement of the sidewalk. In cases where the proposed sidewalk would detrimentally impact other conservation/preservation areas in the canopy road overlay, as determined during the environmental impact analysis, the sidewalk shall not be permitted. Emphasis shall be on placing the sidewalk such that impacts to trees and native vegetation are minimized.

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- c. *Special Development Zones.* Development within special development zones shall meet the requirements in Sec. 10-4.323. All areas to remain protected shall be placed in one or more conservation easements.
  
- d. *Invasive Exotic Plant Control.* Where a conservation easement is required for protection of preservation areas, conservation areas or special development zones, pursuant to Section 10-4.202(2), all invasive exotic plants, identified on Leon County’s List of Invasive Plant Species, located within the easement area shall be controlled. The applicant shall provide a management plan which identifies listed exotic plants located within the easement area, existing percent cover, proposed treatment method, herbicide if required, treatment schedule, and estimated cost. The goal of the plan shall be to achieve less than 1 percent cover of invasive exotic plants within the easement area. A management entity responsible for funding and implementation shall be identified. A monitoring report detailing management activities and current percent cover of invasive exotic plant species shall be provided at the time of each operating permit renewal.
  
- e. *Table of Standards for the Protection of Natural Features* is included herein as Table 1. If an application includes land on which one or more of the natural features listed within the table is present, the applicant shall propose measures to mitigate the adverse effects of the development on such constraints, using as a minimum the mitigation measures set forth in the table, but in addition may include other appropriate mitigation techniques which would meet the objectives thereof.

Table 1. Table of Standards for the Protection of Natural Features

Allowable Use Categories	Low-Density—Residential Passive Recreation	High-Density—Residential Medium-Density Residential—Active Recreation	Minor—Commercial Neighborhood—Commercial Community—Commercial Highway—Commercial Regional—Commercial Postsecondary—Minor Office—Major Office—Office Park—Community Services	Heavy—Industrial—Heavy Infrastructure—Light Industrial—Minor—Light Industrial—Light Industrial Park—Interchange Commercial—Involves use of—regulated—hazardous materials**
Natural features				
Waterbodies	Conservation easement to O.H.W. line plus 50' naturally vegetated buffer			
Watercourses/Tributaries**	Conservation easement to O.H.W. plus 10' x setback factor*	Conservation easement to 25-year flood elev. plus 20' x setback factor*	Conservation easement to 25-year flood elev. plus 30' x setback factor*	Conservation easement to O.H.W. plus 50' x setback factor*
	Conservation Easement to O.H.W. line plus a 50' naturally vegetated buffer for all tributaries as defined in section 10-1-101			
Wetlands	Conservation easement to jurisdictional line plus 10' x setback factor*(20' min.)	Conservation easement to jurisdictional line plus 20' x setback factor*	Conservation easement to jurisdictional line plus 30' x setback factor*	Conservation easement to jurisdictional line plus 50' x setback factor
Floodplain	Drainage easement to critical 100-year post-development floodplain-elevation/conservation easement to 100-year floodplain if additional natural features are present			
Native Forest**	Conservation easement to boundary determined during the NFI plus a minimum 20' buffer—A Vegetation Management plan is required.			
High Quality Successional Forest**	Conservation easement to boundary determined during the NFI plus a minimum 20' buffer—A Vegetation Management plan is required. If entire site is comprised of HQSF, then the site may be developed at one unit per two acres, not to exceed 20% of the parcel			
Severe Slopes	Conservation easement in accordance with Section 10-4-327(2)c.			
Significant Slopes	Conservation easement in accordance with Section 10-4-327(2)c.			
Closed Basins	Retention of 100-year post-development volume increase/soil tests to verify percolation			
Habitats of Special Concern, Threatened and Endangered Species	Conservation easement to limits of suitable habitat plus a minimum 20' buffer. Protection and management plan required (approved by local, state and federal resource management agencies if applicable)			
Areas of Environmental Significance	Conservation easement to uppermost contiguous slope break plus a 35-foot setback			
Cultural Resources	Protection plan is required if significant cultural resources are present as set forth in section 10-4-329			

Table 1. Table of Standards for the Protection of Natural Features

1

<u>Natural features</u>	
<u>Waterbodies</u>	Conservation easement to O.H.W. line plus 50' naturally vegetated buffer
<u>Watercourses</u>	Conservation easement to O.H.W. plus 50 feet
<u>Wetlands</u>	Conservation easement to jurisdictional line plus 50 feet
<u>Floodplain</u>	Drainage easement to critical 100 year post-development floodplain elevation; conservation easement to 100-year floodplain if additional natural features are present
<u>Native Forest</u>	Conservation easement to boundary determined during the NFI plus a minimum 25 foot buffer—A Vegetation Management plan is required.
<u>High Quality Successional Forest</u>	Conservation easement to boundary determined during the NFI plus a minimum 20' buffer—A Vegetation Management plan is required. If entire site is comprised of HQSF, then the site may be developed at 4,000 square feet per two acres or no more than 20% of the parcel. If site is not entirely HQSF, then a maximum disturbance of 5% or 4,000 square feet, whichever is greater.
<u>Severe Slopes</u>	Conservation easement in accordance with Section 10-4.327(2)
<u>Significant Slopes</u>	Conservation easement in accordance with Section 10-4.327(2)
<u>Closed Basins</u>	Retention of 100 year post-development volume increase/soil tests to verify percolation
<u>Habitats of Special Concern, Threatened and Endangered Species</u>	Conservation easement to limits of suitable habitat plus a minimum 20' buffer. Protection and management plan required (approved by local, state and federal resource management agencies if applicable)
<u>Areas of Environmental Significance</u>	Conservation easement to uppermost contiguous slope break plus a 35-foot setback. Conservation easement to uppermost contiguous slope break plus a 50-foot setback for Heavy Industrial, Heavy Infrastructure, Light Infrastructure, Minor-Light Industrial, Light Industrial Park, Interchange Commercial, and Uses involving regulated hazardous materials.
<u>Cultural Resources</u>	Protection plan is required if significant cultural resources are present as set forth in section 10-4.329

2

3

\* Setback factor: Buffer width as given X slope factor X soil factor. Where slope factor = 1 + average gradient in % and soil factor = clay x 2 and sand x 1 (i.e. the required buffer for an apartment complex with a 5% slope on clay soils: 20' x 1.05 x 2 = 42')

6

7

\*\* See section 10-1.101 for definitions

8

- 1  
2 (3) *Environmental Impact Analysis (EIA)*, consisting of a conceptual  
3 development plan and an analysis of its impact on the natural features  
4 identified in the NFI. The analysis should address all of the applicable  
5 items in the "Environmental Impact Analysis Application". In general this  
6 application includes the following:  
7  
8 a. A conceptual development plan.  
9  
10 b. An assessment of the project impact on any endangered,  
11 threatened, or special concern species and its habitat. A description  
12 of any management plans which are proposed to eliminate project  
13 impact and which have been submitted to the state and federal  
14 agencies for review where applicable. Management plans must  
15 comply with the requirements of Section 10-4.202(a)(2)a.6.c. Any  
16 permit issued for development on a site which includes  
17 endangered, threatened, or special concern species or their habitat  
18 shall be contingent upon approval by state or federal agencies  
19 where such approval is required by state or federal law.  
20  
21 c. Description of proposed changes in vegetative and tree cover,  
22 including specific identification of all protected trees 36-inch DBH  
23 or greater and all dogwoods 4-inch DBH or greater. If the tree  
24 debit/credit option is proposed, all protected trees must be  
25 specifically identified.  
26  
27 d. Description of proposed changes in natural grades, including  
28 identification of the nature and extent of soils and soil disturbance,  
29 and proposed erosion, sedimentation, and water management  
30 techniques and development practices to be employed.  
31  
32 e. Evaluation of water quality impacts which may result from the  
33 proposed action, including such parameters as pre-development  
34 and post-development discharge of nutrients, sediments, and other  
35 pollutants.  
36  
37 f. Evaluation of changes in volumes and rates of stormwater runoff,  
38 including significant impacts on the water table, surface water  
39 flows, and water levels of downstream wetlands, watercourses, and  
40 water bodies.  
41  
42 g. Evaluation of adequacy of downstream conveyances to carry rate  
43 and volume of stormwater runoff to a receiving wetland or water  
44 body, both during construction and after development. This  
45 evaluation may include calculations or modeling.  
46  
47 h. Environmental impacts on all additional on-site, adjoining, and

1 downstream conservation and preservation areas, including  
2 wetlands, altered and undisturbed water courses, water bodies,  
3 active karst features, altered and undisturbed floodplains and  
4 floodways, significant (ten--20 percent) and severe grades over 20  
5 percent, native forests, high quality successional forests, drainage  
6 basins, including closed basins, designated canopy road corridors,  
7 cultural resources, special development zones, and areas of  
8 environmental significance.  
9

10 i. Verification that all newly proposed lots have sufficient buildable  
11 area outside of environmental constraints and special development  
12 zone (SDZ) restrictions. Sufficient buildable area shall be  
13 considered one-half acre of contiguous area if the lot has a septic  
14 system, environmental constraints, and/or SDZ restrictions, or the  
15 allowable zoning density if there are no site constraints.  
16

17 j. Mitigation as required in subsection (2). The EIA may be waived if  
18 there is no required mitigation for sensitive features and no  
19 anticipated stormwater problems that could affect the site plan (in  
20 this case, the stormwater items in the EIA application shall be  
21 addressed in stormwater permitting).  
22

23 (b) *Sufficiency of applications.* Any application which requires an  
24 environmental impact analysis pursuant to subsection (a) above, shall not be accepted for  
25 filing and processing unless an NFI has been completed and approved by the  
26 environmental compliance division. The EIA will be submitted after approval of the NFI  
27 and as part of the above application. The EIA shall be sufficiently complete to allow a  
28 review of possible adverse impacts of the proposed development activity. Within 15  
29 working days after the submission of a complete NFI or EIA application, the county  
30 administrator or designee shall determine that the application is approved, approved with  
31 conditions, denied or does not contain sufficient information for review, and shall notify  
32 the applicant of such determination as soon as reasonably possible thereafter. Each  
33 additional resubmittal will be reviewed within 15 working days.  
34  
35

36 **SECTION 6: Subdivision 1 of Division 3 of Article IV of the Code of Laws of Leon**  
37 **County, Florida, is hereby amended as follows:**  
38

39 **SUBDIVISION 1. STORMWATER**

40 **10-4.301 Water Quality Treatment Standards**  
41

42 (1) ~~*Minimum Standards.*~~ **State Stormwater Treatment Requirement Adoption.**  
43 Water quality treatment shall be provided as a part of all development activity which  
44 requires a stormwater application under this article. Treated stormwater shall meet the  
45 applicable water quality standards set forth in F.A.C. chs. 62-4, 62-302, 62-520, 62-522,  
46 62-550 and 62-346, and in this division. Design and performance standards set forth in

1 such F.A.C. chapters are hereby adopted and incorporated in this article by reference.  
2 However, design and performance standards more stringent than those specified therein  
3 ~~may be~~ are also required in this section, whenever discharge from a site does not meet  
4 ~~state water quality standards, and may also be required for specific watersheds identified~~  
5 ~~by the Board of County Commissioners as needing further protection.~~

6  
7 (2) ~~Watershed conservation measures.~~ Stormwater treatment.

8  
9 (a) ~~Conservation measures designated.~~ ~~The Board of County Commissioners~~  
10 ~~hereby adopts the following conservation measures to be applied throughout the~~  
11 ~~unincorporated area of the county for the protection of water quality, fish, wildlife, and~~  
12 ~~the aquatic ecosystem.~~

13 (b) ~~Stormwater treatment.~~ The following are minimum acceptable methods  
14 for stormwater treatment, provided that the discharges meet state water quality criterion.  
15 More stringent treatment methods may be required by the county administrator or  
16 designee if discharges fail to meet state water quality standards. The drainage area for  
17 determining treatment volumes shall include all areas draining to the facility (on-site and  
18 off-site).

19  
20 (i) ~~Wet detention~~ Wet detention. Wet detention treatment  
21 volume shall be, at a minimum, the runoff from the first  
22 three inches of rainfall, or as an option for sites with  
23 drainage areas less than 100 acres, the first 1 1/2 inches of  
24 runoff. ~~The top~~ One-half of the treatment volume must be  
25 discharged in 60 hours. Subsequently, the ~~bottom~~  
26 remaining one-half of the treatment volume must be  
27 discharged in 60 hours or more.

28 (ii) ~~Off-line retention~~ Off-line retention. Off-line retention  
29 treatment volume shall be provided equal to 50 percent of  
30 the runoff from the first 3.0 inches of rainfall, or as an  
31 option for sites with drainage areas less than 100 acres, the  
32 first 3/4 inch of runoff. The full treatment volume shall  
33 again be available within 72 hours following a storm event,  
34 with appropriate on-site soils tests submitted to verify the  
35 infiltration rate.

36 (iii) ~~On-line retention~~ On-line retention. For on-line retention  
37 or detention with ~~underdrained~~ filtration, treatment volume  
38 shall be equal to 75 percent of the runoff from the first 3.0  
39 inches of rainfall, or as an option for sites with drainage  
40 areas less than 100 acres, the first 1.125 inches of runoff.  
41 For the filtration option, only ~~bottom underdrain~~ systems  
42 planted with grass that are capable of recovering the  
43 treatment volume within 36 hours shall be allowed, ~~unless~~  
44 ~~an alternative system is shown by the applicant, to the~~  
45 ~~satisfaction of the director, to exceed the capabilities of~~  
46 ~~such a bottom underdrain system.~~

47 (iv) ~~Swales~~ Swales. Swale treatment volume shall be

1 percolation of 80 percent of runoff from a three-year, one-  
2 hour (2.6 inches) storm event. Calculations demonstrating  
3 percolation of this volume within the swale within 72 hours  
4 shall be submitted with the permit application.

5 (v) (e) ~~Special site constraints.~~ If site constraints require  
6 another method of water quality treatment, such other  
7 method may be approved by the county administrator or  
8 designee if such method provides a level of treatment  
9 equivalent to off-line retention as specified in subsection  
10 (ii). (b)(2), and is specifically authorized by the State  
11 Department of Environmental Protection.  
12

13 (d) ~~Best management practices.~~ The following best management practices, at a  
14 minimum, shall be required in conjunction with all new development and redevelopment,  
15 and shall be adhered to by all property owners. All site and development plans submitted  
16 for approval shall specifically include the requirement of compliance with these best  
17 management practices. The best management practices shall be specifically set forth  
18 within, and made a part of, the restrictive covenants for all subdivisions approved by the  
19 local government and such restrictive covenants shall be recorded with the plat. All  
20 environmental management permits issued for development activities shall include the  
21 requirement of compliance with these best management practices as a condition of such  
22 permit:  
23

24 (i) ~~Buffering, which may include vegetated berms along the lower contours~~  
25 ~~of lots, so as to provide or improve wildlife habitat and to improve water~~  
26 ~~quality. Berms or buffers shall be vegetated with natural indigenous~~  
27 ~~vegetation suitable for soil and hydrology of the site.~~  
28

29 (ii) ~~Restricted use of pesticides, herbicides, and fertilizers to those materials~~  
30 ~~which have rapid decomposition characteristics, are labeled for aquatic~~  
31 ~~use, and are used at the lowest possible label rates. Fertilizer constituents~~  
32 ~~should have at least 50 percent slow release characteristics, be applied at~~  
33 ~~the lowest labeled rate per application, be a non-phosphorous or low~~  
34 ~~phosphorous analysis, and be formulated for good slope retention~~  
35 ~~characteristics.~~  
36

37 (iii) ~~Preservation or revegetation of natural wetlands, floodways and~~  
38 ~~watercourses.~~  
39

40 (iv) ~~Use of native, low fertilization, and low maintenance vegetation.~~  
41

42 (v) ~~Regular maintenance and upgrading, as necessary, of septic tanks and~~  
43 ~~approved discharges from washing machines and garbage disposals.~~  
44

45 (vi) ~~Soil conservation service approved conservation practices, including~~  
46 ~~erosion and sediment control and water quality practices for all~~  
47 ~~agricultural operations.~~

1  
2 (3) Closed basins and standards.  
3

4 (a) Closed basins meeting the following criteria shall be regulated in  
5 accordance with this subsection:  
6

7 (i) Any closed basin which has been identified and mapped as  
8 a regulated closed basin by the Board of County Commissioners; or  
9

10 (ii) Any closed basin for which it can be shown by hydrologic  
11 analysis that cumulative increases in runoff volume from potential  
12 development patterns will cause a significant adverse impact on the  
13 frequency, duration, or extent of flooding.  
14

15 (b) *Volume control required.* Runoff volumes within regulated closed  
16 basins in excess of the pre-development runoff volume shall be retained  
17 for all storm events up to a 100-year, 24-hour duration storm, except that  
18 if multiple development sites are located within the closed basin, the  
19 excess volume may be discharged from individual sites to an approved  
20 regional detention or retention facility located within the closed basin as  
21 may be allowed under other subsections of this section and pursuant to  
22 section 10-4.305. ~~One-half the required pond volume shall be recovered~~  
23 ~~within seven days, and the full volume shall be recovered within 30 days.~~  
24 Recovery of the retention volume shall comply with one of the following:  
25

26 Option (1): On the basis of a subsurface geotechnical analysis demonstrate  
27 the functionality of the retention facility through a continuous hydrologic  
28 simulation. The analysis shall clearly demonstrate that the increase in  
29 runoff volume above the predevelopment condition is retained within the  
30 on-site stormwater facility. Additionally, the rate of discharge shall not  
31 exceed predevelopment rates for all duration and return frequencies up to  
32 and including the 25-year critical duration storm. The continuous  
33 hydrologic simulation can be accomplished by developing a  
34 stage/storage/infiltration relationship based on the proposed retention  
35 facility configuration and reported design infiltration rate. This  
36 relationship can be used to model the retention facility over an extended  
37 period of rainfall.  
38

39 Option (2): One-half the required pond volume shall be recovered within  
40 seven days, and the full volume shall be recovered within 30 days.  
41

42 (c) ~~Residential subdivisions that create no more than three lots shall be~~  
43 ~~exempt from the provisions in subsection (b) above if the~~  
44 ~~following five criteria are met:~~  
45

- 46 1. ~~There are no structures at the bottom of the closed basin~~  
47 ~~that could flood.~~

2. ~~There are no existing flooding problems or adverse impact to downstream properties.~~
3. ~~The new lots are at least one acre in size and have less than 20% impervious area.~~
4. ~~The new lots have adequate stormwater conveyance to the bottom of the closed basin. If not, downstream drainage easements will be required.~~
5. ~~The new lots meet state stormwater standards or receive an exemption.~~

(4) *Additional stormwater retention standards for the Lake Jackson Drainage Basin.* Non-single-family residential uses which are approved for development (as specified in the comprehensive plan) subsequent to March 15, 1992, shall retain post-development stormwater on-site for all storm events up to and including the 50-year 24-hour duration storm. ~~One half the required pond volume shall be recovered within seven days, and the full volume shall be recovered within 30 days. The retained volume shall be recovered in accordance with subsection (3)(b) above. Nothing in this section shall affect existing, more intensely developed areas south of Interstate 10 or redevelopment standards for the incorporated area of the Lake Jackson Drainage Basin, which shall remain subject to the requirements of Chapter 5, Environmental Management, of the Tallahassee Land Development Code, as it may be amended from time to time.~~

(5) *Stormwater treatment standards within the Bradfordville Study Area.* Stormwater runoff from new development in the Bradfordville Study Area shall meet the standards set forth in this section in addition to other standards within Article IV.

- (a) Stormwater runoff shall be treated to one of the following standards below:
  - (i) Systems utilizing on-line dry retention only. A volume of runoff calculated as four inches times the total impervious area that will be situated on the site shall be retained on the site or in an approved master stormwater facility. This calculation can exclude the wetted area of the pond/stormwater facility. This volume of runoff shall be collected from the entire developed portion of the site and directed to on-line dry retention storage. Retention can occur in cisterns, ponds, shallow swales, landscaped areas, or natural areas.
  - (ii) Systems utilizing a combination of off-line dry retention and detention:
    - a. Off-line retention shall be provided with a treatment volume calculated as two and one-half inches times the total impervious area on the site.
    - b. Detention portion of system--In addition to the dry

1 retention volume, one of the following detention options  
2 shall also be provided:

- 3
- 4 1. Dry detention systems will provide a treatment  
5 volume calculated as two inches times the total  
6 impervious area on the site, or  
7
- 8 2. Wet detention system with a permanent pool  
9 volume equivalent to two and nine-tenths inches  
10 times the impervious area onsite.

11

12 c. The calculation of the above volumes can exclude the  
13 wetted area of the stormwater facility.

14

15 d. Runoff from the entire developed portion of the site shall  
16 be directed in sequence to each of the above facilities.

17

18 (b) Drawdown requirements:

19

20 (i) For on-line dry retention (Subsection (a)(1) above), the entire  
21 treatment volume must recover within 72 hours.

22

23 (ii) For off-line dry retention (Subsection (a)(2)a. above), the entire  
24 treatment volume must recover within 24 hours.

25

26 (iii) For dry detention systems (Subsection (a)(2)b.1. above), the  
27 treatment volume must recover within 72 hours. Dry detention  
28 systems will not include underdrains but will utilize an orifice or  
29 V-notch weir for drawdown. The bottom of the drawdown device  
30 will be a minimum of six inches above the pond bottom.

31

32 (iv) For wet detention systems (Subsection (a)(2)b.2. above), the  
33 bottom of the weir crest will be a minimum of 12 inches above the  
34 normal water level (seasonal high groundwater table elevation).

35

36 (v) Regardless of the method of volume recovery, the entire retention  
37 volume must recover within the time frame established above  
38 unless an approved continuous analysis, using Tallahassee Airport  
39 rainfall data from January 1, 1959 to December 31, 1998,  
40 demonstrates that the total volume retained within the stormwater  
41 system over the 40-year period is greater than or equal to that  
42 retained by a dry retention system as set forth in subsection (1)  
43 based on the above described recovery times. For systems  
44 requiring a combination of retention and detention, this analysis  
45 shall only be used for the retention portion of the system. The  
46 detention portion of this combination system will still be required  
47 in full pursuant to Subsection (a)(2)b.

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(c) For calculating the treatment volume required for pervious pavements and graveled areas, initially such surfaces shall be assumed to be 100 percent impervious, then deductions in the required treatment volume for such areas can be taken that is equivalent to:

- (i) The porosity of the pavement material times the thickness of the paving material times a safety factor of five-tenths.
- (ii) If, and only if, the soils immediately underlying the pavement for a depth of 18 inches have a permeability of three inches per hour or greater, as demonstrated by onsite percolation tests, then a further deduction can be taken equivalent to the porosity of the soil strata times four inches times a safety factor of five-tenths.

The above deductions will be allowed provided that the applicant specifically commits, in his Stormwater Operating Permit, to regularly sweep/vacuum the area covered with pervious pavement and to verify the pavement's percolation capacity when the operating permit is renewed.

(d) Groundwater table:

- (i) Where volume recovery is to be by percolation, groundwater mounding calculations to demonstrate recovery of the retention volume pursuant to the requirements set forth in subsection (b) above shall be required unless the applicant conclusively demonstrates by other engineering methods that pond recovery will not be adversely affected by an elevated groundwater table. If the bottoms of all retention areas intended to percolate stormwater are shown by soil borings to be less than three feet above the historical wet-season high water table, a mounding analysis shall be required.
- (ii) For dry detention systems, the bottom elevation of the detention basin shall be a minimum of one foot above the historical seasonal high groundwater table.

(e) Where volume recovery is to be by irrigation, the rate of land application shall not exceed one and one-half inches per week unless the applicant can conclusively demonstrate that the on-site soil conditions and vegetation warrant a higher application rate. Under no circumstances shall irrigation water be allowed to discharge from the irrigation-site.

(f) The requirements in this section shall not preclude the applicant from voluntarily choosing to design and construct the on-line dry retention facility as an off-line facility.

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- (g) Facility design standards.
  - (i) Facility configuration: All on-line facilities shall have a flow-path-length to flow-path-width ratio of 2:1 or greater. The inlets and outlets shall be on opposite ends of the facility. If this is not possible, the effective flow length shall be increased by adding diversion barriers within the facility as necessary to provide this minimum flow length.
  - (ii) Retention ponds/areas shall have 4H:1V maximum side slopes on a sufficient length of the perimeter to allow adequate maintenance access to the bottom of the facility. If any of the side slopes are steeper than this, a security fence shall be placed completely around the perimeter of the facility and located exterior to the maintenance access ways. The fence shall not be required if the pond depth is less than 18 inches.
  - (iii) Wet detention ponds shall have 6H:1V maximum side slopes to two feet below the normal water level, then a maximum side slope of 2H:1V to the bottom.
  - (iv) Retention facilities shall have flat bottoms in order to maximize the surface area for percolation.
  - (v) Maintenance access requirements:
    - a. For every facility, the owner or developer shall provide, at a minimum, a 15 feet wide clear and stable access to the facility from the nearest "public" right-of-way or road. Such access shall be evidenced by a recorded reservation or grant of an easement, which shall run with the land. If the facility is to be dedicated to a local government, then such access shall be evidenced by the grant of an easement, which shall run with the land, to the benefit of the county local government.
    - b. For retention facilities with an overall depth greater than 18 inches, provide, at a minimum, a ~~15 feet~~ 20 foot wide clear, level and stable access around a sufficient portion of the perimeter of the facility, that is inside of any fences and external to the top-of-bank of the facility, to allow adequate maintenance from dry land. For retention facilities with an overall depth of 18 inches or less, provided the facility has side slopes of four horizontal to one vertical (or less) on at least one side of the facility, the applicant can provide the above access on the sloped side of the facility only. Any

1 access required by the provisions of this subsection shall be  
2 evidenced by a recorded reservation or grant of an  
3 easement, which shall run with the land, to the benefit of  
4 the county.

5  
6 c. The minimum inside radiuses of all access ways shall be 20  
7 feet.

8  
9 d. Adequate access for both personnel and mechanized  
10 equipment shall be provided to all inlet and outlet  
11 structures.

12  
13 e. If Leon County is proposed to be the maintenance entity for  
14 any stormwater management facility permitted under this  
15 section, either by dedication, or by reservation of an  
16 easement, or by any other process, the applicant shall  
17 submit the engineering design for the facility directly to the  
18 Leon County Department of Public Works for its review  
19 and approval as to the adequacy of maintenance access to  
20 the facilities. An environmental permit shall not be issued  
21 until the applicant demonstrates, in writing, the approval of  
22 the department of public works.

23  
24 (vi) Skimmer/trash rack requirements:

25  
26 a. Trash/leaf traps with easy maintenance access shall be  
27 provided at key inlets and all outlets from a facility unless  
28 the applicant can conclusively demonstrate that it is not  
29 possible.

30  
31 b. All outlet structures shall have an oil skimmer that extends  
32 above and below any outlet structure opening.

33  
34 (vii) Energy dissipation requirements:

35  
36 a. Energy dissipation devices sufficient to prevent erosion and  
37 resuspension of loose sediments shall be placed on all inlets  
38 to retention facilities.

39  
40 b. Energy dissipation devices sufficient to prevent  
41 downstream channel erosion shall be placed at the outlets  
42 of all retention facilities.

43  
44 (viii) Stabilization of stormwater treatment facilities: All berms and side  
45 slopes shall be stabilized with pinned sod. Pond bottoms can be  
46 seeded and mulched. Restabilization by the contractor or owner  
47 shall be necessary until such time that the sod is fully rooted and

1 otherwise well established.

2  
3 (ix) Rate control as required in Subsection 10-4.302 can be provided  
4 within any of the above water quality treatment facilities provided  
5 that the water quality treatment as required within this section is  
6 fully satisfied prior to any overflow/discharge from the facility.  
7

8 (h) Nothing in this section shall affect the redevelopment standards for the  
9 incorporated area of the Bradfordville Study Area, which shall remain  
10 subject to the requirements of Chapter 5, Environmental Management, of  
11 the Tallahassee Land Development Code, as it may be amended from time  
12 to time.  
13

14 (6) *Retention for all post-development runoff.* No newly concentrated or increased  
15 concentration of stormwater flow, including discharge from detention and  
16 retention facilities, shall be discharged off-site before or after treatment as  
17 required by subsection (2), unless such discharge is into an adequate conveyance,  
18 watercourse, wetland or waterbody of sufficient capacity at the time of discharge  
19 to sustain the effects of, and to convey such discharges, without detriment to the  
20 continued natural function of the resource and in accordance with the  
21 requirements of this division. Design of stormwater management systems should  
22 not allow changes in rate or course in a manner substantially different from pre-  
23 development conditions. If there is no adequate conveyance, floodplain or  
24 easement available, full retention of the stormwater for all events up to and  
25 including the 100-year, 24-hour duration storm is required.  
26

27 (7) *Treatment for direct discharge to active karst features.* Runoff to be discharged  
28 to active karst features shall be treated to comply with F.A.C. 62-520.420 prior to  
29 discharge.  
30

### 31 **10-4.302 Stormwater Rate Provisions**

32 1. *Rate control.* Peak post-development stormwater discharge rates shall not  
33 exceed the peak pre-development rates for all duration storms with return  
34 period frequency of up to and including the 25-year storm period. When  
35 redevelopment is occurring on a site, the analysis of pre-development runoff  
36 shall ~~presume the site has an soil conservation service (SCS) curve number of~~  
37 ~~45 if on sandy soils and an ses curve number of 60 if on clay soils~~ use the  
38 current site conditions. These rate control requirements shall not apply to  
39 discharges made to off-site stormwater facilities, as provided for in section  
40 10-4.305, or to approved discharges directly into water bodies, watercourses,  
41 wetlands and constructed conveyances which are of sufficient size and  
42 capacity to receive the discharges without significant adverse effects. Direct  
43 discharge shall also have to comply with the provisions of section 10-4.321  
44 (d). Stormwater software models shall be acceptable to the County  
45 Administrator or designee.  
46

1 2. *No off-site impact.* The stormwater discharge shall not cause flooding or  
2 other adverse impacts for the downstream areas. For some sites, if there is an  
3 immediate downstream flooding problem, then an analysis of the downstream  
4 impacts may be necessary regardless of the discharge flow rate or size of  
5 project. Flooding problems may require the extent of the analysis to be moved  
6 further downstream and/or a continuous analysis be performed based on  
7 actual rainfall data. Prior to submitting a conveyance analysis, the limits of  
8 such analysis must be discussed and formally agreed to by the County  
9 Administrator or designee.

10  
11 a. Conveyance analysis. If a site is greater than two acres, and its  
12 discharge is greater than two and one-half percent of the flow in  
13 the conveyance structure at the discharge point for the critical  
14 storm, then an analysis shall be completed to show that no adverse  
15 impacts occur downstream. The analysis shall include all storms  
16 up to and including the 25-year frequency. If there are flooding  
17 problems within the analysis area defined above, then an analysis  
18 of the storms up to and including the 100-year frequency may be  
19 required; or

20  
21 b. Restricted discharge. The stormwater management facility shall be  
22 designed such that post-development discharge is restricted to the  
23 critical duration two year pre-development discharge rate for all  
24 duration and return frequencies up to and including the twenty-five  
25 year, twenty-four hour storm event. The total required detention  
26 volume shall again be available within 90 hours following a  
27 rainfall event. At the discretion of the County Administrator or  
28 designee, a conveyance analysis shall be required if problem areas  
29 have been identified downstream.

30  
31 **10-4.303 Stormwater Management Design Standards.** The design and  
32 construction of stormwater management systems shall be consistent with the  
33 following minimum standards:

34  
35 (1) *Treatment prior to discharge.* Stormwater shall be treated in accordance  
36 with the provisions of section 10-4.301 (1) before it is discharged off-site,  
37 unless the stormwater is approved for discharge into a permitted regional  
38 stormwater treatment facility. All treatment facilities shall be designed and  
39 constructed so as to remain completely functional during the 25-year  
40 flood.

41  
42 (2) *Additional pretreatment for intensive land uses.* Any post-development  
43 land use involving as a principal activity: The sale or handling of  
44 petroleum products; the repair, maintenance, or cleaning of motor  
45 vehicles; the outside storage of fertilizers; or the production, distribution  
46 or use of any hazardous material regulated by any federal, state, or local  
47 government agency; shall include a separate and distinct stormwater

1 management system to treat the runoff from those areas where such  
2 activities are conducted, so as to provide intensive pre-treatment and  
3 removal of such products or pollutants from the runoff prior to discharge  
4 into the stormwater treatment system serving the other areas of the site.  
5 Routine maintenance must be specified and a maintenance plan must be  
6 provided. The maintenance plan must address removal and approved  
7 disposal of products and pollutants to be performed at specific  
8 maintenance intervals. A separate operating permit is required if the  
9 project is part of a stormwater facility serving more than one parcel.

- 10  
11 (3) *Design provisions for maintenance.* The design and construction of all  
12 facilities shall include adequate provisions, including easements and  
13 rights-of-way, to accommodate maintenance activities for the proper  
14 operation of the facility.  
15
- 16 (4) *Design standards and design life.* Stormwater facilities, including  
17 pipelines, culverts, retaining walls, and channel linings, shall be designed  
18 and constructed to have a minimum 50-year useful life to the maximum  
19 extent feasible and in accordance with specifications adopted by the  
20 governmental entity.  
21
- 22 (5) *Design capacity.* Design of stormwater management facilities shall control  
23 the rate of flow of stormwater runoff for all intensities, durations and  
24 return frequencies up to and including the 25-year storm except that  
25 underground pipelines may be designed for lesser magnitude storms, in  
26 accordance with the local government policies, if an overland conveyance  
27 meeting the requirements of this article is provided for the flow in excess  
28 of pipeline capacity. Where use of existing regional or off-site facilities is  
29 proposed, documentation must be presented which verifies that adequate  
30 capacity is available within such regional or off-site facility.  
31
- 32 (6) *Maximum design depth.* Design of a development shall ensure that the  
33 depth of water in vehicular and pedestrian use areas does not exceed six  
34 inches for the critical duration storm, up to and including the 25-year  
35 storm.  
36
- 37 (7) *Overflow systems.* All stormwater detention and retention facilities shall  
38 include overflow design features as necessary to minimize the risk of any  
39 significant adverse impacts caused by overtopping during storms up to and  
40 including 100-year storm events. There shall be at least one foot of  
41 freeboard above the peak stage of the 100-year critical storm event and  
42 below the top of the pond.  
43
- 44 (8) *Runoff buffers.* For sites which will contain less than 10,000 square feet or  
45 ten percent of impervious surface, whichever is less, alternatives to  
46 stormwater detention or retention facilities that utilize landscaped buffers  
47 or natural areas as a means of attenuating rate of runoff may be allowed

1 and are encouraged, provided the applicant can demonstrate, to the  
2 satisfaction of the county administrator or designee, that adequate water  
3 quality treatment can be provided and no significant adverse impacts will  
4 result and that the purposes and standards of this article are met by the  
5 proposed alternative. Runoff buffers are not allowed for treatment of  
6 roadway runoff.

7  
8 (9) *Interbasin transfer restrictions.* Transfer of stormwater runoff from one  
9 drainage basin to another, including stormwater runoff from closed basins,  
10 shall only be allowed where an assessment of impacts has been made, to  
11 the satisfaction of the County Administrator or designee, indicating  
12 minimal negative impacts to the receiving watershed relative to water  
13 quality, quantity and rate of discharge. The assessment of impacts to the  
14 receiving watershed shall be in the form of a detailed study which  
15 addresses not only the specific impacts of the immediate development  
16 activity proposed, but also the potential cumulative impact on the  
17 receiving watershed and water bodies which would result from continued  
18 interbasin transfers within the watershed. ~~, and where subsection (a) or (b)~~  
19 ~~of this subsection (9) is met:~~ The proposed interbasin transfer shall meet  
20 either (a) or (b) below:

21  
22 (a) The interbasin transfer is necessary for a public sector project, or a  
23 private/public joint venture, either of which must benefit a broad segment  
24 of the community; or,

25  
26 (b) The interbasin transfer mitigates an existing stormwater problem.

27  
28 ~~The assessment of impact to the receiving watershed shall be in the form of a~~  
29 ~~detailed study which addresses not only the specific impacts of the immediate~~  
30 ~~development activity proposed, but also the potential cumulative impact on the~~  
31 ~~receiving watershed and water bodies which would result from continued~~  
32 ~~interbasin transfers within the watershed.~~

33  
34 (10) *Slope requirements.*

35  
36 (a) Pond slopes. The side slopes of detention and retention facilities  
37 shall conform to design guidelines appropriate to the functional  
38 type of the facility but, except as provided for below, shall not be  
39 steeper than a 4:1 slope, ~~and shall be sodded. With approval by the~~  
40 ~~county administrator or designee, seeding and mulching may be~~  
41 ~~allowed for slopes flatter than 10:1, if the applicant demonstrates it~~  
42 ~~is sufficient to prevent erosion.~~ Grades steeper than 4:1 may be  
43 allowed, provided that:

44  
45 1. A demonstration is made to, and approved by, the County  
46 Administrator or designee that there is no reasonable  
47 alternative.

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- 2. The area is surrounded by fencing or another appropriate physical barrier at least four feet in height, the fencing must be green, brown or black, and composed of steel, aluminum, vinyl-clad or other material approved by the County Administrator or designee, and is landscaped as required by section 10-4.350 (a); and
- 3. All or part of the detention or retention facility is at or above natural grade, in which case retaining walls may be utilized for sides adjacent to those portions; and
- 4. The sides are stabilized with appropriate material having a suitable design life.

(11) *Cut or fill slopes.* Cut slopes greater than 2:1, fill slopes greater than 3:1, and any retaining wall higher than two feet, shall require design and certification by a registered professional engineer retained by the applicant, and post-construction certification by the designer that such structure is built consistently with the approved plans and that the required slope compaction and elevation have been achieved. No slopes greater than 1:1 will be allowed unless the county administrator or designee specifically approves the slope stabilization technique to be utilized based on sufficient proof by the applicant that the purposes and standards of this article will be met.

(12) *Landscape credit availability.* ~~As a design alternative, 100 percent eCredit can be given toward the 25 percent landscape area requirements of section 10-4.344, if the holding pond meets the criteria of section 10-4.350 and landscaped in accordance with the minimum standards set forth in section 10-4.351(e)(6).~~ *provided:*

- ~~(a) For retention ponds:
  - 1. Impoundment water depth is no deeper than 24 inches.
  - 2. Sediment sumps are to be located at all points of concentrated inflows to the pond.
  - 3. There shall be no confining layer within four feet of the proposed pond bottom.~~
- ~~(b) For wet detention ponds, the design must meet the specifications in the "Florida Development Manual" or its successor.~~
- ~~(c) The pond area allowable for landscape credit shall be defined as the area encompassed by the pond's contour line at the spillway~~

elevation.

- 1  
2  
3 (13) *Ditches*. Ditches shall conform to the following standards:  
4  
5 (a) Ditch side slopes shall be no steeper than 3:1, unless paved, in  
6 which case a 2:1 maximum side slope will be allowed for depths  
7 greater than one foot and 1:1 for depths up to one foot.  
8  
9 (b) Ditches shall be grassed and mulched if the peak velocity of  
10 stormwater is from zero to two and one-half feet per second,  
11 sodded if the velocity is two and one-half to four feet per second,  
12 and paved if the velocity is greater than four feet per second.  
13 Sodding may be allowed for velocities from four to five and one-  
14 half feet per second if sod is lapstaked and joint staggered.  
15 Alternate stabilization techniques may be allowed by the county  
16 administrator or designee if sufficient additional information is  
17 provided by the applicant to assure that ditch integrity will be  
18 maintained. Peak stormwater velocities shall be calculated based  
19 upon the critical duration of a 25-year return period storm.  
20  
21 (14) *Recovery for rate and volume retention*. All facilities that provide  
22 retention for rate and volume control shall:  
23  
24 (a) Recovery shall be in accordance with Sec. 10-4.301(3)(b). ~~one-half~~  
25 ~~the retention volume in seven days and the remaining volume~~  
26 ~~within 30 days~~. More restrictive recovery times may exist for  
27 particular standards, including, but not limited to the Bradfordville  
28 Study Area and the Northwest Florida Water Management District  
29 Environmental Resource Permitting;  
30  
31 (b) Provide soil borings to a depth of three and one-half times the  
32 depth of the pond extended below the proposed bottom of pond  
33 elevation (one boring if pond is less than one-half acre, two  
34 borings if pond is greater than one-half acre but less than one acre  
35 and one additional boring for each additional acre of pond);  
36  
37 (c) Substantiate percolation rates by providing stabilized double ring  
38 percolation tests, or other tests approved by the County  
39 Administrator or designee, located one foot below the proposed  
40 pond bottom and in each soil strata indicating low permeability  
41 (one test if pond is less than one-half acre, two tests if pond is  
42 greater than one-half acre but less than one acre and one additional  
43 test for each additional acre of pond).  
44  
45 (d) Substantiate recovery: A geotechnical report, prepared and  
46 certified by a licensed professional engineer qualified to do such a  
47 report, pursuant to Florida Statutes 471, shall demonstrate recovery

1 by addressing the following:

- 2 1. The saturated soil infiltration rate below the retention
- 3 facility;
- 4 2. Whether confining layers exist below the proposed
- 5 retention facility that will restrict infiltration;
- 6 3. Whether groundwater mounding is likely to occur in the
- 7 retention facility;
- 8 4. The recommended design infiltration rate to be used for the
- 9 design of the proposed retention facility. The
- 10 recommended design infiltration rate shall consider impacts
- 11 from construction operations, groundwater mounding and
- 12 long term operation of the retention facility to the
- 13 satisfaction of the County Administrator or designee.
- 14

15 (e) Site specific conditions may dictate stormwater facility testing, as  
16 determined by the County Administrator or designee, to  
17 demonstrate that the design recovery rate is being met, prior to  
18 allowing development activity to proceed beyond the construction  
19 of the stormwater management facility.

20  
21 (15) *Trash screen.* The discharge orifice or weir in the stormwater pond shall  
22 be protected from clogging by a submerged trash screen and shall be  
23 designed for self cleaning.

24  
25 (16) *Minimum access stabilization requirements and permitting.* It is the intent  
26 of this subsection to provide stabilization of all new roadway accesses to  
27 prevent erosion, sedimentation and water quality problems in surface  
28 waters.

29  
30 (a) All new roadways and ingress/egress easements that serve three or  
31 more single-family residential parcels must be stabilized to prevent  
32 erosion, sedimentation and water quality problems in surface  
33 waters. This stabilization requirement applies as long as there are  
34 no conflicts with more stringent standards in the Code. If a conflict  
35 exists, the more stringent standard shall apply.

36  
37 (b) A short form permit will be required provided that the roadway or  
38 ingress/egress easement:

- 39 1. Has an exposed sandy soil footprint of less than 5,000
- 40 square feet, or an impervious area of less than 8,000 square
- 41 feet, or a graveled area of less than 10,000 square feet.
- 42
- 43 2. Has a width of ten feet or less and constructed on grade.
- 44
- 45 3. Has a parallel downstream swale at least six feet in width
- 46 and between 12 and 15 inches in depth, ditch blocked as
- 47

1 necessary to retain at least one-half inch of runoff from the  
2 roadway, and directed to properly sized and stabilized  
3 conveyances if the swale provides a concentrated  
4 discharge.

5  
6 4. Provides no anticipated adverse impact on downstream  
7 property.

8  
9 (c) Roadways and ingress/egress easements meeting the requirements  
10 in subsection (18)a. and b. above shall not be required to obtain an  
11 operating permit and property owner's association as required in  
12 section 10-4.209.

13  
14 (17) *Pervious pavement for pre-existing unstabilized roads.* Pre-existing  
15 unstabilized roads which are proposed for stabilization with pervious  
16 surfacing treatments such as hard gravel, porous concrete, or Open Grade  
17 Cold Mix Asphalt shall be eligible for a permit if all of the following  
18 conditions are demonstrated by the applicant to the satisfaction of the  
19 county administrator or designee:

20  
21 (a) The road was in existence and had active use prior to February 20,  
22 2001.

23  
24 (b) The road is available without having to obtain the permission of  
25 any property owner or group of property owners to access or use  
26 the road.

27  
28 (c) The road is a source of sediment or turbidity that discharges to  
29 water courses, water bodies, wetlands, or other offsite areas and  
30 such discharge results in environmental degradation.

31  
32 (d) There is insufficient property or right-of-way associated with the  
33 road to construct water quality treatment facilities as required by  
34 code or it will not be possible to obtain such property or right-of-  
35 way.

36  
37 (e) Engineering specifications and typical cross-sections for the  
38 proposed pervious surfacing treatment must be submitted and  
39 approved by the division of environmental compliance.

40  
41 (f) The applicant provides assurance in an operating permit that  
42 periodic maintenance to retain the pervious nature of the surface  
43 treatment will be performed

44  
45 (18) *Additional requirements for the Bradfordville Study Area.* For those  
46 properties within the Bradfordville Study Area, these provisions shall be

1 supplemented by the more stringent standards set forth in Section 10-  
2 4.382.

3  
4 (19) Required disclaimers. Any project for which stormwater management is  
5 provided by a system or facility not maintained by the city or the county,  
6 shall contain the following statement on the plans: "Leon County (or  
7 where applicable: The City) is not responsible for the maintenance,  
8 upkeep or improvement of any stormwater management facility utilized  
9 by the land described herein. Title to this property carries with it the  
10 requirement that the current and all subsequent owners or their authorized  
11 agent obtain a Stormwater Management Facility Operating Permit from  
12 the County (or where applicable: City). The owner of this property shall  
13 be legally responsible, jointly with other owners using the facility and  
14 based on pro rata share, for compliance with all stormwater management  
15 facility operating permit maintenance and operation requirements, as well  
16 as all other permit conditions."

17  
18  
19 **Sec. 10-4.304. Stormwater easements.**

20  
21 Except where otherwise provided for in this article, the following easement  
22 provisions shall apply:

23  
24 ~~(1) Flood-zone easements. All areas subject to inundation post-development~~  
25 ~~during storm events up to and including a 25-year storm shall be protected~~  
26 ~~by an easement prohibiting the owner from making any alterations other~~  
27 ~~than those associated with permitted infrastructure and vegetation~~  
28 ~~management, and granting to the local governmental entity within whose~~  
29 ~~boundaries a development site is located the right to periodically inundate~~  
30 ~~the property. This easement shall grant to the local governmental entity the~~  
31 ~~power of enforcing the prohibition against alterations within the easement.~~  
32 ~~Any unauthorized alteration of the easement or the area subject thereto~~  
33 ~~shall constitute a violation of the environmental management permit~~  
34 ~~issued for the site.~~

35  
36 ~~(2) Conveyance easements.~~

- 37  
38 a. *On-site easements.* All new development shall include drainage  
39 easements as necessary to ensure that parcels adjacent and uphill  
40 have access to adequate stormwater conveyances. Such easements  
41 may be required to be dedicated to and maintained by the local  
42 governmental entity having primary jurisdiction over the site.  
43  
44 b. *Off-site easements.* If a newly concentrated flow or increased  
45 concentration of stormwater is discharged off-site into any  
46 conveyance other than a public drainage conveyance, or an  
47 approved watercourse (having defined banks), wetland, or

1 waterbody capable of sustaining the effects of such a discharge, an  
2 adequate easement shall be obtained for the off-site conveyance.  
3 The local governmental entity with primary jurisdiction over the  
4 site may require that such easements be dedicated to the public if  
5 the nature of the conveyance warrants its inclusion as a part of the  
6 government's master stormwater management system.  
7

8 c. *Acquisition of off-site stormwater easements.* If an acceptable  
9 outfall or easement as described in Subsection 10-4.301 is not  
10 available, and the nature of the discharge requires a conveyance  
11 which warrants its inclusion as part of a master stormwater  
12 management system, the applicant may petition the county to seek  
13 condemnation of an appropriate easement to a practical point of  
14 discharge. If the county elects to proceed with the requested  
15 condemnation, the applicant shall advance sufficient funds to cover  
16 twice its pro rata share of all costs associated therewith, including  
17 the estimated value of the property to be condemned. If the final  
18 costs of obtaining condemnation of the property result in the  
19 applicant having advanced funds in excess of his pro rata share,  
20 such excess funds shall be returned to applicant by the county  
21 within a reasonable time after the condemnation is completed.  
22 Easements acquired through this process shall become public  
23 easements, and conveyances located within them shall be a part of  
24 the master stormwater management system.  
25

26 (32) *Pass-through capability for stormwater run-off from uphill areas.* Upon  
27 adoption of a master stormwater management system plan, the county may  
28 require that stormwater conveyances and stormwater management systems  
29 be designed and constructed to function to the maximum standards of this  
30 article after all uphill property has been developed. When actual  
31 construction of oversized facilities is required, costs shall be apportioned  
32 on a pro rata basis among the users of the facility. Prior to adoption of a  
33 master stormwater management system plan, only the easements for such  
34 facilities shall be required. The size of the easements and the design of  
35 required facilities shall be sufficient to account for the increased volume  
36 and rate of stormwater runoff anticipated after all uphill property is  
37 developed. Should the intended use for the uphill property not be known,  
38 the design shall presume the uses shown in the local government's land  
39 use plan.  
40

41  
42 **Sec. 10-4.305. Regional/multi-site stormwater management facilities within the**  
43 **unincorporated area of the County; redevelopment fee option.**  
44

45 (a) *Use of regional/multi-site facilities.* The county administrator or designee  
46 may allow or require stormwater runoff to be discharged into regional/multi-site  
47 stormwater management facilities on or off the site of development if all of the following

1 conditions are met:

- 2
- 3 (1) An adequate conveyance to the facility exists or is to be provided.
- 4
- 5 (2) The facilities shall be constructed and maintained in accordance with the
- 6 requirements of this division.
- 7
- 8 (3) Adequate provision shall be made for acquisition, construction, operation,
- 9 and maintenance costs of the facilities.
- 10
- 11 (4) Written authorization from the owner and operator of the facilities to use
- 12 the facilities, and all information related to the proposed use of the
- 13 facilities, shall be provided by the applicant as part of the permit
- 14 application.
- 15
- 16 (5) Water quality discharge requirements are addressed by the regional/multi-
- 17 site facility, or by some other approved treatment facility into which
- 18 discharge shall enter, as approved by the county administrator or designee.
- 19

20 (b) *Redevelopment fee option.* The county administrator or designee, with  
21 approval of the local government within whose boundaries a proposed redevelopment  
22 project is to occur, may allow or require payment of a fee for redevelopment activities in  
23 lieu of constructing a detention or retention facility, provided:

- 24
- 25 (1) Water quality standards for the stormwater discharge from the site as
- 26 required in section 10-4.301 (1) are satisfied through provisions for actual
- 27 treatment and not through any exemptions relating to modifications to
- 28 existing systems or discharges which might otherwise be available under
- 29 F.A.C. ch. 62-25; and
- 30
- 31 (2) If the redevelopment discharge rate is to be in excess of pre-development
- 32 discharge rate, then an adequate off-site conveyance must be available or
- 33 must be provided by the applicant.
- 34

35 Redevelopment fees shall be determined by and paid to the local governing body  
36 within whose boundaries the redevelopment is to occur, and shall be used for  
37 establishment and development of regional stormwater management systems.

38

39 (c) *Public facilities.* Whenever practical, necessary, and in the public interest,  
40 or as part of an approved master stormwater management system, the board may acquire  
41 land and construct stormwater management systems as alternatives to on-site facilities,  
42 and may charge fees for the acquisition, construction, maintenance, and use of these  
43 facilities on a prorata basis to users of the facility in amounts sufficient to cover all such  
44 costs.

45

46 (d) *Governmental coordination.* When regional/multi-site detention or  
47 retention is required pursuant to this section, the local government having primary

1 jurisdiction over the site shall ensure that:

- 2
- 3 (1) Design of the facility and related systems is consistent with the provisions
- 4 of this division.
- 5
- 6 (2) Use of the facility is available to as many current and future development
- 7 sites as practical.
- 8
- 9 (3) An equitable cost-sharing arrangement has been developed by the
- 10 applicant and is available for the acquisition, construction, and
- 11 maintenance costs of the facility.
- 12

13 (e) *Stormwater retrofit provisions.* All existing developed areas not in  
14 compliance with state and local water quality discharge requirements, including sites  
15 which might otherwise be in compliance as a result of exemptions in F.A.C. ch. 62-25,  
16 relating to existing systems, discharges, and pollution loads, shall participate in a duly  
17 adopted government-administered regional water quality retrofit program, the objective  
18 of which is to meet local, state, and federal stormwater quality and flood attenuation  
19 regulations, and which shall be subject to the following requirements:

- 20
- 21 (1) Implementation of such participation shall be as specified by the county
- 22 based on a basin-by-basin management plan approved by the Board of
- 23 County Commissioners. Priorities for various basins and sub-basins shall
- 24 be established by the Board of County Commissioners based on review of
- 25 available technical information.
- 26
- 27 (2) The county shall identify, acquire, and construct suitable regional water
- 28 quality facilities capable of controlling and treating the stormwater
- 29 volume, rate, and quality from all participating sites.
- 30
- 31 (3) Participants in the retrofit program shall be charged a pro rata share of the
- 32 cost to acquire, construct, and maintain such facilities. Credits or
- 33 exemptions, as determined by the county administrator or designee, shall
- 34 be given for existing stormwater management facilities which meet the
- 35 objectives and standards of the program.
- 36

37 **Sec. 10-4.306. Displacement of existing stormwater management facilities by public**  
38 **projects.**

39

40 Where a federal, state or local government undertakes development activities  
41 which will result in elimination of existing stormwater management facilities on a site, or  
42 which will eliminate reasonable potential for future construction of on-site stormwater  
43 management facilities on an undeveloped site, such governmental entity shall assume  
44 responsibility for providing appropriate stormwater management and treatment for runoff  
45 from the impacted site, preferably on a regional or basin-wide basis.

46

47 **Sec. 10-4.307. Public dedication of stormwater management facilities.**

1  
2 If the nature of a proposed stormwater management facility necessitates inclusion  
3 of the facility as a component of the master stormwater management system, public  
4 dedication may be required by the local government. Subsequent to implementation of a  
5 stormwater management program by the local government with primary jurisdiction over  
6 the development site, any new stormwater management facility meeting all of the  
7 following criteria may be dedicated to such local government:  
8

- 9 (1) The facility is a stormwater conveyance or improvement having a primary  
10 function of controlling stormwater rate, volume or quality.
- 11  
12 (2) The facility receives co-mingled stormwater runoff from multiple parcels  
13 which are intended for separate ownership, or stormwater from  
14 government-owned property; and not more than 90 percent of the  
15 stormwater entering the facility runs off any single privately owned parcel.
- 16  
17 (3) The facility design complies with local government's design and  
18 construction standards.
- 19  
20 (4) The property on which such facilities are located is dedicated to the local  
21 governmental entity, along with adequate property for maintenance  
22 activities, including maintenance access easements and rights-of-way.
- 23  
24 (5) Such site is contained within an approved master stormwater system with  
25 sufficient funds to assure maintenance and operations.
- 26
- 27

28 **SECTION 7: Subdivision 2 of Division 3 of Article IV of the Code of Laws of Leon**  
29 **County, Florida, is hereby amended as follows:**  
30

31 **Subdivision 2**  
32 **Development Guidelines and Restrictions for Protection of Environmentally**  
33 **Sensitive Areas and Cultural Resources**  
34

35 **Sec. 10-4.321. Prohibitions Within the Unincorporated Area of the County.**  
36

37 (a) *Vegetation and topographic changes.* No person shall change, or allow to  
38 be changed, the contour, topography, use, or vegetation cover of land unless the  
39 stormwater runoff and sedimentation generated thereby are permitted and controlled in  
40 accordance with this article and the rules and regulations adopted pursuant hereto, except  
41 that permits shall not be required for:  
42

- 43 (1) Activities related to accessory home gardening and customary routine  
44 landscape maintenance.
- 45  
46 (2) Activities involving soil or ground cover disturbance in connection with  
47 permitted removal of an individual tree, in which case the disturbance

1 shall be limited to that necessary to remove the stump.

2  
3 (3) Projects consisting of additions of 1,000 square feet or less of impervious  
4 area to an existing structure, provided that no adverse environmental  
5 impacts will result and that all other requirements of this article are met by  
6 such development activity. A demonstration must first be made to the  
7 satisfaction of the County Administrator or designee that no adverse  
8 environmental impacts will result. A site can only use this exemption for  
9 a total of up to 1,000 square feet. Once the total additions exceed 1,000  
10 square feet, a permit is required.

11  
12 (4) Structural reconstruction, restoration or renovation not constituting  
13 redevelopment or development as defined in sections 10-1.101 and 10-  
14 4.102.

15  
16 (5) The construction of sidewalks and minor roadway improvements  
17 associated with health and safety projects as follows:

18  
19 All projects must ensure that the capacity of existing swales, ditches or  
20 other surface water management systems are not reduced, the projects are  
21 not located in wetlands and other surface waters, the projects include best  
22 management practices during construction to prevent secondary impacts in  
23 adjacent wetlands or other surface waters due to erosion and  
24 sedimentation, and flooding impacts are mitigated. These exemptions are  
25 not applicable in the Bradfordville Study area. A demonstration must be  
26 made to the satisfaction of the County Administrator or designee that no  
27 adverse environmental impacts will result. Specific projects are as  
28 follows:

- 29 a. Sidewalks that have a width of six feet or less.
- 30 b. Turn lanes less than 0.25 mile in length, and other  
31 intersection improvements.
- 32 c. Shoulder paving projects no wider than two feet.
- 33 d. Road lane widening which does not result in the creation of  
34 additional traffic lanes.
- 35 e. Road resurfacing.

36  
37 (b) *Compliance with standards.*

- 38  
39 1. *Permits issued January 15, 1990, and thereafter.* No development  
40 or redevelopment activity shall be permitted or undertaken  
41 subsequent to January 15, 1990, unless and until the county  
42 administrator or designee determines that plans and specifications  
43 for such activity indicate that all stormwater management  
44 requirements and standards of this division will be met for the  
45 entire site for new development activities, or for the particular  
46 parcel in the case of redevelopment activity with the allowances  
47 listed in section 10-173. However, where activities proposed for a

1 parcel will be less extensive than that set out in the definition of  
2 redevelopment, the plans and specifications for such activity need  
3 only show that all requirements of this division will be met for the  
4 specific portions of the parcel subject to alteration, without  
5 requiring that the entire parcel be retrofitted.  
6

7 2. Permits issued prior to January 15, 1990. No development  
8 activities shall be undertaken by authority granted in any valid  
9 permit issued by the director prior to January 15, 1990, without  
10 compliance with provisions of this article relating to construction  
11 procedures, sediment and erosion controls, easements, notice of  
12 initiation of development activity, and general regulations of  
13 aspects other than technical design, notwithstanding any less  
14 stringent provisions which may have been in effect at the time of  
15 permit issuance.  
16

17 (c) *Stormwater and pollutant discharge.* No person shall discharge, or allow  
18 or cause to be discharged, or alter the discharge of, stormwater runoff, sedimentation, or  
19 other pollution as defined in this chapter into rivers, streams or other watercourses, water  
20 bodies, or the groundwater without the consent of the applicable governmental  
21 authorities.  
22

23 (d) *Off-site impacts.* No person shall engage in or allow any activity which  
24 causes changes in the pre-development rate, volume, quality, or direction of stormwater  
25 flow leaving the development site unless potentially significant off-site adverse impacts  
26 are managed by appropriate measures in accordance with the requirements of this article.  
27  
28

29 **Sec. 10-4.322. Wetlands.**  
30

31 (a) *Jurisdictional determination.* The beneficial functioning of wetlands as  
32 areas for the natural storage and filtration of surface water runoff shall be protected, and  
33 shall be enhanced where functional degradation has occurred. Final determination of a  
34 wetland area, if in question, shall be made by the county administrator or designee based  
35 on a site inspection and the documentation of findings pursuant to the definition of a  
36 wetland in Chapter 62-340, F.A.C.  
37

38 (b) *Boundary determination.* Determination of the actual extent of a wetland  
39 area on a development site shall be made by a qualified professional retained by the  
40 applicant, based on soils analysis, botanical review surveying, or other standard  
41 engineering or environmental analysis practices, and subject to review and approval by  
42 the county administrator or designee.  
43

44 (c) *Protection of topography and hydrocycle.*

45 1. Within the unincorporated area of the County, the following shall  
46 apply: Existing natural topography shall be maintained within  
47 wetland areas. No alterations shall be made within a wetland area

1 to the natural fluctuation of water levels or flows. Restoration  
2 shall only be allowed to wetlands which have been determined by  
3 the County Administrator or designee to be degraded to the extent  
4 that their ecological functions have been significantly and  
5 detrimentally degraded. Restoration of degraded wetlands may be  
6 allowed only if the wetlands are being designed to be brought back  
7 to a historical vegetated natural system. The applicant shall  
8 provide undisputable evidence to support this historical vegetated  
9 natural system to the satisfaction of the County Administrator or  
10 designee. The intent of the restoration is to create a wetland that  
11 will function as a natural system.

12 2. Within the incorporated areas of the County, the following shall  
13 apply:

14 Altered wetlands. Protection of topography and hydrocycle.  
15 Existing natural topography shall be maintained within wetland  
16 areas. No alterations shall be made within a wetland area to the  
17 natural fluctuation of water levels or flows unless such alterations  
18 are part of an approved stormwater detention or retention system,  
19 or unless such alterations are necessary for an approved utility  
20 system. In either case, such alterations are limited to wetlands  
21 which are determined by the director to have been degraded to the  
22 extent that their ecological functions have been detrimentally  
23 altered and, as a condition of the use of such a wetland, the design  
24 of the overall wetland alteration shall result in the substantial re-  
25 establishment of the natural functioning of the undisturbed portion  
26 of the wetland as described in the 1988 DER "Florida  
27 Development Manual Guide to Sound Land and Water  
28 Management," or its successor provision. Determination of  
29 whether a wetland is significantly degraded (altered) shall be made  
30 by the director based on the wetland's current level of beneficial  
31 functioning and the likelihood that functioning may become re-  
32 established through natural processes as opposed to man-made  
33 mitigation.

34  
35 (d) *Structures and roads.* Disturbance for new structures or roads located  
36 within a wetland area shall be limited to five percent of the total wetland area within the  
37 development and the road placed at the location that minimizes impact. New structures,  
38 access roads or improvements to existing roads shall require the road to be elevated on  
39 pilings or piers or otherwise constructed so that the circulation and flow of water is not  
40 impeded or restricted. The applicant must demonstrate to the satisfaction of the county  
41 administrator or designee that structures or roads do not interfere with the ecological  
42 functions of the wetland area, through maintaining the existing flow patterns and  
43 minimizing the water elevation changes within 0.1 foot difference from the pre- and post-  
44 development conditions.

45  
46 (e) *Protection of vegetation.* No tree or vegetation located within a wetland or  
47 within 50 ~~20~~ feet of the perimeter boundary of a wetland area shall be removed or

1 damaged except as permitted in accordance with the provisions of this division. No  
2 natural vegetation shall be removed, except:

3  
4 (1) As necessary for routine trimming and pruning of trees; as necessary to  
5 construct approved utilities, roadways, or other structures, and in compliance with  
6 an approved environmental management permit and all requirements of this  
7 division; or

8  
9 (2) As necessary for trimming of wetland vegetation within 15 feet of each  
10 side of a dock or other accessory structure located on residentially zoned  
11 lots.

12  
13 (3) As necessary for the installation of temporary disced or mowed fire lanes  
14 as part of a vegetation management plan which is designed to enhance and  
15 maintain the ecological functions of the wetland or waterbody. The  
16 vegetation management plan must be submitted and approved by the  
17 county administrator or designee prior to any disturbance of wetland  
18 vegetation.

19  
20 (f) *Conservation easements required.* A conservation easement, or other  
21 suitable means of protection, in a form approved by the county attorney, shall be required  
22 for all on-site areas of a development which are within the jurisdictional limit of a  
23 wetland, water body, or natural watercourse, and for all areas which are within the  
24 perimeter of such a jurisdictional boundary plus any setback required by section 10-4.202  
25 for development activities to insure that such areas will be protected and preserved.

26  
27  
28 **Sec. 10-4.323. Special development standards for environmentally sensitive zones.**

29  
30 (a) *Special development standards designation.* The Board of County  
31 Commissioners may designate special development standards for environmentally  
32 sensitive zones adjacent to watercourses or receiving water bodies and in other  
33 environmentally sensitive areas within any watershed where additional or more stringent  
34 minimum design and development standards shall apply. Design and development  
35 standards shall be established to minimize the adverse environmental impacts associated  
36 with both the extent of development activity and the type of land uses permitted within or  
37 adjacent to sensitive environmental features such as watercourses, water bodies,  
38 wetlands, and areas subject to periodic flooding.

39  
40 (b) *Lake Jackson special development zone.* Special development zones  
41 adjacent to Lake Jackson are hereby designated within which the following minimum  
42 design and development standards shall apply, notwithstanding any less restrictive  
43 provisions in any state law or regulation or local ordinance:

44  
45 (1) *Zone A.* Wetland and floodplain ecotone, from elevation 89 feet NGVD or  
46 the water's edge, whichever provides the greater area of protection, to 100  
47 feet NGVD:

1  
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47

A. *Development area limitations.*

1. Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located within zone A above 89 feet NGVD, hereafter referred to as the base square footage. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included and gravel driveways kept on grade will be considered as 50 percent disturbed.
2. No cut and fill and no fill except as necessary and specifically authorized for permitted impervious areas.
3. No structures at or below elevation 96.5 feet NGVD, unless specifically approved based on compliance with the provisions of section 10-4.503, or unless approved for a previously platted lot or lot of record existing on January 15, 1990, when used for single-family residential use. Single-family residential use includes accessory structures such as pools, tennis courts, storage sheds, and gazebos which are customarily incidental and subordinate to the single-family dwelling.
4. Reasonable minimum clearing for docks and access to these docks accessory to a single-family use may be permitted as an exception when constructed in accordance with state and local permit criteria.

B. *On-site sewage disposal system standards* shall be in compliance with Chapter 18 of this Code.

1. Minimum lot size of one acre, net usable land, exclusive of all paved areas, public rights-of-way, and prepared road beds within easements, and exclusive of streams, lakes, drainage ditches, marshes, or other such bodies of water, and wetlands as determined by the State Department of Environmental Protection or the county administrator or designee.
2. No portion of any on-site sewage disposal system shall be located within 75 feet upland of elevation 89 feet NGVD, within 75 feet of any water body or watercourse or the jurisdictional limit of a wetland as determined by the State Department of Environmental Protection or the county administrator or designee, or within any 100-year

1 floodplain area.

2  
3 3. An existing, previously platted, lot or lot of record existing  
4 on January 15, 1990, when used for single-family  
5 residential use, shall be exempt from the standards of this  
6 subsection (b)(1)b. but shall comply with all other  
7 applicable laws, ordinances and regulations relating to  
8 septic tanks. Existing septic tanks may be replaced by the  
9 same size or larger units as required by other applicable  
10 laws, ordinances, and regulations relating to septic tanks,  
11 except where sanitary sewer is available.

12  
13 C. *Natural vegetation protection zone.* All vegetation shall be  
14 protected in a natural state from the water's edge or the normal  
15 high water line, whichever provides the greater area of protection,  
16 to a minimum distance of 50 feet upland from elevation 89 feet  
17 NGVD, except that established lawns existing on developed  
18 single-family lots prior to January 15, 1990, may continue to be  
19 maintained. Annual (or less frequent) cutting of woody plants and  
20 controlled burning within the natural vegetation protection zone is  
21 allowed, as well as selective removal of species which are intrusive  
22 to the native species, and planting of native species, such as to  
23 improve the environmental function of the area.

24  
25 D. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
26 buggies, or other wheeled motorized or tracked vehicles shall not  
27 be allowed within any portion of zone A, including any portion of  
28 lake bottom periodically exposed as a result of natural or artificial  
29 drawdown, except as follows:

30  
31 1. Entry shall be allowed into those areas which must be  
32 entered to provide reasonable access to structures, to  
33 approved boat launching areas, to public parks, to approved  
34 rights-of-way, or to public roadways.

35  
36 2. Lawn mowers shall be allowed in areas within zone A  
37 which lie landward of the natural vegetation zone, and  
38 within the latter zone if permitted pursuant to subsection  
39 (b)(1)C., unless otherwise prohibited by this article.

40  
41 3. Entry shall be allowed where associated with bona fide  
42 public uses, such as agency research, law enforcement, and  
43 approved lake restoration and management activities.

44  
45 (2) *Zone B.* Transitional ecotone, from elevation 100 feet to 110 feet NGVD:

46  
47 A. *Development area limitations.* A minimum of 50 percent of the

1 area of each site within zone B shall remain natural and unaltered.

- 2
- 3 (3) Regional stormwater facilities may be located within the Lake Jackson  
4 Special Development Zones and the lake's undisturbed 100-year  
5 floodplains, wetlands and native forest for the purpose of addressing  
6 existing stormwater problems provided the following criteria are met:  
7
- 8 A. All other reasonable options have been considered, and there is no  
9 other location that can be utilized given the stormwater flow patterns.
- 10
- 11 B. The stormwater facility is designed to retrofit an existing stormwater  
12 problem.
- 13
- 14 C. The stormwater facility must be initiated by the local government and  
15 shall demonstrate a net benefit in water quality which offsets the loss  
16 of the 100-year floodplain, wetlands, and native forest.
- 17
- 18 D. This retrofit option is only available if the lake has an adopted retrofit  
19 plan.
- 20
- 21 (4) *Lake protection area.* An area based on the Lake Jackson basin boundary,  
22 adjusted to primarily include undeveloped areas and existing less intensely  
23 developed areas, as specified in the Tallahassee-Leon County  
24 Comprehensive Plan, land use element, and related overlays included  
25 therein:
- 26
- 27 A. Upon presentation of competent technical evidence that a proposed  
28 development site within the lake preservation area lies within a  
29 closed basin which does not naturally or artificially discharge to  
30 the Lake Jackson basin, such development site shall not be subject  
31 to the limitations of the Lake Jackson area special development  
32 zone, provided that the following conditions are met:
- 33
- 34 1. The closed basin must be certified by a qualified  
35 professional to the effect that there are no artificial or  
36 natural discharges from it.
- 37
- 38 2. Increases in the post-development stormwater runoff above  
39 the pre-development volumes shall be either retained on-  
40 site or filtered through an approved regional stormwater  
41 management facility.
- 42
- 43 3. All other applicable development standards outlined within  
44 the Tallahassee-Leon County Comprehensive Plan, matrix,  
45 and this article, are met, including special requirements and  
46 restrictions specified for the particular zone if the  
47 development site is located within zone A or B.

1  
2 (5) *Prohibited land uses.* See section 10-6.707.  
3

4 (c) *Bradford Brook Chain-of-Lakes special development zones.* Special  
5 development zones adjacent to the Bradford Brook Chain-of-Lakes, including Lakes  
6 Cascade, Hiawatha, Bradford and Grassy, are hereby designated within which the  
7 following minimum design and development standards shall apply, notwithstanding any  
8 less restrictive provisions in any state law or regulation or local ordinance:  
9

10 (1) *Zone A.* Wetland and floodplain ecotone, from elevation 35 feet NGVD or  
11 the water's edge, whichever provides the greater area of protection, to  
12 elevation 40 feet NGVD:  
13

14 A. *Development area limitations.*  
15

16 1. Clearing, soil disturbance, and building area shall not  
17 exceed the greater of 4,000 square feet or five percent of  
18 that part of the development site located within zone A,  
19 hereafter referred to as the base square footage. For  
20 purposes of calculating this base square footage, the septic  
21 tank and drainfield area shall not be included and gravel  
22 driveways kept on grade will be considered as 50 percent  
23 disturbed.  
24

25 2. No cut and fill and no fill except as necessary and  
26 specifically authorized for permitted impervious areas.  
27

28 B. *Natural vegetation protection zone.* All vegetation shall be  
29 protected in a natural state from the water's edge or the normal  
30 high water line, whichever provides the greater area of protection,  
31 to a minimum distance of 50 feet upland from elevation 35 feet  
32 NGVD, except that established lawns existing on developed  
33 single-family lots prior to January 15, 1990, may continue to be  
34 maintained. Annual (or less frequent) cutting of woody plants and  
35 controlled burning within the natural vegetation protection zone is  
36 allowed, as well as selective removal of species which are intrusive  
37 to the native species, so as to improve the environmental function  
38 of the area.  
39

40 C. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
41 buggies, or other wheeled motorized vehicles and tracked vehicles  
42 shall not be allowed within any portion of zone A, including any  
43 portion of lake bottom periodically exposed as a result of natural or  
44 artificial drawdown, except as follows:  
45

46 1. Entry shall be allowed into those areas which must be  
47 entered to provide reasonable access to structures, to

1 approved boat launching areas, to public parks, to approved  
2 rights-of-way, or to public roadways.

3  
4 2. Lawn mowers shall be allowed in areas within zone A  
5 which lie landward of the natural vegetation zone, and  
6 within the latter zone if permitted pursuant to subsection  
7 (c)(1)b., unless otherwise prohibited by this article.

8  
9 3. Entry shall be allowed where associated with bona fide  
10 public uses, such as agency research, law enforcement, and  
11 approved lake restoration and management activities.

12  
13 (2) *Zone B. Transitional ecotone, from elevation 40 feet NGVD to elevation*  
14 *60 feet NGVD:*

15  
16 A. *Development area limitations.* A minimum of 50 percent of the  
17 area of each site within zone B shall remain natural and unaltered.

18  
19 (3) *Prohibited land uses.* See section 10-6.707.

20  
21 (d) *Fred George Basin special development zone.* A special development zone  
22 surrounding the Fred George Basin is hereby designated within which the following  
23 minimum design and development standards shall apply, notwithstanding any less  
24 restrictive provisions in any state law or regulation or local ordinance:

25  
26 (1) *Development area limitations.* A minimum of 75 percent of the area at and  
27 below the elevation of 104 feet NGVD of each site within the zone shall  
28 remain natural and unaltered.

29  
30 (2) *Floor elevation.* No finished floor elevation shall be lower than 106 feet  
31 NGVD.

32  
33 (3) *Stormwater volume.* Notwithstanding any less restrictive requirement in  
34 this article for other areas, all future development, excluding an individual  
35 single-family unit on an existing lot, shall retain the volume increase in  
36 stormwater runoff for up to and including a 100-year, 24-hour duration  
37 storm.

38  
39 (4) *Prohibited land uses.* See section 10-6.707.

40  
41 (e) *Lake Iamonia special development zones.* Special development zones  
42 adjacent to Lake Iamonia are hereby designated within which the following minimum  
43 design and development standards shall apply, notwithstanding any less restrictive  
44 provisions in any state law or regulation or local ordinance:

45  
46 (1) *Zone A. Wetland and floodplain ecotone, up through and including*  
47 *elevation 110 feet NGVD:*

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A. *Development area limitations.* Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located in zone A, hereafter referred to as the base square footage. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included and gravel driveways kept on grade will be considered as 50 percent disturbed.

B. *Floor elevation.* No finished floor at or below elevation 110 feet NGVD.

C. *Natural vegetation protection zone.* All vegetation shall be protected in a natural state from the water's edge or the normal water line, whichever provides the greater area of protection, to a minimum distance of 50 feet upland, except that established lawns existing on developed single-family lots prior to January 15, 1990, may continue to be maintained. Annual (or less frequent) burning within the natural vegetation protection zone is allowed, as well as selective removal of species which are intrusive to the native species, so as to improve the environmental function of the area.

D. *Motor vehicle prohibition.* Automobiles, motorcycles, dune buggies, or other wheeled motorized vehicles and tracked vehicles shall not be allowed within any portion of zone A, including any portion of lake bottom periodically exposed as a result of natural or artificial drawdown, except as follows:

1. Entry shall be allowed into those areas which must be entered to provide reasonable access to structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways.
2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, and within the latter zone if permitted pursuant to subsection (e)(1)c., unless otherwise prohibited by this article.
3. Entry shall be allowed where associated with bona fide public uses, such as agency research, law enforcement, and approved lake restoration and management activities.

(2) *Zone B.* Transitional ecotone, from elevation 110 to elevation 120 NGVD:

a. *Development area limitations.* A minimum of 50 percent of each site within zone B shall remain natural and unaltered.

1 (3) *Prohibited land uses.* See section 10-6.707.  
2

3 (f) *Lake McBride special development zone.* A special development zone  
4 adjacent to Lake McBride and its tributaries is hereby designated within which the  
5 following minimum design and development standards shall apply, notwithstanding any  
6 provisions in any state law or regulation or other local ordinance:  
7

8 (1) *Zone A.* The 100-year floodplain around the lake and its tributaries, plus a  
9 50-foot buffer adjacent to watercourses and water bodies, plus regions of  
10 greater than ten percent slope and soil erosion K factor greater than 0.2  
11 contiguous with and not extending more than 200 feet upland of the 100-  
12 year floodplain boundary.  
13

14 A. *Development area limitations.*  
15

- 16 1. Development, as defined by 10-1.101 and 10-4.102 is  
17 excluded from zone A, except as specifically permitted by  
18 section 10-4.323(f)(1)a.2., below.  
19
- 20 2. For previously platted residential lots or residentially zoned  
21 lots of record entirely within, or where more than 25  
22 percent of the area of such lot is within, zone A, clearing,  
23 soil disturbance, and building area shall not exceed the  
24 greater of 4,000 square feet or five percent of that part of  
25 the development site located within zone A hereafter  
26 referred to as the base square footage. For purposes of  
27 calculating this base square footage, the septic tank and  
28 drainfield area shall not be included and only 50 percent of  
29 gravel driveways kept on grade will be included.  
30
- 31 3. No cut and fill and no fill except as necessary and  
32 specifically authorized by a grading and filling permit for  
33 permitted impervious areas.  
34

35 B. *Natural vegetation protection zone.* All vegetation located in the  
36 following area shall be protected in a natural state: The area from  
37 the water's edge or the normal high water line, whichever provides  
38 the greater area of protection, to a minimum distance of 50 feet  
39 upland or the full extent of the flood zone, whichever is greater,  
40 except that a single path with a maximum width of 30 feet, may be  
41 cleared and maintained to provide essential access to the water and  
42 any permitted dock. Noxious or invasive vegetation listed on the  
43 Florida Exotic Pest Plant Council's List of Invasive Species or its  
44 successor publication, may be removed pursuant to a vegetative  
45 management plan which is to be submitted to and approved by the  
46 county administrator or designee. Annual (or less frequent) cutting  
47 of woody plants, controlled burning, and planting of native species,

1 such as to improve the environmental function of the area, is  
2 allowed pursuant to a vegetation management plan which is to be  
3 submitted to and approved by the county administrator or designee.  
4

5 C. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
6 buggies, or other wheeled motorized or tracked vehicles shall not  
7 be allowed within any portion of zone A, including any portion of  
8 lake bottom periodically exposed as a result of natural or artificial  
9 drawdown, except as follows:

10  
11 1. Controlled and limited entry shall be allowed into those  
12 areas which must be entered to provide reasonable access  
13 to permitted structures, to approved boat launching areas, to  
14 public parks, to approved rights-of-way, or to public  
15 roadways which shall be authorized by an environmental  
16 permit.  
17

18 2. Lawn mowers shall be allowed in areas within zone A  
19 which lie landward of the natural vegetation zone, unless  
20 otherwise prohibited by this article.  
21

22 3. Entry shall be allowed where associated with bona fide  
23 public uses, such as agency research, law enforcement, and  
24 approved lake restoration and management activities,  
25 pursuant to a special access permit.  
26

27 (2) Zone B. Transitional ecotone, from the upland boundary of the zone A  
28 boundary to a buffer extending 200 feet upland from the 100-year  
29 floodplain boundary:  
30

31 A. *Development area limitations.*  
32

33 1. Soil disturbance and building areas shall be limited to 50  
34 percent of the area of each site within zone B or 3/4 of an  
35 acre within zone B, whichever is less. Within this area, the  
36 25 ground cover may be managed, mowed or landscaped.  
37

38 (3) *Allowable land uses.* See section 10-6.707.  
39

40 (g) *Lake Lafayette special development zone.* Special development zones  
41 adjacent to Lake Lafayette are hereby designated. The following minimum design and  
42 development standards shall apply, notwithstanding any less restrictive provisions in any  
43 state law or regulation or local ordinance:  
44

45 (1) Zone A. Zone A includes the 100-year floodplain around Lake Lafayette.  
46

47 A. *Development area limitations.*

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1. Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located within zone A. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included, and gravel driveways kept on grade will be considered as 50 percent disturbed.
2. No cut and fill and no fill except as necessary and specifically authorized for permitted impervious areas.
3. Reasonable minimum clearing for docks and access to these docks accessory to a single family use may be permitted as an exception when constructed in accordance with state and local permit criteria.

B. *Natural vegetation protection zone.* All vegetation located in the following area shall be protected in a natural state; the area from the water's edge or the normal high water line, whichever provides the greater area of protection, to a minimum distance of 50 feet upland or the full extent of the flood zone, whichever is greater, except that a single path with a maximum width of 30 feet, may be cleared and maintained to provide essential access to the water and any permitted dock. Noxious or invasive vegetation listed on the Florida Exotic Pest Plant Council's List of Invasive Species or its successor publication, may be removed pursuant to a vegetation management plan which is to be submitted to and approved by the county administrator or designee. Annual (or less frequent) cutting of woody plants, controlled burning, and planting of native species, such as to improve the environmental function of the area, is allowed pursuant to a vegetation management plan which is to be submitted to and approved by the county administrator or designee.

C. *Motor vehicle prohibition.* Automobiles, motorcycles, dune buggies, or other wheeled motorized or tracked vehicles shall not be allowed within any portion of zone A, including any portion of lake bottom periodically exposed as a result of natural or artificial drawdown, except as follows:

1. Entry shall be allowed into those areas which must be entered to provide reasonable access to structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways.
2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, unless

1 otherwise prohibited by this article.

- 2  
3 3. Entry shall be allowed where associated with bona fide  
4 public uses, such as agency research, law enforcement, and  
5 approved lake restoration and management activities.  
6

- 7 (2) *Zone B.* Zone B includes a distance extending 200 feet upland from the  
8 100-year floodplain boundary of Lake Lafayette.  
9

10 A. Development area limitations.

- 11  
12 1. Clearing, soil disturbance, and building area shall not  
13 exceed the greater of 4,000 square feet or 25 percent of that  
14 part of the development site located within zone B. For  
15 purposes of calculating this base square footage, the septic  
16 tank and drainfield area shall not be included, and gravel  
17 driveways kept on grade will be considered as 50 percent  
18 disturbed. For a lot that has both zone A and zone B, the  
19 4,000 square foot minimum shall only be applicable once  
20 per lot.  
21

- 22 2. If more than 25 percent of the area within zone B is  
23 proposed to be altered, water quality treatment shall be  
24 provided by taking 3/4 of an inch over the total drainage  
25 area discharging to the stormwater facility and retaining it  
26 in an off-line retention facility. The full treatment volume  
27 shall again be available within 72 hours following a storm  
28 event. Appropriate on-site soils tests shall be submitted to  
29 verify the recovery rate.  
30

31 B. Established lawns existing on developed lots prior to the adoption  
32 of this code may continue to be maintained.  
33

- 34 (3) *Variances.* To the extent that a variance, if granted, would not be  
35 inconsistent with any provision of the Comprehensive Plan, the county  
36 administrator or designee shall serve as hearing officer and is hereby  
37 authorized to grant variances to section 10-4.323 (g)(2) for single family  
38 residential lots.  
39

40 A. Criteria. Applications for variances under this subsection may only  
41 be approved when:

- 42  
43 1. The disturbance is limited to Zone B upland from Zone A,  
44 and  
45  
46 2. Technical evidence based on slopes, soil erodability,  
47 isolation from the regional drainage system or other

1 scientific data reasonably supports the conclusion that no  
2 significant adverse environmental impacts will result from  
3 the granting of the variance, and  
4

5 3. Literal enforcement of the requirements would result in an  
6 unnecessary and undue hardship not resulting from the  
7 actions of the property owners, and  
8

9 4. Granting of the variance will not impair the attainment of  
10 the objectives of this article.  
11

12 B. There shall be no variance fee for single family residential lot  
13 variance requests under this section.  
14

15 C. Any applicant may request further review by the board of  
16 adjustment and appeals any decision made on the variance request  
17 by the county administrator or designee. Said further review shall  
18 be a de novo proceeding.  
19

20 D. Variances for non-single family residential lots shall follow the  
21 criteria in section 10-4.323 (g)(3)a. above and the procedures in  
22 section 10-4.503, Variances.  
23

24 (4) The natural area requirements are defined in section 10-4.345.  
25

26 (5) The provisions in section 10-4.323 (g)(1)(zone A) and (2) (zone B) shall  
27 not apply to expansions of pre-existing public roads if the applicant  
28 satisfactorily demonstrates that all practical alternatives have been  
29 evaluated and the road expansion cannot practically be completed due to  
30 these provisions.  
31

32 (6) The provisions in section 10-4.323 (g)(1) (zone A) and (2) (zone B) shall  
33 not apply to those portions of a parcel where activities such as farming and  
34 silviculture have been ongoing at the time that these provisions were  
35 adopted, provided that the land parcel possessed a bonafide agricultural  
36 exemption as substantiated by the records of the tax appraiser's office.  
37

38 (7) Prohibited land uses. See section 10-6.707.  
39

40 (h) *Transfer of development intensity and density.* Unless otherwise specified  
41 for a particular zone, development density for building areas, in terms of permitted  
42 coverage with impervious surfaces and multifamily density, as specified for special  
43 development zones, may be transferred from any lower to any higher elevations within  
44 the same property or contiguous to the same property and within the same ownership,  
45 provided such development is a cluster plan development, PUD or site and development  
46 plan development and is approved through the appropriate review process established by  
47 this Code.

1  
2 (i) *Special development zones maps.* Maps generally depicting special  
3 development zones are on file in the Tallahassee-Leon County Planning Department and  
4 the County Community Development Department and are by reference made a part  
5 hereof. Should any discrepancy or dispute arise with regard to the location of any parcel  
6 or any existing or proposed improvements thereon, relative to special development zones  
7 as mapped, the applicant may provide a survey performed by a registered land surveyor  
8 to clarify the exact location of his parcel and any existing or proposed improvements  
9 relative to the special development zone. Such discrepancy shall be resolved by the  
10 county administrator or the administrator's designee.  
11

12  
13 **Sec. 10-4.324. Interim lake/waterbody protection zones.**  
14

15 It is the intent of this section to provide protection for lakes and water bodies that  
16 do not have their own special development zones established. Permitted water bodies  
17 constructed for agricultural and recreational uses, aquaculture ponds, and facilities whose  
18 sole purpose is water management for rate, volume or water quality are exempt from the  
19 requirements of this section.  
20

21 The following interim protection standards shall apply for all areas that do not  
22 have special development zones in order to obtain an environmental management permit:  
23

- 24 (1) A naturally vegetated shoreline buffer shall be maintained from the normal  
25 high water line 50 feet landward for lakes/waterbodies. For purposes of  
26 this section, normal high water line shall be defined as the ordinary high  
27 water line. Allowances may be made for access to docks, swimming areas  
28 and other riparian uses as long as vegetation removal is kept to a  
29 minimum. An approved management plan is required. The buffer shall be  
30 placed in a conservation easement for all new roads and development  
31 requiring subdivision or site and development plan approval pursuant to  
32 Article VII.  
33
- 34 (2) A protection zone including the 100-year floodplain of any lake or water  
35 body is hereby established. Only five percent or 4,000 square feet  
36 (whichever is greater) of that part of the development site located within  
37 the protection zone may be disturbed, hereafter referred to as the base  
38 square footage. For purposes of calculating this base square footage, the  
39 septic tank and drainfield area will not be included and gravel driveways  
40 kept on grade will be considered as 50 percent disturbed.  
41
- 42 ~~(3) A tributary buffer extending 50 feet from either side of the top of bank or~~  
43 ~~10-year floodplain (whichever is greater) of all tributaries entering lakes or~~  
44 ~~water bodies shall be left natural. No structure shall be permitted in this~~  
45 ~~area that does not serve a public purpose and then only if there is no~~  
46 ~~reasonable alternative. The buffer shall be placed in a conservation~~  
47 ~~easement for all new roads and development requiring subdivision or site~~

1 ~~and development plan approval pursuant to Article VII.~~

- 2
- 3 (34) Septic tanks, pump or lift stations shall not be placed in the
- 4 lake/waterbody protection zone unless there is no reasonable alternative.
- 5 No part of a septic system may be located within 75 feet of the normal
- 6 high water line of a water body or jurisdictional wetland.
- 7
- 8 (45) Additional cost of a project shall not be the basis of meeting the no
- 9 reasonable alternative test in paragraphs (3) and (4) above.

10

11 **Sec. 10-4.325. Active karst feature requirements.**

12

13 Discharge of stormwater runoff into any active karst feature shall conform to the

14 following:

15

- 16 (1) Runoff to be discharged directly into the active karst feature shall be
- 17 treated to comply with F.A.C. 62-520.420 prior to discharge. For
- 18 purposes of this subsection, “discharged directly” shall mean stormwater
- 19 discharging from a development site into an active karst feature without
- 20 first mixing and attenuating in a wetland, water body, floodplain, or other
- 21 surface water feature, independent of the karst feature, whereby additional
- 22 natural treatment can further reduce pollutant loading.
- 23
- 24 (2) Discharge rates and volumes into the active karst features shall not exceed
- 25 pre-development rates and volumes.
- 26
- 27 (3) A minimum buffer width of 35 feet from the uppermost contiguous
- 28 contour or slope break of any active karst feature, as specified in the
- 29 permit and determined by standard geotechnical evidence in consideration
- 30 of soil types, slope, vegetation, topography, and geologic features, shall
- 31 remain in a natural and unaltered state.
- 32
- 33 (4) Sufficient measures shall be taken to protect the active karst feature from
- 34 sedimentation or other debris during development.
- 35
- 36 (5) The following uses shall not discharge any stormwater runoff into an
- 37 active karst feature:
- 38
- 39 Automotive repair--Major and minor.
- 40
- 41 Automotive--Sale of tires, batteries, or accessories.
- 42
- 43 Automotive--Sales and rentals.
- 44
- 45 Bottling plants.
- 46
- 47 Car washes.

- 1
- 2 Food processing.
- 3
- 4 Horticulture nurseries.
- 5
- 6 Laboratories; research and development activities.
- 7
- 8 Laundries and dry cleaning establishments.
- 9
- 10 Manufactured or assembly.
- 11
- 12 Paint and solvent sales, storage, or manufacturing.
- 13
- 14 Permanent active recreational facilities including race tracks.
- 15
- 16 Petroleum storage, refining and allied activities.
- 17
- 18 Printing, publishing, and allied activities.
- 19
- 20 Repair services--General (furniture and similar uses).
- 21
- 22 Resource development activities.
- 23
- 24 Salvage yards.
- 25
- 26 Sawmills, planing mills, gristmills, nut crushing plants, turpentine stills,  
27 and other activities utilizing the natural resources of the region.
- 28
- 29 Self-moving business operations.
- 30
- 31 Service stations or other sales of petroleum products.
- 32
- 33 Slaughterhouses.
- 34
- 35 Transportation activities, freight handling.
- 36
- 37 Warehousing including enclosed, open, and tank storage.
- 38
- 39 Welding and machine shops.
- 40
- 41 Wholesale activities.
- 42
- 43 Any other nonresidential use which uses, produces, or generates as waste  
44 any listed Resource Conservation and Recovery Act material or  
45 listed Environmental Protection Agency priority pollutant.
- 46
- 47 Any other use which the county administrator or designee determines may

1 reasonably be expected to produce stormwater pollutants similar to  
2 those specifically listed above and sought to be eliminated by this  
3 subsection.

4  
5 Manufacture or processing of the following:

6  
7 Apparel and accessories.

8  
9 Chemicals and allied products.

10  
11 Lumber, wood, furniture, and fixtures.

12  
13 Metals and allied products.

14  
15 Paper and allied products.

16  
17 Rubber, plastic, and allied products.

18  
19 Stone, clay, and glass products.

20  
21 Textile and textile products.

22  
23 **Sec. 10-4.326. Vegetation removal.**

24  
25 Underbrushing or other removal of vegetation within any unaltered or naturally  
26 vegetated floodplain or wetland, within any area covered primarily by high quality  
27 successional or native forests, within any area designated as a canopy road corridor, or  
28 within any area containing any threatened, endangered, or special concern species, shall  
29 not be undertaken prior to submission, and approval by the county administrator or  
30 designee, of a vegetation management plan. Such a submission may be made as part of a  
31 stormwater management short-form application where criteria of subsection 10-4.204  
32 (a)(1) are met. Each vegetation management plan shall be prepared by an appropriately  
33 qualified professional. Vegetation management plans shall conform to the objectives and  
34 intent of this article, and to all other requirements of this article which are applicable in  
35 light of the nature and extent of the proposed activity.

36  
37 **Sec. 10-4.327. Topographic alterations.**

38  
39 All projects involving alteration of the contour, topography, use or vegetation  
40 cover of land, shall comply with the following minimum standards:

41  
42 (1) *Sedimentation and erosion controls.*

- 43  
44 a. Installation of controls. No clearing, grading, cutting, or filling  
45 shall commence until erosion and sedimentation control devices  
46 have been properly installed, in accordance with an approved plan,  
47 between the area to be disturbed and adjacent property, water

1 bodies, watercourses (including inlets and culverts), and wetlands.  
2 Clearing and excavation required for installation of erosion and  
3 sedimentation control devices is allowed provided no activity  
4 occurs more than five feet from the location of control devices as  
5 specified in an approved plan.  
6

7 b. Methods of controls. Erosion shall be minimized and sediment  
8 retained on the site of development through the application of best  
9 management practices approved as part of the environmental  
10 management permit. Methods of control shall be suitable for site  
11 size, vegetative cover, soil type, slope, design features and  
12 proposed construction sequence and activities. Allowable methods  
13 include:  
14

- 15 1. Limiting the amount of clearing necessary.
- 16
- 17 2. Staging clearing activities to minimize the length of time  
18 any area is left unstabilized and to minimize the total area  
19 cleared at any one time.  
20
- 21 3. Temporary gravel construction entrances.
- 22
- 23 4. Straw bale barriers.
- 24
- 25 5. Silt fences.
- 26
- 27 6. Storm drain inlet protections.
- 28
- 29 7. Temporary diversion dikes.
- 30
- 31 8. Temporary sediment traps.
- 32
- 33 9. Temporary sediment basins.
- 34
- 35 10. Temporary stream crossings.
- 36
- 37 11. Seeding so as to establish an appropriate vegetative ground  
38 cover.
- 39
- 40 12. Sodding.
- 41
- 42 13. Erosion control and seeding mats.
- 43
- 44 14. Other suitable methods as approved by the county  
45 administrator or designee.  
46

47 c. Maintenance of controls. Once properly installed, erosion and

1 sediment controls shall be maintained pursuant to section 10-4.210  
2 until a permanent vegetative ground cover is established. Any site  
3 or portion thereof where work is not being performed as part of the  
4 current phase of development, and which remains cleared for over  
5 30 days, shall be stabilized through the establishment of  
6 appropriate ground cover. All disturbed areas shall be permanently  
7 stabilized through the establishment of appropriate vegetative  
8 ground cover upon completion of development activities on the  
9 site.

10  
11 (2) *Grade change limitations.* It is the intent of this article to minimize  
12 alterations of the natural topography of land within the county.

13  
14 a. The type, intensity, and structural design of each proposed  
15 development project shall be consistent with and compatible with  
16 natural pre-development topography and characteristics of the  
17 proposed site.

18  
19 b. Alterations of natural topography shall not exceed the absolute  
20 minimum necessary to develop a site safely. Design criteria will  
21 emphasize site designs that fit the topography, not change the  
22 topography to fit the design. Any development proposed for a site  
23 shall be appropriate to the existing natural topographical  
24 characteristics of the site, while recognizing that minimal grade  
25 changes are essential to site development.

26  
27 c. Unincorporated Area of the County. The intent of protecting  
28 sloped areas of ten percent and above is to maintain local  
29 topography, prevent erosion, protect water quality, and maintain  
30 existing vegetation. Man made slopes shall not be regulated.  
31 Within the unincorporated area of the County, ~~D~~development in  
32 sloped areas of ten percent and above shall be permitted as  
33 follows:

34  
35 1. Off-grade construction techniques shall be utilized to minimize  
36 clearing and topographic alteration, and shall provide (and  
37 clearly delineate on-site) specific clearing limits to restrict  
38 clearing and topographic alterations to the minimum area  
39 necessary for construction of the permitted facilities and  
40 reasonable construction access.

41 2. A minimum of 50% of significant (ten percent to 20 percent  
42 slope) grade areas must be left undisturbed or have an  
43 approved vegetation management plan and shall be placed so  
44 as to provide downhill buffers, protect forested areas, and  
45 buffer other conservation or preservation areas. This  
46 requirement may be met by preserving 50 percent of each  
47 individual area or 50 percent of the total grade areas.

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3. Severe grade areas (greater than 20 percent slope) shall remain undisturbed. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
4. All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.
5. Urban service area only: All isolated significant slopes that are 0.25 acres or less in size shall not be protected. All other significant slopes may be disturbed more than 50% provided the following criteria are met:
  - (a) The disturbance is necessary to encourage urban infill in the urban core or to create new, high wage employment.
  - (b) If a non-residential site is less than or equal to three acres in size with no other preservation features present on the site.
  - (c) All residential development qualifies for the additional disturbance.
  - (d) Stormwater treatment shall be off-line retention equal to the first ½ inch of runoff with full recovery within 72 hours. If it can be demonstrated that retention is not achievable due to soil and site characteristics, wet detention, in accordance with Section 10-4.301(2)(b)(i) and FDEP regulations, will be allowed. If wet detention is not achievable due to site characteristics, the County Administrator or designee may allow other treatment alternatives if it can be satisfactorily demonstrated that the alternative provides a pollutant removal efficiency of 80% or greater.
- ~~e.~~ 6. The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes:
  - ~~1.~~ (a) Appropriate restrictive limits of areas as to clearing and topographic alteration.
  2. (b) Approved erosion and sediment control plans.
  - ~~3.~~ (c) An evaluation of alternatives which support the allowance of an exemption.
- d. Incorporated Area of the County. Significant grade areas (natural grades between and inclusive of ten percent and twenty percent of at least ¼ acre in size). If the slope between any two adjacent one-foot interval contour lines is greater than or equal to ten percent but less than or equal to 20 percent, then a significant grade area exists and shall be regulated as set forth below. The intent of protecting significant grades is to maintain local topography and minimize erosion, maintain existing vegetation, and protect water quality. Significant grades shall be depicted on any natural features inventory required under this chapter using contour intervals of no

1 greater than two feet. Maps shall be prepared in accordance with  
2 the minimum technical standards for topographic surveys set forth  
3 in Chapter 61G17-6, Florida Administrative Code (FAC), as it may  
4 be amended from time to time. Alternatively, the city's Geographic  
5 Information System (GIS) two-foot contour maps may be used to  
6 determine the grades until such time that site-specific topographic  
7 survey information is available. Site-specific topographic survey  
8 information shall use one-foot contour intervals and shall be  
9 provided no later than at the time the environmental impact  
10 analysis required under this chapter is submitted for review.  
11 Within the incorporated area of the County, development in sloped  
12 areas of ten percent and above shall be permitted as follows:

13  
14 1. Standard. Except as provided for in subsection (a)(2)d.2.—4.  
15 below, a minimum of 50 percent of significant grade areas  
16 shall be left undisturbed and shall be placed in a conservation  
17 easement dedicated to the city. Development activity in the  
18 conservation easement is prohibited, except that vegetation  
19 management activities that enhance the vegetation and are  
20 specifically allowed in a vegetation management plan approved  
21 by the Director of the City of Tallahassee Growth Management  
22 Department may be permitted. Examples of vegetation  
23 management activities include, but are not limited to, pruning  
24 of dead and hazardous tree limbs and control of invasive  
25 vegetation. The significant grades placed in a conservation  
26 easement shall be those significant grade areas that provide the  
27 greatest environmental benefit as determined by the Director of  
28 the City of Tallahassee Growth Management Department (i.e.  
29 provides downhill buffers, protects forested areas, buffers other  
30 protected conservation or preservation areas, or provides  
31 similar environmental benefits). In order to minimize  
32 topographic changes, development within the significant grade  
33 areas not placed in a conservation easement shall utilize off-  
34 grade construction (including stem wall construction), use best  
35 management practices (design the building to take advantage of  
36 the natural topography, etc.), and shall limit the height of  
37 retaining walls to 15 feet. Multiple retaining walls may be  
38 allowed for terracing. The height of all retaining walls  
39 (excluding stem walls constructed as part of a building  
40 foundation) shall not exceed 15 feet. The distance between  
41 retaining walls shall be, at a minimum, twice the height of the  
42 wall that is abutting the area and higher than the area. Any  
43 retaining wall three feet in height or greater shall require a  
44 building permit.

45  
46 2. Development within the Downtown Overlay shall be exempt  
47 from the significant and severe slope requirements.

1  
2 3. Offsite-mitigation exception. Offsite mitigation for significant  
3 grades shall be permissible consistent with the provisions of  
4 this subsection.  
5

6 A. Locations are eligible for the off-site mitigation option if:  
7

8 i. The site lies south of Interstate-10 and either adjoins or is  
9 interior to Capital Circle;

10  
11 ii. The site is not within a Planned Development (PD), or  
12 Planned Unit Development (PUD);

13  
14 iii. The site is served by a roadway constructed to city  
15 standards and for which there is adequate roadway  
16 capacity;

17  
18 iv. All other infrastructure, including water, central sewer,  
19 and electric infrastructure, is available to serve the site;

20  
21 v. The significant grades do not include nor are they  
22 adjacent to previously protected preservation or  
23 conservation features on site for which off-site mitigation is  
24 not an option; and

25  
26 vi. In the opinion of the Director of the City of Tallahassee  
27 Growth Management Department, the significant grades  
28 onsite are not critical for buffering or maintaining  
29 ecological integrity of preservation features or other  
30 conservation features onsite or on an adjoining parcel;

31  
32 B. Demonstration of necessity for off-site mitigation.  
33

34 i. The applicant shall demonstrate to the satisfaction of the  
35 Director of the City of Tallahassee Growth Management  
36 Department that the development cannot be made  
37 compatible with the significant grades on site; and

38  
39 ii. The applicant shall demonstrate to the satisfaction of the  
40 Director of the City of Tallahassee Growth Management  
41 Department that the development cannot avoid, ameliorate,  
42 or minimize impacts to the significant grades on site.

43  
44 C. Employment of the off-site mitigation option:  
45

46 i. Employment of the off-site mitigation option shall  
47 preclude the use of incentives, including subsections 5-

1 85(e) and 5-86(f)(1) of the City's Code, that reduce the  
2 percentages of the site dedicated to landscaping or urban  
3 forest preservation.

4  
5 ii. An off-site mitigation plan for the development of  
6 significant grades onsite has been approved and in the  
7 opinion of the Director of the City of Tallahassee Growth  
8 Management Department provides net environmental  
9 benefits.

10  
11 iii. If there exists within the same drainage basin as the site  
12 of the proposed development a mitigation bank that is  
13 managed to provide environmental services ordinarily  
14 provided by significant grades, such as topographic  
15 diversity and the presence of vegetation communities  
16 commonly associated with significant or severe grades,  
17 then the applicant shall be directed to participate in that  
18 mitigation bank.

19  
20 iv. If a mitigation bank consistent with the intent of  
21 paragraph 5-81(a)(2)d.3.C.iii. of the City's Code does not  
22 exist within the same major drainage basin as the site, the  
23 applicant shall be directed to participate in a mitigation  
24 bank located elsewhere.

25  
26 v. If no mitigation banks exist consistent with the intent of  
27 paragraphs 5-81(a)(2)d.3.C.iii and 5-81(a)(2)d.3.C.iv of the  
28 City's Code, the applicant shall acquire or use a  
29 conservation easement or similar instrument to protect in  
30 perpetuity lands that are twice (two times) the area of the  
31 significant grades onsite to be mitigated and that are  
32 located within the same major drainage basin. It shall be  
33 preferred that such lands be contiguous and not fragmented.

34  
35 vi. If no such property can be protected under paragraph 5-  
36 81(a)(2)d.3.C.v of the City's Code, an applicant may pay a  
37 fee in lieu. The amount shall be calculated as follows:  
38 Three hundred percent of the property appraiser's assessed  
39 value for the property, divided by the total square footage  
40 of the property, and multiplied by the number of square feet  
41 of the significant grades onsite to be mitigated. This  
42 amount shall be deposited into an account whose sole  
43 purpose is to acquire and manage lands that provide the  
44 environmental benefits associated with significant grades.

45  
46 D. Any site employing the off-site mitigation option for  
47 significant grades shall comply with any applicable

1 stormwater standards adopted to further compliance with  
2 total maximum daily loads (TMDLs) or other surface water  
3 management programs or plans adopted by local  
4 Government.

5  
6 4. High wage employment exception. Development in more than  
7 50 percent of the significant grade areas may be permitted at  
8 the discretion of the City Commission for any proposed  
9 development (no matter where it is located) that exclusively  
10 contains industrial and/or office uses that create a significant  
11 number of new high wage employment. In deciding whether to  
12 grant such an exception, the City Commission shall conduct a  
13 public hearing and may consider factors like the number of  
14 jobs that are proposed to be created, the average annual wage  
15 of the jobs that are proposed to be created in comparison to the  
16 average annual wage of Leon County, and the applicant's long-  
17 term level of commitment and ability to provide the jobs.

18  
19 5. Sediment and erosion controls for properties with significant  
20 grades. Properties containing significant grade areas shall  
21 install a "heavy duty silt barrier" for sediment and erosion  
22 control. The "heavy duty silt barrier" shall consist of a double  
23 row of type IV silt fence (as referenced in the state department  
24 of transportation's "Roadway Traffic Design Standards" and  
25 the state department of environmental regulation's "The Florida  
26 Development Manual: A Guide to Sound Land and Water  
27 Management"). One row shall be placed at the toe of the slope.  
28 The other row shall be placed ten feet beyond the toe. The silt  
29 fence placed beyond the toe shall be a silt barrier that consists  
30 of a type IV silt fence supported by "hog wire" fence. Wooden  
31 posts shall be six feet long and four inches in diameter and  
32 placed a minimum of two feet into the ground to support the  
33 "hog wire" fence. A continuous row of hay bales staked two  
34 feet on-center shall face the toe of the slope. All silt fences and  
35 hog wire fences shall be trenched and extended six inches  
36 below grade. Wooden posts shall be installed eight feet on-  
37 center on the downhill side of the trench. The Director of the  
38 City of Tallahassee Growth Management Department may  
39 approve an alternative sediment and erosion control plan if it is  
40 demonstrated by the applicant that such alternative provides a  
41 higher level of protection.

42  
43 (3) *Flood zone grade change restrictions.* The wetland protection provisions  
44 of Article IV shall first be complied with prior to considering the  
45 provisions of this section. It is the intent of this subsection to allow  
46 selective alterations and redevelopment activities in those specific portions  
47 of a floodplain meeting the definition of altered floodplain, provided that

1 the requirements of all other applicable portions of this article are met and  
2 that the applicant demonstrates in the permit application that a net  
3 improvement in the hydrologic function of the adjacent unaltered  
4 floodplain will result post-development.  
5

6 a. No fill or other alteration shall be made to the topography or  
7 vegetative cover in any floodplain. An exception to this provision  
8 is to allow up to a maximum of five percent disturbance to the  
9 unaltered floodplain located on-site, if the applicant demonstrates,  
10 to the satisfaction of the county administrator or designee, that  
11 there is no reasonable alternative. The following provisions apply  
12 to altered floodplains and to unaltered floodplains qualifying for  
13 the five percent disturbance:  
14

15 1. Minimum fill or alteration in a floodplain may be allowed  
16 for an approved road right-of-way, driveway, water  
17 management area, or septic tank, provided that all other  
18 applicable state and local standards are met and that the  
19 applicant demonstrates, to the satisfaction of the county  
20 administrator or designee, that there is no reasonable  
21 alternative to intruding into the floodplain and that the  
22 activities will not increase water stages (for the same event)  
23 on offsite properties, increase water stages onsite to an  
24 extent that this could cause degradation of onsite wetland  
25 vegetation, or increase flow velocities more than ten  
26 percent in unhardened stream beds adjacent to the area of  
27 the alteration.  
28

29 For newly permitted roads within the floodplain under this  
30 subsection, which could be either public road rights-of-way  
31 or those that will be accepted by Leon County for public  
32 dedication, the applicant shall demonstrate that at full basin  
33 buildout, upstream backwater stages will be raised no more  
34 than one-half foot for a ten-year flood event, no more than  
35 one foot for a 100-year flood event, and no higher than one  
36 foot below the finished floor elevations of existing  
37 upstream occupied structures during a 100-year flood  
38 event. If flow velocities are increased to an extent that  
39 erosion of the streambed can result, the streambed shall be  
40 lined or energy dissipation devices shall be installed to  
41 lower flow velocities.  
42

43 2. For projects where placement of fill is allowed in a  
44 floodprone area or in the floodplain ~~is allowed~~ pursuant to  
45 subsection 1., compensating volume shall be provided. The  
46 compensating volume required shall be located so as to  
47 mitigate the ecological and hydrologic impacts of the fill.

1  
2 3. There shall be a prohibition against the placement of fill  
3 within FEMA designated floodways, except for the  
4 placement of piles, piers, or abutments as required for  
5 bridge construction and such construction shall comply  
6 with the provisions of subsection 1.  
7

8 4. Where fill is to be placed within a 100-year floodplain, as  
9 deemed necessary by the county administrator or designee  
10 based on technical criteria, compliance with the provisions  
11 of Standards for Flood Hazard Reduction, Subsections 10-  
12 1736(f)(1) through (6) shall be demonstrated.  
13

14 b. Fill for single-family home foundations located within the 100-  
15 year floodplain will be allowed as long as it is in full compliance  
16 with the technical policy as set forth by the county administrator or  
17 designee, "Policy Concerning the Placement of Fill in the  
18 Floodplain on Single-family Residential Lots" or its successor.  
19 This policy only applies to previously platted nonconforming lots  
20 where there is no reasonable alternative to the limited placement of  
21 foundation fill. This subsection or policy shall not be interpreted to  
22 facilitate in any way whatsoever the creation of new lots of record  
23 that would cause a single-family home to be constructed within the  
24 100-year floodplain.  
25

26 ~~(4) — *Minimum natural area.* All development activity shall provide a minimum~~  
27 ~~of 25 percent natural area pursuant to section 10-4.345 or an equivalent~~  
28 ~~area as approved pursuant to site design alternative criteria set forth in~~  
29 ~~section 10-4.346.~~  
30

31  
32 **Sec. 10-4.328. Best management practices for conservation and preservation areas.**  
33

34 Best management practices shall be used in conjunction with all new development  
35 and all redevelopment in areas within designated canopy road corridors or within 25 feet  
36 of any floodplain, floodway, wetland, waterbody, natural watercourse, high quality  
37 successional forest, native forest, active karst feature, habitat area of any endangered,  
38 threatened, or special concern species, or any other environmentally sensitive area as  
39 identified in the Tallahassee-Leon County Comprehensive Plan, conservation element.  
40 The best management practices are as follows:  
41

42 (1) Buffering, which may include vegetated berms along the lower contours  
43 of lots, so as to provide or improve wildlife habitat and to improve water  
44 quality. Berms or buffers shall be vegetated with natural indigenous  
45 vegetation suitable for soil and hydrology of the site.  
46

47 (2) Restricted use of pesticides, herbicides, and fertilizers to those materials

1 which have rapid decomposition characteristics, are labeled for aquatic  
2 use, and are used at the lowest possible label rates. Fertilizer constituents  
3 should have at least 50 percent slow release characteristics, be applied at  
4 the lowest labeled rate per application, be a non-phosphorous or low  
5 phosphorous analysis, and be formulated for good slope retention  
6 characteristics.

- 7
- 8 (3) Preservation or revegetation of natural wetlands, floodways and  
9 watercourses.
- 10
- 11 (4) Use of native, low-fertilization, and low-maintenance vegetation.
- 12
- 13 (5) Regular maintenance and upgrading, as necessary, of septic tanks and  
14 approved discharges from washing machines and garbage disposals.
- 15
- 16 (6) Soil conservation service approved conservation practices, including  
17 erosion and sediment control and water quality practices for all  
18 agricultural operations.
- 19

20 **Sec. 10-4.329. Protection of cultural resources.**

21

22 It is the intent of this section to provide for the protection and preservation of  
23 significant cultural resources and to provide for mitigation of adverse impacts to such  
24 resources.

25

- 26 (a) *Significant cultural resources.* Significant cultural resources shall include:  
27 sites, buildings, districts, structures, and objects included in, or determined  
28 to be eligible for inclusion in, the National Register of Historic Places;  
29 National Historic Landmarks; archaeological or historic sites, buildings,  
30 districts, structures, and objects identified as significant archaeological or  
31 historic sites in the comprehensive plan or so designated by the  
32 Tallahassee Trust for Historic Preservation or its successor; buildings,  
33 structures, sites, objects and districts listed on the local register of historic  
34 places pursuant to section 10-6.709, and; human burial sites. Significant  
35 cultural resources shall also include those cultural resources that the  
36 county administrator or designee determines to be significant during the  
37 subdivision or site and development plan review process, environmental  
38 review process, environmental permitting process, or subsequent to  
39 initiation of site development activities. In determining the significance of  
40 cultural resources, the county administrator or designee shall seek  
41 guidance from ~~appropriate authorities such as the Florida Department of~~  
42 State's Division of Historical Resources (DHR), and may seek additional  
43 guidance from the State Historic Preservation Officer (SHPO), the  
44 Architectural Review Board (ARB), and or the Historic Preservation  
45 Officer (HPO) designated by the Tallahassee Trust for Historic  
46 Preservation or its successor. The criteria to be applied in determining  
47 significance shall be based on those criteria used to determine eligibility

1 for listing in the National Register of Historic Places (Code of Federal  
2 Regulations Title 36, Part 60, as amended) or those criteria set forth in  
3 section 10-6.709.  
4

5 (b) *Disturbance of cultural resources.* Development and other activities that  
6 could result in the disturbance of significant cultural resources ~~is~~ are  
7 prohibited unless otherwise authorized by the county administrator or  
8 designee. As regards human burials, prohibited acts shall be those  
9 identified as constituting unlawful activities in F.S. §§ 872.02 and 872.05.  
10 Such acts include, but are not limited to, destruction or removal of  
11 gravestones, vandalizing or injuring tombs and burial sites, and disturbing  
12 or damaging an unmarked human burial. The prohibition against  
13 disturbing human burials addressed herein shall not apply to any person  
14 acting under the direction or authority of the division of historical  
15 resources of the department of state, to cemeteries operating under F.S. ch.  
16 497, or any person otherwise authorized by law to remove or disturb a  
17 tomb, monument, gravestone, burial mound, or similar structure, or its  
18 contents or to any person otherwise authorized by law to disturb, destroy,  
19 or remove an unmarked human burial. The prohibition against disturbing  
20 other types of significant cultural resources shall not apply to activities  
21 performed by educational institutions or to activities performed by or  
22 under the direction of a certified archaeologist during the normal course of  
23 investigating, documenting, preserving, or restoring such resources.  
24

25 (c) *Cultural resource protection plan.* Any application for subdivision  
26 approval, application for site and development plan approval, application  
27 for conceptual or final PUD approval, or application for an environmental  
28 management permit that involves property containing an identified  
29 significant cultural resource or that involves property that may potentially  
30 contain a significant cultural resource shall include a plan for the  
31 protection of the resource. Prior to engaging in any development activity,  
32 and prior to removing, damaging, or destroying any significant cultural  
33 resource, the person proposing to engage in such activity and the owner of  
34 the land on which such activity is proposed shall first apply for and obtain  
35 an environmental management permit that includes a plan for the  
36 protection of the resource. Proposed cultural resource protection plans  
37 shall demonstrate to the satisfaction of the county administrator or  
38 designee that the plan will provide adequate protection of the resource. In  
39 most cases a cultural resource protection plan will involve either the  
40 preservation and protection of the resource by means of a conservation  
41 easement, a mitigation program whereby unavoidable impacts to the  
42 resource are minimized and mitigated, or further investigations during site  
43 development coupled with measures to protect significant cultural  
44 resources if discovered. These potential types of cultural resource  
45 protection plans are addressed in the following subsections:  
46

47 (1) *Protection by conservation easement.* A conservation easement, or

1 other suitable means of protection in a form approved by the  
2 county attorney, shall be required for all on-site areas which  
3 contain significant cultural resources to ensure such areas will be  
4 protected and preserved, unless alternative mitigation measures are  
5 approved pursuant to section 10-4.329 (c)(2). Conservation  
6 easements shall be dedicated in favor of the county and the  
7 easements shall encompass the cultural resources present plus a  
8 buffer if required. The determination of the required buffer, if any,  
9 shall be made by the county administrator or designee in  
10 consultation with appropriate authorities such as the DHR, SHPO,  
11 ARB, or HPO. A conservation easement shall be required to insure  
12 the on-site protection of areas containing human burials unless; the  
13 area is a cemetery operating under F.S. ch. 497, or; a cultural  
14 resource protection plan approved by the county administrator or  
15 designee provides for the relocation of the human remains to an  
16 active cemetery duly licensed by the state, relocation to another  
17 on-site or off-site location, or relocation to another acceptable  
18 repository. The relocation and subsequent internment of human  
19 remains at an on-site or off-site location other than a licensed  
20 cemetery shall require the establishment of a conservation  
21 easement encumbering the relocation site. Nothing contained in a  
22 conservation easement established to protect areas containing  
23 human burials shall act to prohibit any person so entitled from  
24 exercising any rights secured by F.S. § 704.08 or any rights  
25 secured by the Native American Graves Protection and  
26 Repatriation Act of 1990.

- 27  
28 a. *Ingress/egress easement required.* Any development or  
29 subdivision project that involves establishment of a  
30 conservation easement to protect areas containing human  
31 burials shall also provide an ingress/egress easement by  
32 which relatives and descendants of the deceased can legally  
33 access the conservation easement area for purposes of  
34 visiting the area at reasonable times and in a reasonable  
35 manner. The ingress/egress easement shall extend from the  
36 conservation easement area to an existing public right-of-  
37 way or existing public access easement. Such an  
38 ingress/egress easement shall not be required if the  
39 conservation easement adjoins an existing public right-of-  
40 way or public access easement. An ingress/egress easement  
41 may also be required in situations involving the on-site  
42 preservation of other types of significant cultural resources  
43 or when a known significant cultural resource site is  
44 present on adjoining property. The necessity for providing  
45 such an access easement shall be determined by the county  
46 administrator or designee based upon the significance and  
47 value of the cultural resources involved and the need for the

1 public to have access to these resources for visitation or  
2 research purposes.

3  
4 b. *Management and maintenance requirements.* When  
5 preservation and protection of significant cultural resources  
6 is proposed through establishment of a conservation  
7 easement or similar protective mechanisms, the county  
8 administrator or designee may also require the cultural  
9 resource protection plan to include provisions for the long-  
10 term management and maintenance of the cultural  
11 resources involved if such actions are deemed necessary to  
12 protect and preserve the integrity of these resources.

13  
14 (2) *Protection through mitigation.* If practicable project alternatives do  
15 not exist to avoid adverse effects to significant or potentially  
16 significant cultural resources, the cultural resource protection plan  
17 shall specify measures to minimize the adverse effects and to  
18 mitigate for the unavoidable effects. For purposes of this section, a  
19 "practicable" project alternative is one that does not cause an  
20 unreasonable and undue hardship on the use of the property,  
21 considering the significance and condition of the cultural resource.  
22 Mitigation measures shall be designed to preserve, reclaim, and  
23 compensate for as many of the values of the significant cultural  
24 resource as are adversely affected. Depending on the cultural  
25 resources involved, such mitigation measures can include, but are  
26 not necessarily limited to, data recovery, archaeological  
27 excavation, the recovery, analysis and documentation of features,  
28 archival studies, and other measures to assure preservation of  
29 significant elements of the resources disturbed, such as voluntary  
30 transfer to a public or nonprofit agency for duration purposes. All  
31 cultural resource protection plans involving mitigation require the  
32 preparation of a research design report and final report. These  
33 reports shall not be deemed complete until they are approved by  
34 the county administrator or designee.

35  
36 (3) *Protection through further investigations.* In some instances,  
37 appropriate investigations may be performed to ascertain the  
38 presence of cultural resources on a proposed development site and  
39 these investigations may conclude that the presence of significant  
40 cultural resources is unlikely. Despite these results, there may be  
41 cases where the county administrator or designee determines that  
42 there remains a reasonable probability that such resources could be  
43 present and that the proposed development could adversely impact  
44 these resources. A cultural resource protection plan shall be  
45 required in such cases. This plan shall provide for further  
46 investigation of any suspect areas during the initial stages of site  
47 development. It shall also provide a course of action to ensure

1 adequate protection of significant cultural resources should they be  
2 discovered, as addressed in the preceding subsections.  
3

4 (d) *Fortuitous finds and unmarked human burials.* The following  
5 requirements apply to all site development activities:  
6

7 (1) If previously unidentified cultural resources are discovered or  
8 observed at development sites or during development activities  
9 following permit issuance, then project activities affecting those  
10 resources shall cease immediately. The developer, property owner,  
11 contractor, or agent thereof shall notify the county administrator or  
12 designee and the division of historic resources within two working  
13 days of the discovery. The county administrator or designee shall  
14 require an investigation be performed to assess the significance of  
15 the resources in accordance with subsection 10-4.329 (a). If the  
16 county administrator or designee determines the cultural resources  
17 are significant pursuant to subsection 10-4.329 (a), development  
18 activities in the area containing these resources shall not be  
19 resumed until such time that a cultural resource protection plan has  
20 been submitted to and approved by the county administrator or  
21 designee. The approved protection plan may restrict further  
22 development in the area containing the identified resources. If the  
23 county administrator or designee determines the resources are not  
24 significant, development activities can continue upon written  
25 notification issued by the county administrator or designee.  
26

27 (2) If any unmarked human burial is discovered or observed at  
28 development sites or during development activities following  
29 permit issuance, all activity that could disturb the burial site shall  
30 cease immediately. The developer, property owner, permittee,  
31 contractor, or agent thereof shall immediately notify the nearest  
32 law enforcement office and shall follow the notification procedures  
33 set forth in F.S. § 872.05. In addition, the county administrator or  
34 designee shall be notified within two working days of the  
35 discovery. Development activities in the area containing unmarked  
36 human burials shall not be resumed until such time that a cultural  
37 resource protection plan has been submitted to and approved by the  
38 county administrator or designee. The approved plan may prohibit  
39 further development in the burial site area. As used in this  
40 subsection, "*unmarked human burial*" shall have the same meaning  
41 as defined in F.S. § 872.05.  
42

43 (3) In cases where previously unidentified cultural resources are  
44 discovered or an unmarked human burial is discovered, the county  
45 administrator or designee will facilitate the county's final  
46 resolution of the matter in an effort to balance the interests of both  
47 the affected cultural resources and the development activities

1 affected by such discoveries. The review and processing of such  
2 cases shall not be conducted in a manner that could jeopardize the  
3 foremost goal of protecting significant cultural resources.  
4

5  
6 **SECTION 8: Subdivision 3 of Division 3 of Article IV of the Code of Laws of Leon**  
7 **County, Florida, is hereby amended as follows:**

8  
9 Subdivision 3. LANDSCAPING

10  
11 **Sec. 10-4.341. Intent of landscaping development standards.**

12  
13 It is the intent of this subdivision to require the preservation of the forested nature  
14 of our community through the preservation of high quality successional, native and urban  
15 forest communities for landscaping purposes in preference to clearing and replanting  
16 designed landscaping. It is the objective of this subdivision to provide incentives toward  
17 preserving more than the minimum of a development site's natural and native vegetation  
18 by allowing reductions in the amount of land to be set aside for landscaping whenever  
19 natural vegetation is preserved and, further, to comply with objectives stated in section  
20 10-4.104 through:

- 21  
22 (1) A holistic approach to landscaping development and site design by  
23 integrating elements of existing vegetation, especially urban forest areas,  
24 existing topography, and additional plantings with proposed improvements  
25 including stormwater management systems.  
26  
27 (2) The preservation and use of forested areas to maintain roadway buffers,  
28 assist in stormwater management, visually separate and shade parking  
29 areas, provide wildlife habitat, and generally reduce the impact of  
30 urbanization.  
31

32 **Sec. 10-4.342. General applicability.**

33  
34 (a) Landscaping information shall be provided in a landscape development  
35 plan as part of the environmental management permit application, for all new  
36 development and redevelopment in the county except as specified in subsection (b). The  
37 following requirements and standards for landscaping shall apply:

- 38  
39 (1) Minimum landscaped areas in all developed land use areas, including  
40 towers and telecommunication projects, additions of 1,000 square feet or  
41 more of impervious area, or where redevelopment requires additional  
42 parking, in accordance with sections 10-173, 10-4.344, 10-4.347 through  
43 10-4.355, including section 10-6.812 for towers and telecommunication  
44 projects.  
45  
46 (2) A reforestation program, in accordance with sections 10-4.347, 10-4.349,  
47 10-4.350, and 10-4.353.

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47
- (3) Landscaped areas in off-street parking facilities and other vehicular use areas, in accordance with sections 10-4.347, 10-4.348, 10-4.350 and 10-4.351.
  - (4) Minimum natural area, site design alternative, or other environmentally sensitive areas, in accordance with sections 10-4.345, 10-4.345.1, 10-4.346, and 10-4.202.
  - (5) Landscape buffer requirements for uncomplimentary land use conflicts applicable to all development identified in the zoning and site plan review code, section 10-7.522.
  - (6) Vegetation management plan. A vegetation maintenance plan for pre-development vegetation in accordance with subsections 10-4.345 (c) and 10-4.209 (c)(2), (f)(1)h. and (g)(7).
  - (7) Bradfordville. Additional landscape requirements for the Bradfordville Study area are set forth in section 10-4.386, 10-~~64~~.673(10), 10-~~64~~.674(10), 10-~~64~~.675(10), and 10-~~64~~.676(10).
  - (8) Projects within or abutting future transportation corridors. This paragraph applies to land within or abutting future transportation corridors designated on/in the future right-of-way needs map and the Tallahassee-Leon County Long Range Transportation Plan of the Tallahassee-Leon County Comprehensive Plan, as amended. Subsection 10-7.530(h) of the Leon County Code of Laws provides that green space credits and other incentives may be given to landowners who dedicate property determined by the county as necessary for corridor protection. Therefore, for the purpose of calculating natural area and landscape area requirements pursuant to section's 10-4.344 and 10-4.345 of this chapter, the acreage of the parcel prior to dedication shall be used. If land to be dedicated includes natural area that will be removed in the future, the developer may replant natural area elsewhere on the site. In the event that right-of-way needs restrict the parcel to the point that staff determines economic use of the land is significantly reduced by the natural area requirement, the County Administrator or designee may provide a functional waiver of this requirement, and the terms of such waiver shall be included in the written agreement required by subsection 10-7.530(h) of the Leon County Code of Laws. This incentive, if applicable, shall be provided consistent with subsection 10-7.530(h).
  - (b) Exemptions. The following activities are exempt to the degree specified herein from the landscaping requirements of this division:
    - (1) *Residential and agricultural.* Individual mobile homes, individual detached single-family dwelling units, individual two-family dwelling

1 units, triplex and quadraplex units, or bona fide agricultural uses.

2  
3 (2) Public Roadway Projects. All public roadway construction and  
4 reconstruction projects shall be exempt from the provisions of sections 10-  
5 4.344 through 10-4.347. Arterial roadway projects shall conform to the  
6 visual screen requirements in sections 10-4.348 (a)(2), in addition to any  
7 other requirements that may apply to such projects.

8  
9 (3) Residential subdivisions. Residential subdivisions with gross densities of  
10 four residential dwelling units per acre or less shall be exempt from the  
11 natural area and landscaping requirements of this section. Residential  
12 subdivisions with gross densities greater than four residential dwelling  
13 units per acre shall meet the landscaping requirements of this section.  
14 Such landscaping areas shall be provided within common area(s),  
15 exclusive of that within individual lots.

16  
17 (4) Incorporated Leon County Exemptions. The following activities are  
18 exempt to the degree specified herein within the incorporated area of Leon  
19 County:

20  
21 (i) Inclusionary Residential Units within Incorporated Leon County.  
22 Within the incorporated area of Leon County, residential units that meet  
23 the definition of inclusionary units in the Tallahassee Land Development  
24 Code may be excluded from the residential density calculations consistent  
25 with the criteria and specifications defined in Chapter 5, Environmental  
26 Management, of the Tallahassee Land Development Code.

27  
28 (ii) Vested sites within Incorporated Leon County. Separate Urban forest  
29 and landscaping standards may apply for vested sites within incorporated  
30 Leon County consistent with the criteria and specifications defined in  
31 Chapter 5, Environmental Management, of the Tallahassee Land  
32 Development Code.

33  
34 (iii) Development within the Downtown Overlay and the Multi-Modal  
35 Transportation District. To achieve the urban development patterns and  
36 densities and intensities intended by the Comprehensive Plan, separate  
37 urban forest and landscaping standards may be established for  
38 development within the Downtown Overlay and the Multi-Modal  
39 Transportation District within incorporated Leon County consistent with  
40 the criteria and specifications defined in Chapter 5, Environmental  
41 Management, of the Tallahassee Land Development Code.

42  
43 (iv) Sites 1 acre or less in size on or before October 29, 2009. Within the  
44 incorporated area of Leon County, alternative Urban Forest mitigation  
45 standards may apply for sites 1 acre or less in size that existed on or before  
46 October 29, 2009 consistent with the criteria and specifications defined in  
47 Chapter 5, Environmental Management, of the Tallahassee Land



- 1 sides of the site; or,  
 2  
 3 (4) Encompasses all significant on-site environmental constraints; or,  
 4  
 5 (5) Provides a forested buffer along any roadway; or,  
 6  
 7 (6) Includes other environmentally sensitive considerations as determined to  
 8 be consistent with the intent of this subdivision by the county  
 9 administrator or designee; or,  
 10  
 11 (7) Provides a perimeter buffer on at least two sides of a site contiguous to  
 12 high quality successional, native or urban forest on adjacent properties.  
 13  
 14 (8) Is located adjacent to an environmentally sensitive land feature.  
 15  
 16 (c) Maintenance of natural areas. A management plan submitted as part of the  
 17 environmental management permit application is required for all pre-development  
 18 vegetation located on the site. Vegetation management shall be allowed for the purpose  
 19 of integrating pre-development vegetation both visually and physically into the site's  
 20 master landscape plan. The management plan shall include at a minimum the following:  
 21  
 22 (1) Supplemental Plantings. Maintenance guidelines shall be required and  
 23 provisions made for any supplemental planting, if additional plantings are  
 24 desired.  
 25  
 26 (2) Maintenance. Approved maintenance activities include pruning of dead  
 27 and hazardous tree limbs, planting, mulching, fertilization, pest control.  
 28  
 29 (3) Mechanical. Mechanical methods which compact the earth or impair root  
 30 systems, or the pruning of limbs greater than 10 percent of the green mass  
 31 of a tree are prohibited, unless otherwise allowed in an approved plan.  
 32  
 33 (4) Change in vegetative cover. Activities that would result in a change in the  
 34 vegetative composition of the forest community including removal of  
 35 native species and replacement by invasive/exotics, or the removal of  
 36 understory and ground cover are prohibited.  
 37

38 **Sec. 10-4.345.1 Landscape and Natural Area Requirements for Non-residential and**  
 39 **Multi-family Project Sites 3 Acres or Less in Size.**

40  
 41 It is the intent of this section to provide an alternative approach to the landscaping  
 42 requirements in section 10-4.344 and natural area requirements in section 10-4.345 for  
 43 non-residential and multi-family project sites 3 acres or less in size. A 35% minimum  
 44 threshold for landscaping, natural area, and stormwater management facilities will be  
 45 allowed provided that the site design meets the following criteria:

- 46  
 47 (a) Front perimeter landscape area. A 40-foot wide strip of land along the entire front

1 perimeter of a site, located between the front property line and any vehicular use  
2 area shall either remain natural or shall be landscaped. Corner parcels where any  
3 two streets intersect shall be considered to have perimeter frontage on two sides  
4 of the site. Width of sidewalks shall not be included within the 40-foot wide front  
5 perimeter landscape buffer. The minimum total tree requirement within this front  
6 perimeter shall be determined using a ratio of one tree for every 324 square feet,  
7 with no less than 75 percent of said trees being canopy trees. Understory and  
8 ornamental trees may be utilized in the remaining 25 percent. This provision is  
9 not intended to require trees to be equally spaced.

- 10
- 11 (b) Interior landscape for vehicular use areas. In vehicular use areas within the  
12 interior of a site, one 800 square foot (sixteen percent) natural or landscape  
13 planted area shall be required for every 5,000 square feet of vehicular use area, or  
14 major portion thereof. Interior planting areas shall be located to most effectively  
15 relieve the monotony of large expanses of paving, reduce heat inversion, and  
16 contribute to orderly circulation of vehicular and pedestrian traffic, and shall be  
17 no less than 24 feet in width, exclusive of curbing.
- 18
- 19 (c) Stormwater management facilities can be included in the 35% minimum as  
20 follows:
- 21 (1) If a wet detention pond meets the requirements in Section 10-4.350.  
22
- 23 (2) If a dry retention pond meets the requirements in Section 10-4.350. If the  
24 dry retention pond has slopes greater than 4:1, 5 percent will be added to  
25 the 35% minimum threshold for landscaping, natural area and stormwater  
26 making the minimum threshold 40%.
- 27
- 28 (d) All other interior landscaping requirements must be met.
- 29
- 30 (e) If the site contains preservation and/or conservation features that require  
31 protection, credit for these features can be provided toward the 35% minimum provided  
32 that all the other requirements of this section have been met.
- 33

34 **Sec. 10-4.346. Site design alternative.**

35

- 36 (1) For sites which do not contain, in their pre-development state, any forested areas  
37 and/or environmental constraints (such as environmental resources or  
38 characteristics which are identified in the definitions of conservation area or  
39 preservation area) to meet the intent of the 25 percent natural area preservation  
40 requirement of section 10-4.345(a), a permit for a development project designed  
41 to provide net environmental benefit by other means in lieu of the 25 percent  
42 natural area preservation may be approved by the county administrator or  
43 designee if the permit application meets the following criteria:
- 44 (a) Ensures preservation of at least ten percent of the pre-development vegetation  
45 on the site with emphasis on preservation of tree clusters, urban forest, native  
46 understory vegetation, and includes wildlife habitat enhancements as defined

1 in section 10-1.101. If the site is devoid of an urban forest community, or if  
2 existing natural vegetation comprises less than ten percent of the total site  
3 area, then a forest community, shall be established in the amount necessary to  
4 achieve the ten percent minimum natural area requirement. The site design  
5 alternative plan must conform to landscape site design standards set forth in  
6 section 10-4.351 for the purpose of restoring forest community types with an  
7 emphasis on enhancing wildlife habitat benefits.

8 (2) Within those zoning districts located within the urban services area wherein  
9 residential densities of greater than six dwelling units per acre or medium and  
10 high intensity non-residential land use is allowed, new development and  
11 redevelopment may comply with the Greenspace Reservation Area Credit  
12 Exchange (GRACE) program. The GRACE program allows for the following  
13 alternative landscape and natural area requirements:

14 (a) A portion of landscape area requirements may be met off-site through the  
15 conveyance to Leon County of flood-prone property, listed in the Leon  
16 County Inventory of Flooded Property Available for Exchange, upon  
17 demonstration that the following landscape requirements have been met  
18 onsite:

- 19 1. Perimeter and interior landscape requirements in Section 10-4.347
- 20 2. Uncomplimentary land use buffers in Section 10-4.348
- 21 3. Stormwater management facility landscaping requirements in Section 10-  
22 4.350
- 23 4. Planting standards for all landscape areas in Section 10-4.351
- 24 5. Canopy coverage requirements in Section 10-4.351(e)(4)
- 25 6. Any explicit requirements regarding landscaping or vegetation that may be  
26 established in any particular zoning district.
- 27 7. The quantity of landscape area requirements that may be met offsite through  
28 the conveyance of flood-prone property shall be in accordance with the  
29 following schedule of exchange:

30 In the following zoning districts, 25% of the landscaping area requirement may be  
31 met off-site through the provision of vested flood prone properties, at a ratio of no  
32 less than two acres of flood-prone property conveyed per every acre of landscaping  
33 area otherwise required to be provided on site:

- |    |       |  |
|----|-------|--|
| 34 | R-3,  | Single- and Two-Family Residential zoning district,              |
| 35 | R-4,  | Single-,Two-Family and Multi-Family Residential zoning district, |
| 36 | BC-1, | Bradfordville Commercial zoning district,                        |

1 BC-2, Bradfordville Commercial zoning district,  
2 BCS, Bradfordville Commercial Services zoning district, and,  
3 BOR, Bradfordville Office Residential Districts zoning district,  
4

5 In the following zoning districts, 50% of the landscaping area requirement may be  
6 met off-site through the provision of vested flood prone properties, at a ratio of no  
7 less than two acres of flood-prone property conveyed per every acre of landscaping  
8 area otherwise required to be provided on site:

9 C-1, Neighborhood Commercial zoning district,  
10 CP, Commercial Parkway zoning district,  
11 OR-1, Office Residential zoning district,  
12 OR-2, Office Residential zoning district,  
13 NBO, Neighborhood Boundary Office zoning district,  
14 MRC, Mahan Residential Corridor zoning district, and  
15 MRCN, Mahan Residential Corridor Node zoning district  
16

17 In the following zoning districts, 85% of the landscaping area requirement may be  
18 met off-site through the provision of vested flood prone properties, at a ratio of no  
19 less than two acres of flood-prone property conveyed per every acre of landscaping  
20 area otherwise required to be provided on site:

21 MR-1, Medium Density Residential zoning district,  
22 OR-3, Office Residential zoning district  
23 OA-1, Airport Vicinity zoning district,  
24 C-2, Neighborhood Commercial zoning district,  
25 CM, Medical Arts Commercial, UP-1 Urban Pedestrian zoning district,  
26 UP-2, Urban Pedestrian zoning district,  
27 M-1, Light Industrial zoning district,  
28 PD, Planned Development zoning district,  
29 PUD, Planned Unit Development zoning district,  
30 DRI, Development of Regional Impact zoning district, and,  
31 IC, Interchange Commercial zoning district  
32

33 And, in the following zoning districts, 95% of the landscaping area requirement may  
34 be met off-site through the provision of vested flood prone properties, at a ratio of no  
35 less than two acres of flood-prone property conveyed per every acre of landscaping  
36 area otherwise required to be provided on site:

37 I, Industrial zoning district, and  
38 AC, Activity Center zoning district.  
39

40 (b) If the natural area includes no preservation area or conservation area as  
41 designated in the Comprehensive Plan, then a portion of natural area requirements  
42 may be met off-site through the conveyance to Leon County of flood-prone  
43 property listed in the Leon County Inventory of Flooded Property Available for  
44 Exchange. The quantity of natural area requirements that may be met offsite

1 through the conveyance of flood-prone property shall be in accordance with the  
2 following schedule of exchange:

3 In the following zoning districts, 75% of the natural area requirement may be met  
4 off-site through the provision of vested flood prone properties, at a ratio of no less  
5 than two acres of flood-prone property conveyed per every acre of natural area  
6 otherwise required to be provided on site:

7	C-1,	Neighborhood Commercial zoning district,
8	CP,	Commercial Parkway zoning district,
9	OR-1,	Office Residential zoning district,
10	OR-2,	Office Residential zoning district,
11	NBO,	Neighborhood Boundary Office zoning district,
12	MRC,	Mahan Residential Corridor zoning district, and
13	MRCN,	Mahan Residential Corridor Node zoning district

14  
15 In the following zoning districts, 90% of the natural area requirement may be met off-  
16 site through the provision of vested flood prone properties, at a ratio of no less than  
17 two acres of flood-prone property conveyed per every acre of natural area otherwise  
18 required to be provided on site:

19	MR-1,	Medium Density Residential zoning district,
20	OR-3,	Office Residential zoning district,
21	OA-1,	Airport Vicinity zoning district,
22	C-2,	Neighborhood Commercial zoning district,
23	CM,	Medical Arts Commercial zoning district,
24	UP-1,	Urban Pedestrian zoning district,
25	PD,	Planned Development zoning district,
26	PUD,	Planned Unit Development zoning district,
27	DRI,	Development of Regional Impact zoning district, and
28	IC,	Interchange Commercial zoning district,

29  
30 And, in the following zoning districts, 100% of the natural area requirement may be  
31 met off-site through the provision of vested flood prone properties, at a ratio of no  
32 less than two acres of flood-prone property conveyed per every acre of natural area  
33 otherwise required to be provided on site:

34	UP-2,	Urban Pedestrian zoning district,
35	M-1,	Light Industrial zoning district,
36	I,	Industrial zoning district, and
37	AC,	Activity Center zoning district.

38  
39 (c) If there are structures on the property that Leon County determines must be  
40 removed, all demolition must be performed prior to closing at no cost to Leon  
41 County. All closing and real estate transaction costs must be paid by the  
42 developer. The management and use of any and all such flood-prone properties

1 conveyed to Leon County shall be in accordance with Leon County Board of  
2 County Commissioners Policy 05-5, Flooded Property Acquisition and  
3 Management Program, or as that Policy may be amended or superseded,  
4 including, but not limited to, the use of restrictive covenants to prohibit any use of  
5 such properties other than in accordance with Policy 05-5 or as otherwise directed  
6 by the Board.

7  
8 **Sec. 10-4.347. Landscape design standards for perimeter and interior landscape**  
9 **areas.**

10  
11 Off-street parking facilities and other vehicular use areas shall meet the following  
12 minimum requirements:

13  
14 (1) *Perimeter landscape area requirements.*

- 15  
16 a. ~~Front perimeter landscape area.~~ Front perimeter landscape area. A  
17 20-foot wide strip of land along the entire front perimeter of a site,  
18 located between the front property line and any vehicular use area,  
19 shall be landscaped. Corner parcels where any two streets intersect  
20 shall be considered to have perimeter frontage on two sides of the  
21 site. Width of sidewalks shall not be included within the 20-foot  
22 wide front perimeter landscape area. Within the Urban Services  
23 Area, the front perimeter may be reduced to a 10-foot width.  
24  
25 b. ~~Side and rear perimeter landscape areas.~~ Side and rear perimeter  
26 landscape areas. A six-foot wide strip of land along the entire side  
27 and rear perimeter of a site, located between the side and rear  
28 property lines and any vehicular use area, shall be landscaped,  
29 except that where a perimeter landscape area is between a side or  
30 rear property line and a vehicular use area used as an access way,  
31 only a four-foot wide strip of land shall be required to be  
32 landscaped.  
33  
34 c. ~~Joint landscape areas for adjacent properties.~~ Joint landscape areas  
35 for adjacent properties. When side or rear perimeter landscape  
36 areas are required on adjacent properties, the owners of such  
37 adjacent properties may agree to the installation of only one such  
38 landscape area on the adjacent boundary, as long as such  
39 agreement is binding on both property owners and their successors  
40 in interest and is approved as part of the permit application by the  
41 county administrator or designee.  
42  
43 d. ~~Vehicular overhang areas.~~ Vehicular overhang areas. Vehicle  
44 wheel stops or other design features, such as curbing, shall be used  
45 so that parked vehicles do not extend more than two feet into any  
46 required landscape or buffer area.

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- e. ~~Access ways.~~ Access ways. All access ways through the perimeter landscape areas shall meet the standards established by the county for driveways pursuant to section 10-7.506 Separation between any one-way drives shall be no less than ten feet. If it is determined that access way separation minimum, or aisle width maximum, requirements will create a safety hazard or unreasonably limit safe access to and from the development, or will significantly impact protected trees, such requirements may be waived or modified by the county administrator or designee.
  - f. ~~Cross-visibility standards for perimeter landscape areas.~~ Cross-visibility standards for perimeter landscape areas. A sight triangle shall be provided at all points where an access way intersects the right-of-way easement line of any street and also where the right-of-way or easement lines of any two streets intersect. The area within the sight triangle shall be constructed and maintained in accordance with sections 10-4.211(4) and 10-7.506.
  - g. Grass ditches in perimeter landscape areas shall have back slopes no steeper than 3:1 for support of the required landscaping materials.
  - h. Perimeter landscape areas shall not count as landscape islands.
  - i. Perimeter landscape areas shall not be used for garbage or trash collection or any other functional use.
  - j. No use shall be made of, nor development activity permitted in, the perimeter landscape areas except for:
    1. Planting material approved as part of the landscape plan.
    2. Completely underground utilities and essential, specifically approved, overhead or above-ground utilities which do not interfere with the mature growth of required plant material.
    3. Grass ditches, with back slopes no steeper than 3:1, which can support the required landscaping materials.

41 (2) *Interior landscape for vehicular use areas.*

- 42  
43  
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45  
46  
47
- a. ~~Number.~~ Size. In vehicular use areas within the interior of a site, one 400 square foot (eight percent) natural or landscape planted area shall be required for every 5,000 square feet of vehicular use area, or major portion thereof. ~~Interior planting areas shall be located to most effectively relieve the monotony of large expanses~~

1 of paving, reduce heat inversion, and contribute to orderly  
2 circulation of vehicular and pedestrian traffic, and shall be no less  
3 than 12 feet in width, exclusive of curbing. Whenever linear  
4 medians at least 50 feet long having shade trees spaced no greater  
5 than 15 feet on center are used, the minimum width may be  
6 reduced to eight feet exclusive of curbing. There shall be an  
7 additional 400 square feet of planting area for every eight parking  
8 spaces above the minimum number required in Article VI  
9 (Zoning).

10  
11 b. Size. A minimum of 80 percent of each landscape island shall be  
12 no less than 12 feet in width, exclusive of curbing. Whenever  
13 linear medians at least 50 feet long having shade trees spaced no  
14 greater than 15 feet on center are used, the minimum width may be  
15 reduced to eight feet exclusive of curbing.

16  
17 c. Location. Interior planting areas and landscape islands shall be  
18 located to most effectively relieve the monotony of large expanses  
19 of paving, reduce heat inversion, and contribute to orderly  
20 circulation of vehicular and pedestrian traffic. Perimeter landscape  
21 areas shall not count as landscape islands.

22  
23 ~~4.~~ d. Landscape area credit availability. ~~Landscape area credit~~  
24 ~~availability.~~ As an incentive for preserving forest communities,  
25 landscape islands within the vehicular use area encompassing  
26 urban forest shall count on a square foot to square foot basis  
27 toward the interior landscape island requirement, when preserved  
28 in a natural state. To qualify for such a waiver, the preserved  
29 natural areas must be a minimum of 800 square feet in size (which  
30 would qualify as 800 sf of interior landscape) and be approved by  
31 the county administrator or designee as meeting the objectives of  
32 this division.

33  
34 ~~eb.~~ Vehicular overhang. ~~Vehicular overhang.~~ Vehicle wheel stops or  
35 other design features, such as curbing, shall be used so that parked  
36 vehicles do not extend more than two feet into any required  
37 landscape or buffer area.

38  
39 ~~fe.~~ Grass ditches. Grass ditches shall have back slopes no steeper than  
40 3:1 for support of the required landscaping materials.

41  
42 (3) Landscaping functional waiver. When an applicant demonstrates to the  
43 satisfaction of the director that strict application of this section will  
44 interfere with the function of vehicular use areas, the county administrator  
45 or designee may permit relocation of required landscaping or other  
46 substitutions which will improve functioning provided that the intent of  
47 this section is met by such modifications.

1  
2 **Sec. 10-4.348. Required buffers relating to uncomplimentary land uses and zones.**  
3

4 (a) *Land use conflicts.*  
5

6 (1) Landscape requirements for uncomplimentary land use buffer strips shall  
7 be applicable to all new development or redevelopment which creates the  
8 land use conflicts identified in the zoning and site plan review code,  
9 section 10-7.522, Buffer zone standards.  
10

11 (2) Newly constructed arterial roadways, when adjacent to low density  
12 residential uses or lands zoned primarily for such uses, shall provide a  
13 continuous visual screen consisting of either vegetation, fencing, berms,  
14 embankments, or a combination of such materials as appropriate. The  
15 visual screen shall be installed along the entire length of all common  
16 boundaries between the roadway and the residential areas.  
17

18 (b) *Perpetual maintenance.* The property owner shall perpetually manage and  
19 maintain all required uncomplimentary land use buffer areas in a state to  
20 meet the criteria specified in section 10-7.522 and in the approved  
21 environmental permit. Where the buffer area requirement is established  
22 prior to or at the time of site approval, platting, or replanting, such buffer  
23 areas and maintenance responsibility shall be specifically referenced in  
24 such approved site plan and plat. Perpetual maintenance of required  
25 uncomplimentary land use buffer areas shall be a specific condition under  
26 any permit issued pursuant to this article, regardless of whether or not  
27 such required buffer areas are shown in the plat or site plan for this  
28 project. Maintenance guidelines for required buffer areas shall be specified  
29 in the stormwater management operating permit in accordance with  
30 section 10-4.209.  
31

32 **Sec. 10-4.349. Reforestation requirements.**  
33

34 (a) *Tree count.* All sites shall include, upon completion of development  
35 activities, a minimum number of trees determined by using the ratio of 40 trees credits for  
36 each acre of developed area, except for public roadway projects, which shall include a  
37 minimum ratio of 20 trees credits for each acre of developed area.  
38

39 (b) *Credit for preserved trees.* Credit shall be given toward the reforestation  
40 requirement for preserved trees on the site, provided:  
41

42 (1) The preserved trees shall be maintained throughout development activities  
43 in a healthy and natural state; and  
44

45 (2) At least 75 percent of the critical protection zone (cpz) of each preserved  
46 tree shall be protected during development activities pursuant to section  
47 10-4.363, and maintained during and after development in a natural state,

1 in a vegetative landscape material covering, or in some other pervious  
 2 surface covering. Half of the allowable preservation credit can be counted  
 3 toward trees that are impacted within the cpz provided tree impacts are  
 4 mitigated consistent with the requirements outlined within 10-4.363(e)(6).  
 5 ~~, if the tree is not being removed and a determination is made that the tree~~  
 6 ~~will survive with no adverse impacts. This includes mitigation prepared~~  
 7 ~~by a certified arborist to offset the impact.~~

8  
 9 Credit for preserved trees shall be provided at the following rate:  
 10

Diameter of tree preserved* (inches) (DBH)	Number of tree credits
Over 60	40
49--60	28
43--48	24
37--42	20
31--36	16
25--30	10
19--24	8
13--18	6
7--12	4
4--6	2
2--3	1

11  
 12  
 13 \* Tree trunk diameter measurement shall be rounded off to the nearest inch.  
 14  
 15

16 **Sec. 10-4.350. Stormwater management facility landscaping.**  
 17

18 (a) *Visual screen.* A visual screen shall be placed around the entire perimeter  
 19 of any detention or retention facility around which fencing is required pursuant to  
 20 subsection 10-4.303.

21 (b) Minimum Landscaping Standards. All detention and retention facilities  
 22 shall meet the following minimum standards:  
 23

24 (1) NFWFMD ERP Handbook. The design shall meet any  
 25 specifications required within the "Department of Environmental  
 26 Protection and Northwest Florida Water Management District  
 27 Environmental Resource Permit Applicant's Handbook" or its successor.

28 (2) Slope Stabilization.

29 a. Side slopes shall be stabilized with sod. With approval by the county  
 30 administrator or designee, seeding and mulching may be allowed for  
 31 slopes flatter than 10:1, if the applicant demonstrates it is sufficient to  
 32 prevent erosion.

33 b. Areas designed to be submerged for greater than 72 hours shall be  
 34 stabilized with suitable vegetation.  
 35

1 c. Retention areas underlain by hydrologic group “A” soils (as defined by  
2 USDA Natural Resource Conservation Service) shall be stabilized with  
3 permanent vegetative cover.  
4

5  
6 (cb) *Landscape area credit availability.* As a design alternative, ~~100 percent~~  
7 credit can be given toward the ~~25 percent~~ landscape area requirements of  
8 section 10-4.344 when stormwater ~~wet detention or retention~~ facilities  
9 meet section 10-4.303 and are landscaped in accordance with the  
10 minimum standards set forth in subsection 10-4.351 (e)(6), provided:  
11

12 (1) Wet detention ponds.  
13

14 a. ~~Side slopes are 6:1 or flatter;~~ Side slopes are 4:1 or flatter (outside  
15 the littoral zone). Steeper side slopes may be allowed for sites with  
16 exceptional site constraints that significantly limit the development  
17 area as determined by the County Administrator or designee.

18 b. ~~Appropriate wetland tree and aquatic plant species are used.~~ Pond  
19 must be curvilinear in shape.

20 c. ~~Pond must be curvilinear in shape.~~ Landscaping in desired  
21 landscape credit area outside of the littoral zone shall meet the  
22 forest creation standards of section 10-4.351(d)(6).

23 d. Sediment sumps are to be located at all points of concentrated  
24 inflows to the pond.  
25

26 (2) ~~Dry~~ Retention/detention ponds.  
27

28 a. Side slopes are 4:1 or flatter; Steeper side slopes may be allowed  
29 for sites with exceptional site constraints that significantly limit the  
30 development area, as determined by the County Administrator or  
31 designee.

32 b. ~~Appropriate tree and plant species are used.~~ Pond must be  
33 curvilinear in shape.

34 c. ~~Pond must be curvilinear in shape.~~ Landscaping in desired  
35 landscape credit area shall meet the forest creation standards of  
36 section 10-4.351(d)(6).

37 d. The duration of flooding within all landscape credit areas shall not  
38 exceed 72 hours.

39 e. Sediment sumps shall be located at all points of concentrated  
40 inflows to the pond.  
41

42 (3) ~~Water quality treatment is provided by wet detention or dry retention, as~~  
43 ~~specified in section 10-4.301 (1); and,~~ Water quality treatment  
44 requirements.

45 a. When the size of all lots, parcels or sites involved in the  
46 development total between zero and two acres:

- 1                   1. Within the Urban Services Area, the stormwater  
2                   management facility can be counted toward the landscaping  
3                   requirements, provided the facility is designed in a manner  
4                   that integrates it into the landscape theme to the maximum  
5                   extent feasible and provided the requirements in  
6                   subsection's (c)(1) and (2) of this section are met.
- 7                   2. Outside the Urban Services Area, the stormwater  
8                   management facility can be counted toward the landscaping  
9                   requirements if it is either a wet detention or retention  
10                  facility and applicable subsection's (c)(1) and (2) of this  
11                  section are met.

12  
13                  b. When the size of all lots, parcels or sites involved in the  
14                  development total over two acres. The stormwater management  
15                  facility can be counted toward landscaping requirements as  
16                  follows:

- 17                  1. Wet detention ponds. A credit in the amount of 100 percent of  
18                  the pond area, provided the pond meets the requirements set  
19                  forth in subsection (c)(1).
- 20                  2. Retention/detention ponds within the Urban Services Area. A  
21                  credit in the amount of 100 percent of the pond area for side  
22                  slopes of 4:1 or flatter along at least 50 percent of the pond  
23                  perimeter and a credit of 50 percent of the pond area for side  
24                  slopes greater than 4:1, provided the pond meets the minimum  
25                  standards set forth in subsection (c)(2).
- 26                  3. Retention ponds outside the Urban Services Area. A credit in  
27                  the amount of 100 percent of the pond area for side slopes of  
28                  4:1 or flatter along at least 50 percent of the pond perimeter  
29                  and a credit of 50 percent of the pond area for side slopes  
30                  greater than 4:1, provided the pond meets the minimum  
31                  standards set forth in subsection (c)(2).

- 32
- 33                  (4) Landscaping functions to visually integrate the stormwater management  
34                  system into the overall landscape design of the site.
- 35
- 36                  (5) The pond is landscaped in accordance with the minimum standards set  
37                  forth in section 10-4.351. The pond area allowable for landscape credit  
38                  shall be defined as the area encompassed by the pond's maximum contour  
39                  line ~~at the spillway elevation.~~
- 40
- 41

42                  **Sec. 10-4.351. Planting standards for all landscape areas.**

43

44                  (a) *Applicability.* The following requirements and standards for landscaping  
45 shall apply, and landscaping information shall be provided in a landscape plan as part of  
46 the Environmental Management Permit application, for all new development and  
47 redevelopment in accordance with sections 10-173, 10-4.342, 10-4.344 and 10-4.345 of

1 this division.

2  
3 (b) *Habitat development.* The use of native plant material, site design  
4 techniques, and planting design techniques which enhance wildlife habitat benefits shall  
5 be used where possible in the landscape plan. The publication "Planting a Refuge For  
6 Wildlife," or its successor, available from the State of Florida Fish and Wildlife  
7 Conservation Commission, may be used as a guide. Types of wildlife habitat  
8 enhancements may be found in section 10-1.101.

9  
10 (c) *Landscape area credit for preserved natural areas.* Natural and vegetated  
11 portions of a site which are left in a healthy state and which qualify as high quality  
12 successional, native or urban forest areas, or which occur within the critical protection  
13 zone of any patriarch tree or exceptional specimen tree, or which include identified  
14 habitat area for endangered, threatened, or special concern species of plants or animals,  
15 shall be eligible for credit toward the ~~25 percent~~ landscape area or natural area  
16 requirement of this division.

17  
18 (d) *General landscape standards.*

19  
20 (1) Plant standards. ~~Plant standards.~~ All plants used as a part of any landscape  
21 plan shall be healthy, well-proportioned, disease-free and pest-free, and  
22 hardy for the North Florida Region. Unless otherwise provided herein,  
23 only Florida No. 1 or better plant material as described in "Grades and  
24 Standards for Nursery Plants," part I, 1998, and part II, State Department  
25 of Agriculture, Tallahassee, or their successors, shall be credited toward  
26 the landscape area requirements of this division. No plants may be used  
27 that are on the Florida Exotic Pest Plant Council's annual list of invasive  
28 species, or its successor publication.

29  
30 (2) Tree standards. ~~Tree standards.~~ Trees required by this division shall meet  
31 the following criteria:

32  
33 a. *Species.* Species of trees shall be selected based on their overall  
34 characteristics, site conditions, and purpose of placement and  
35 shown to grow well in the Tallahassee area. Sources of reference  
36 include the "Environmental Design Guide," published by the City  
37 of Tallahassee, Growth Management Department, Trees of North  
38 Florida, Kurz & Godfrey, 1993, University Press of Florida as  
39 being suitable for use in an ecosystem similar to North Florida, or  
40 their successors.

41  
42 b. *Size.* Trees shall have a minimum diameter of two-inches caliper at  
43 the time of planting, ~~except that whenever three or fewer trees are~~  
44 ~~required to be planted on a site, such trees shall have a minimum~~  
45 ~~height of 12 feet and a minimum diameter of three inches caliper~~  
46 ~~at the time of planting.~~ Canopy tree species shall reach a height of  
47 greater than 40 feet, and shall create the upper story of the tree

1 line. Understory trees shall be a species that reach a height of less  
2 than 25 to 40 feet, and shall prefer a cover of larger trees.

- 3
- 4 c. *Crown spread.* Planted trees must be a species with an average  
5 mature crown spread of at least 30 feet for canopy trees and 20 feet  
6 for understory trees, or they must be grouped so as to create a  
7 crown spread meeting this criteria.
- 8
- 9 d. *Interior planting volume.* The interior planting volume for each  
10 tree shall be a minimum of 1,200 cubic feet with a minimum width  
11 of 12 feet and a depth of three feet. Construction-grade fill material  
12 within planting areas shall be excavated to a depth of three feet  
13 below the finished grade of the planting area and replaced with a  
14 non-compacted "friable" topsoil. The planting area shall be  
15 maintained in either vegetative landscape material or other  
16 pervious surface cover.
- 17
- 18 e. *Utility considerations.* Tree species and placement shall be  
19 selected so as to minimize conflicts with existing or proposed  
20 utilities. To prevent conflict with overhead utilities, trees shall be  
21 selected from a list of trees recommended for use under utility  
22 lines and shall be planted within the affected portion of the interior  
23 landscape area to fulfill the tree requirement of this section. Where  
24 conflicts with underground utilities exist, tree placement shall be a  
25 minimum of ten feet from the underground utility.
- 26
- 27 f. *Impervious area.* Trees shall not be planted closer than three feet  
28 from the edge of any impervious area.

29  
30 (3) Shrubs and hedges. ~~Shrubs and hedges.~~ Shrubs and hedges required by  
31 this division shall meet the following criteria except where a greater  
32 requirement is otherwise specified:

- 33
- 34 a. *Height and spread.* Shrubs shall be a minimum height of 18 inches  
35 and have a minimum spread of 15 inches at the time of planting  
36 and shall be capable of achieving a minimum height of 30 inches at  
37 maturity.
- 38
- 39 b. *Placement and opacity conformance.* Shrubs with 15 to 23 inches  
40 of spread shall be planted on maximum three-foot centers. Shrubs  
41 with greater than 23 inches of spread shall be planted on maximum  
42 five-foot centers. In no event shall spacing exceed five feet on  
43 center, nor shall plants be closer than two feet to the edge of any  
44 pavement.

45  
46 (4) Ground cover. ~~Ground cover.~~ Grass or other ground cover shall be  
47 planted on all areas within all landscape areas not occupied by other

1 landscape material or permitted access ways.

2  
3 (5) Other materials. ~~Other materials.~~ Vines, ground cover, lawn grasses,  
4 synthetic plant material, and architectural planters shall meet the following  
5 criteria:

6  
7 a. *Vines.* Vines shall be a minimum of 30 inches in length within one  
8 calendar year from the time of planting.

9  
10 b. *Ground covers other than lawn grasses.* Ground covers other than  
11 lawn grasses shall be planted so as to provide a minimum of 75  
12 percent coverage within one calendar year from the time of  
13 planting.

14  
15 c. *Lawn grasses.*  
16  
17 1. Lawn grasses planted for credit toward landscaping  
18 requirements shall be perennial species capable of thriving  
19 in the county.  
20  
21 2. Lawn grasses shall be planted so as to achieve complete  
22 coverage within two calendar years from the time of  
23 planting.  
24  
25 3. Grasses may be sodded, sprigged, plugged or seeded,  
26 except that solid sod is required in swales and other areas  
27 subject to erosion.

28  
29 d. *Synthetic plant material.* No landscape area credit shall be granted  
30 for areas using artificial plant material.

31  
32 e. *Nonliving material.* At installation, mulches shall be applied at a  
33 minimum compacted depth of two inches for all planting areas.  
34 The use of cypress tree bark for mulch is prohibited. No visible  
35 plastic surface covers shall be used.

36  
37 (6) Landscaping for forest creation. ~~Landscaping for forest creation.~~ For  
38 projects which require creation of a forest community due to requirements  
39 of Sec. 10-4.346, the following standards shall apply:

40  
41 a. Qualified Professional & Plan. A plan must be prepared by a  
42 qualified professional and must include details pertaining to site  
43 preparation methods of weed control during establishment,  
44 methods of planting, irrigation, justification for species and  
45 quantities proposed.

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- b. Plant Species. Plant species selected must be appropriate to the site. The Soil Survey of Leon County, published by the United States Department of Agriculture’s Soil Conservation Service, which describes native trees and understory plants for each soil association, may be used as a guide.
  
  - c. Trees.
    - 1. Trees shall be planted at a minimum density of 40 tree credits per acre.
    - 2. No less than 75 percent of planted trees shall be canopy trees. Understory trees may be utilized in the remaining 25 percent.
    - 3. The tree size standards of Sec. 10-4.351(d)(2)b may be reduced to 8 to 10 inch diameter pots with plants at least three feet in height, except that bareroot pine seedlings may be allowed.
  
  - ed. Shrubs. Shrubs shall be planted at half the number of required trees. Shrubs shall meet the specifications of Sec. 10-4.351(d)(3).
  
  - de. Groundcover. Groundcover shall be planted to obtain 80 percent cover of the area within three years. ~~Groundcovers shall be native species adaptable to the site.~~
  
  - f. Diversity. In order to promote a stable forest community, a minimum of five species of trees and five species of shrubs shall be utilized. In order to create the desired diversity, equivalent numbers of the species selected for planting shall be utilized. Creative, non-uniform distribution of plantings is encouraged.
- (e) General site design criteria:
- (1) Certification. For sites larger than one acre, the landscape development plan shall be prepared and submitted by a registered landscape architect, architect, engineer, or other person qualified in accordance with Chapter 481, Part II, Florida Statutes. For sites one acre or less, the landscape development plan shall conform to the minimum design standards set forth in this section.
  
  - (2) The site is designed to assure that the overall appearance and function of the proposed project is compatible and harmonious with other properties in the immediate area; is demonstrably responsive to the environmental attributes of soil, slope, hydrology, and vegetative communities unique to the site; and is consistent with sound planning and site design principles. The determination as to whether the foregoing design requirements are met shall be based on the county administrator or designee's determination of satisfaction of the following criteria:

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- a. Structures and other improvements are designed so as to utilize existing site characteristics of topography, existing vegetative communities, and any unique environmental factors.
- b. Conflicts between vehicular and pedestrian circulation are avoided, while utilizing the existing site characteristics and considering safe functional location of support services facilities.
- c. Planting plans indicate a diversity of plant species in the categories of ground covers, shrubs, and trees.
- d. Integration of proposed and existing vegetation is demonstrated in the plans, with an emphasis on maintaining forested buffers and corridors, preserving or restoring forest community types, and providing for the natural ecological function of each type by using such techniques as preserving a diversity of upper, mid, and understory constituents.
- e. Plant schedules contain botanical and common names, sizes of materials by dimension and container size, location by dimension, and notation describing species diversity.
- f. Planting specifications and species selected for the site are suitable for individual site environmental characteristics of soil, slope, aspect, wetness and microclimate.
- g. Plans indicate compatibility with adjacent site environmental factors.
- h. A detailed vegetation protection plan is provided, to be administered by an on-site supervisor, designated by the applicant to be responsible during construction for installation and maintenance of all landscaping and vegetation protection measures.
- i. Detailed vegetative and landscaping management plans and narrative description are prepared and designed to guide future horticultural and arboricultural activities necessary to maintain landscaping and vegetation consistent with the design goals of the approved plan and made part of the operating permit.

(3) Perimeter landscape area planting specifications.

- a. *Tree count.* The total tree requirement within the perimeter landscape areas shall be determined by using a ratio of one tree for each 25 linear feet of required landscape perimeter area, or major

1 portion thereof, with no less than 75 percent of said trees being  
2 shade trees. This provision is not intended to require trees to be  
3 equally spaced 25 feet apart. Creative design and spacing is  
4 encouraged. If power lines cannot be avoided, low growing tree  
5 species will be allowed for the 75 percent shade tree requirement.  
6

7 b. *Visual screen.* A visual screen shall be placed within required  
8 perimeter setback landscape areas, running the entire length of  
9 such areas except for permitted access ways. The visual screen  
10 shall consist of landscape materials sufficient to provide, at a  
11 minimum, an opaque, continuous screen at least 30 inches high at  
12 maturity.  
13

14 (4) Interior landscape area planting specifications.  
15

16 a. *Canopy coverage.* Within the unincorporated area of the County,  
17 interior planting areas shall be located such that tree(s) planted  
18 therein will achieve a minimum of 40 percent plan-view canopy  
19 coverage of all paved parking areas. To calculate canopy coverage  
20 for site design purposes, the standard canopy diameter for canopy  
21 and understory trees shall be 30 feet and 20 feet, respectfully.  
22 Shaded vehicular use area (VUA) may be counted toward the 40  
23 percent plan view canopy coverage of paved parking areas.  
24

25 b. *Ground cover.* Interior landscape areas shall be planted in grass, or  
26 other ground cover, not exceeding eight inches in height.  
27

28 (5) Uncomplimentary landuse buffer planting specifications.  
29

30 (a) Plant material requirements.  
31

- 32 1. Trees. Trees used as part of an uncomplimentary land use  
33 buffer shall meet the provisions of Subsection 10-4.351  
34 (d)(2).  
35
- 36 2. Shrub material. Shrub material used as a part of an  
37 uncomplimentary land use buffer shall be a minimum  
38 height of 30 inches and have a minimum crown width of 24  
39 inches when planted; shall be a species capable of  
40 achieving a minimum height of eight feet at maturity; and  
41 shall be located in such a way as to maximize the screening  
42 potential.  
43

44 (b) Use of native plants. Forty percent of the total number of  
45 individual plants selected from each of the categories of the list of  
46 approved species (canopy, understory, shrub, groundcover) and  
47 used to satisfy the requirements of this article shall be selected

1 from the list of native species in the category.

2  
3 (c) A minimum of 75 percent of all required plant material, proposed  
4 or existing for a landscape buffer, shall consist of evergreen  
5 species.

6  
7 (6) Stormwater management facilities planting specifications. The following  
8 specifications are required in addition to those in sections 10-4.303 and  
9 10-4.350:

10  
11 a. *Planting specifications.* Species selected for stormwater  
12 management facility landscaping shall be suitable for individual  
13 pond characteristics of soil, slope, aspect and hydro period and  
14 micro climate. Selected species shall be approved by the County  
15 Administrator or designee. Recommended plant materials in the  
16 "Environmental Design Guide," published by the City of  
17 Tallahassee, Growth Management Department.

18  
19 b. *Plant material requirements.*

20  
21 1. Wet detention facilities.

22  
23 (a) Wet detention facilities stormwater management  
24 facilities are to be landscaped with native species  
25 which are well suited to the use within the  
26 boundaries of a stormwater management facility,  
27 including fluctuating water levels, changes in hydro  
28 periods, and anthropogenic impact. Aquatic species  
29 which are listed as prohibited by the Florida  
30 Department of Environmental Protection cannot be  
31 used under any circumstances.

32  
33 (b) ~~Total tree, shrub, and ground cover requirements~~  
34 ~~within the stormwater management facility area~~  
35 ~~shall be determined using the planting specifications~~  
36 ~~in the "Environmental Design Guide," published by~~  
37 ~~the City of Tallahassee, Growth Management~~  
38 ~~Department, or its successor.~~

39  
40 (c) ~~Pond perimeter. Recommended aquatic plants shall~~  
41 ~~be planted so as to provide a continuous planting~~  
42 ~~along 80 percent of the perimeter defining the~~  
43 ~~pond's mean high water level within three years of~~  
44 ~~planting.~~

45  
46 (d) Creative design and spacing of trees, shrubs and  
47 ground covers is encouraged.

1  
2 2. Retention facilities.  
3

4 (a) ~~Retention stormwater management facilities to be~~  
5 ~~used as landscape credit shall be landscaped with~~  
6 ~~the same planting density requirements as wet~~  
7 ~~detention ponds.~~  
8

9 ~~(b) Plant material.~~ No aquatic plants or plants which are  
10 classified as those requiring water on a continual  
11 basis for survival shall be permitted. Since dry  
12 retention ponds typically possess significantly  
13 fluctuation hydro periods, with the potential for  
14 extended dry periods, plants must be chosen which  
15 are adaptable to either dry or wet conditions, but  
16 capable of surviving and growing in either extended  
17 periods of inundation or extended periods of  
18 drought as referenced in the "Environmental Design  
19 Guide," published by the City of Tallahassee,  
20 Growth Management Department, or its successor.  
21 Other species may be used in dry retention ponds if  
22 there is scientific evidence of their adaptability.  
23 Creative design and spacing of trees, shrubs and  
24 ground covers is encouraged.  
25

26 (b) Creative design and spacing of trees, shrubs and  
27 groundcovers is encouraged.  
28

29 3. Swales and berms. All swales and berms shall be sodded.  
30 Additional stabilization measures may be required in areas  
31 with design stormwater velocities in excess of four feet per  
32 second as outlined within section 10-4.303(13)(b).  
33  
34

35 **Sec. 10-4.352 Exotic species prohibited.**  
36

37 (a) ~~Leon County wishes to encourage the removal of Chinese tallow trees (Sapium~~  
38 ~~sebiferum), Coral ardisia (Ardisia crenata), and heavenly bamboo (Nandina domestica).~~  
39 The importation, transportation, sale, propagation or planting of the following plant  
40 species is prohibited in Leon County: Chinese tallow trees (Sapium sebiferum), Coral  
41 ardisia (Ardisia crenata), and heavenly bamboo (Nandina domestica), pursuant to the  
42 provisions of Chapter 14, Article IV.  
43

44 (b) Leon County encourages the removal of Chinese tallow trees (Sapium sebiferum),  
45 Coral ardisia (Ardisia crenata), and heavenly bamboo (Nandina domestica).  
46

47 **Sec. 10-4.353. Architectural planter standards.**

1  
2 Credit towards landscape area requirements of section 10-4.344 shall be given for  
3 use of architectural planters which meet the following minimum criteria:  
4

- 5 (1) *Shrubs.* Architectural planters for shrubs shall have a minimum planting  
6 area of ten square feet and a minimum depth of 18 inches.  
7
- 8 (2) *Minor trees.* Architectural planters for minor trees shall have a minimum  
9 planting area of 25 square feet and a minimum depth of four feet.  
10
- 11 (3) *Shade trees.* Architectural planters for shade trees shall have a minimum  
12 planting area of 100 square feet and a minimum depth of four feet.  
13
- 14 (4) *Tree pits.* Trees in sidewalk areas or similar paved pedestrian areas shall  
15 be installed in properly constructed tree pits.  
16  
17

18 **Sec. 10-4.354. Irrigation.**  
19

20 All required landscaped areas and buffer strips shall be provided with an irrigation  
21 system or a readily available water supply located within 100 feet. The irrigation methods  
22 to be used and location of water supply shall be indicated on the landscape plan. All  
23 irrigation lines shall be installed so as to not impact the critical protection zone of  
24 protected trees used as credit or the appropriate mitigation must be provided as part of an  
25 approved plan.  
26

27 **Sec. 10-4.355. Landscape plan maintenance specifications.**  
28

29 All landscape plans shall include a schedule of maintenance specifications  
30 addressing pruning, fertilization, water requirements, pest management, and other  
31 cultural requirements necessary to provide guidance in maintaining landscape material in  
32 order to accomplish design goals.  
33

34 Landscape management plans for long range maintenance of natural areas used as  
35 landscape credit, or for management of endangered, threatened, or specially concerned  
36 species identified in accordance with section 10-4.202 shall be provided as part of the  
37 operating permit consistent with Subsections 10-4.209 (f)(1)h. and (g)(7).  
38

39 **Sec. 10-4.356. Protection of landscape material.**  
40

41 All required landscape areas shall be protected from unpermitted vehicular  
42 encroachment by the use of wheel stops, curbing or other suitable methods.  
43

44 **Sec. 10-4.357. Use of landscape area.**  
45

46 No required landscape area shall be used for parking (except limited  
47 encroachment as permitted in Subsection 10-4.347 (6)b.) or for accessway structures,

1 garbage or trash collection or any other functional use contrary to the intent and purposes  
2 of this division.

3  
4  
5 **SECTION 9: Subdivision 4 of Division 3 of Article IV of the Code of Laws of Leon**  
6 **County, Florida, is hereby amended as follows:**

7  
8 SUBDIVISION 4. TREE PROTECTION  
9

10 **Sec. 10-4.361. Official trees.**

11  
12 The live oak (*Quercus virginiana*) shall be the official shade tree, the dogwood  
13 (*Cornus florida*) shall be the official flowering tree, and the longleaf pine (*Pinus palustris*)  
14 shall be the official native tree of the county.  
15

16  
17 **Sec. 10-4.362. Protected trees.**

18  
19 (a) *Intent.* It is the intent of this division to facilitate a holistic approach to  
20 development which incorporates trees suitable for integration into urban development,  
21 regardless of size, and which utilizes urban forest areas. It is also the intent to protect and  
22 maintain wildlife habitat areas and the forested character of the community through  
23 management of development impact and reforestation requirements.  
24

25 (b) *Scope and applicability.* The following trees are protected and shall not be  
26 removed or damaged without permit approval pursuant to sections 10-4.364 and 10-  
27 4.206:  
28

- 29 (1) General Standard. Any tree having a diameter of 18 inches DBH or  
30 greater.  
31
- 32 (2) Lot Perimeter Zone. Any tree with a DBH of four inches or greater which  
33 is located in the lot perimeter zone of any development site except for sites  
34 being developed for detached single-family residential use. The lot  
35 perimeter zone is the area of a development site which falls between a  
36 property line and the minimum building setback corresponding to that  
37 property line as required by Article VI (Zoning).  
38
- 39 (3) Canopy Roads. Any tree within a canopy road tree protection zone.  
40
- 41 (4) Required Tree Plantings. Any tree planted to meet the replanting,  
42 reforestation, or landscaping requirements of this chapter. Planted tree  
43 specimens with a DBH of less than 2" are protected if planted to meet  
44 replanting, reforestation or landscaping requirements.  
45
- 46 (5) Environmental Features. Any tree located within a special development  
47 zone, conservation or preservation area as described in section 10-4.202.

- (6) Official Trees. Any Longleaf Pine tree (*Pinus palustris*) or Live Oak tree (*Quercus virginiana*) of 12 inches DBH or greater. Any dogwood (*Cornus florida*) tree of four inches DBH or greater.
- (7) Exceptional Specimens. Any exceptional specimen trees identified by the County Administrator or designee.
- (8) Pre-development. Any tree of two inches DBH or greater.

(c) *Exemptions.* The following shall be exempt from subsection (b) and the tree removal permit requirements of this division:

1. Single-family detached residential dwelling units meeting the following requirements: Removal of trees which are less than 36 inches DBH on lots upon which there is an existing, lawfully occupied, single-family detached dwelling (or mobile home), provided that such trees proposed for removal:
  - a. Within the Urban Services Area: Removal of trees which are less than 36 inches DBH on lots developed with single-family detached residential units during development and post-development.
  - b. Outside the Urban Services Area: Removal of trees which are less than 36 inches DBH on lots upon which there is an existing, lawfully occupied, single-family detached dwelling (or mobile home).
  - c. Mitigation of adverse stormwater impacts may still be required for clearing activity consistent with Section 10-4.201.
  - d. Trees proposed for removal shall meet the following criteria:
    - (1)~~a~~. Are not located within a wetland or floodplain area;
    - (2)~~b~~. Are not located within a canopy road tree protection zone; and
    - (3)~~e~~. Are not located within a required buffer, preservation area, conservation area, special development zone or easement area.; and
    - (4) Are not a patriarch or exceptional specimen tree.
2. Nursery Trees: The removal of any tree planted and grown in the ordinary course of business of a lawful plant or tree nursery.



1 to be disturbed," in lieu of individual tree identification.

2  
3 (b) *Critical protection zone preservation.* During the development activity, all  
4 areas surrounding the tree trunk within a minimum of 75 percent of the radius of the  
5 critical protection zone of every protected tree not permitted for removal shall be  
6 protected from activities that may injure the tree, (such as cut and fill activities, building  
7 pad placements, road bed construction, construction material storage, driving or parking  
8 of heavy equipment, or trenching, etc.), except:

- 9  
10 (1) Roadway and utility construction shall require protection of a reduced  
11 minimum of 60 percent of the radius of the critical protection zone.  
12  
13 (2) Where adequate mitigation is provided, as determined by the county  
14 administrator or designee, for any additional encroachment.  
15  
16 (3) Where specific analysis is provided by the applicant or when tree  
17 characteristics or site conditions, such as previous disturbances, are such  
18 to indicate that there is no basis to assume adverse impact as a result of  
19 additional encroachment.  
20

21 (c) *Barriers required.* During development, including installation of irrigation  
22 systems or any other underground installations, protective barriers shall be placed around  
23 each protected tree not permitted for removal to prevent the destruction or damaging of  
24 roots, stems or crowns of such trees. The barriers shall remain in place and intact until  
25 such time as approved landscape operations begin; however, barriers may be removed  
26 temporarily to accommodate construction needs, provided that the manner and purpose  
27 for such temporary removal will not harm the tree and is approved by the county  
28 administrator or designee. The following are minimum requirements for barrier types:

- 29  
30 (1) Protective posts shall be placed so as to protect all areas within a  
31 minimum of 75 percent of the distance from the trunk to the critical  
32 protection zone boundary (i.e., three-fourths of the radius of the critical  
33 protection zone), for each tree not permitted for removal, except in right-  
34 of-way or utility placement areas, where posts shall be placed so as to  
35 protect a minimum of 60 percent of the radius of the critical protection  
36 zone where approved by the county administrator or designee.  
37  
38 (2) Posts shall be of nominal two inches by four inches or larger wooden post,  
39 two inches outer diameter or larger pipe, or other post material of  
40 equivalent size; shall be strung with at least one one-inch by four-inch  
41 wooden stringer; and shall be clearly flagged.  
42  
43 (3) Posts shall be implanted deep enough in the ground to be stable and to  
44 extend to a minimum height of four feet above ground.  
45  
46 (4) Where the county administrator or designee determines that individual  
47 protective barriers are not needed in some areas for tree protection, such

1 areas shall instead be clearly staked and flagged with readily visible  
2 markers.

- 3  
4 (5) Where development activity is permitted to occur within the radius of the  
5 critical protection zone of a protected tree, the county administrator or  
6 designee may require a protective girdling of at least the bottom four feet  
7 of the tree trunk base along with fencing or other approved techniques.  
8

9 (d) *Tree protection techniques.* Tree protection techniques found in the  
10 publication titled "A Technical Guide to Preservation of Trees During Land  
11 Development", or its successor, published by the International Society of Arboriculture,  
12 or equivalent techniques approved by the county administrator or designee, shall be used  
13 and shall be indicated in the environmental management permit application or site plan.  
14

15 (e) *Tree credit availability.* Credit towards tree replanting requirements of  
16 Subsection 10-4.364 (b) may be given for the preservation of an existing tree, provided  
17 that the protection criteria set forth in the foregoing subsections are met, and:  
18

- 19 (1) The tree shall not be damaged from skinning, barking, bumping and the  
20 like.  
21  
22 (2) There shall be no evidence of active disease or insect infestation  
23 potentially lethal to the tree.  
24  
25 (3) ~~There shall be no impervious area or grade change within five feet of the~~  
26 ~~trunk unless suitable mitigation is approved by the county administrator or~~  
27 ~~designee. A minimum of 75 percent of the radius of the critical protection~~  
28 zone of each preserved tree shall be protected during development  
29 activities and maintained during and after development in a landscaped or  
30 natural state.  
31  
32 (4) There shall be no impervious area or grade change within 75 percent of  
33 the radius of the critical protection zone of the tree.  
34  
35 (5) Debris and invasive or exotic vegetation shall be removed by hand within  
36 75 percent of the critical protection zone of the tree.  
37  
38 (6) *Tree mitigation Techniques.* It is the intent of this subsection to preserve  
39 mature trees and to promote tree safety. As an incentive to preserve  
40 existing trees, when the following arboricultural mitigation techniques are  
41 employed in their entirety, the County Administrator or designee may  
42 defer the tree replacement requirements. No credit will be given and no  
43 debts will be charged for successfully mitigated trees. Additional  
44 arboricultural mitigation techniques not specified below may be approved  
45 when supported with scientific documentation. Documentation supporting  
46 proposed mitigation measures shall be submitted with the application for  
47 an environmental management permit. The information shall be reviewed

1 and approved by the County Administrator or designee. The mitigation  
2 plan shall be prepared and administered by the permittee's registered  
3 landscape architect or certified arborist. Documentation detailing the  
4 mitigation efforts prepared by the landscape architect or certified arborist  
5 shall be included in the environmental management plan compliance  
6 report prepared in accordance with section 10-4.208(b), by the permittee's  
7 landscape professional. Reconciliation of the deferred tree replacement  
8 requirements shall occur at time of submittal of the compliance report. If  
9 the arboricultural mitigation techniques are deemed sufficient by the  
10 County Administrator or designee, the deferred tree replacement  
11 requirements shall be waived. The arboricultural mitigation techniques  
12 shall include, but not necessarily be limited to, the following:

13  
14 (i) *Site monitoring.* All tree protection procedures and activities shall be  
15 monitored and approved throughout the construction period by a  
16 registered landscape architect or certified arborist. Pesticide applications  
17 require a state commercial applicators license. Proof of application shall  
18 be available upon request to the county's environmental inspector.

19  
20 (ii) *Watering.* All protected trees shall be watered at a minimum rate  
21 equivalent to one inch of rainfall per week. Rate shall be dependent upon  
22 soil type. For trees that require root pruning, watering shall commence as  
23 far in advance as possible, prior to development activity, and shall  
24 continue through the completion of the project. Watering shall be adjusted  
25 as required by weather conditions. Care shall be taken to prevent water  
26 from soaking the base of trees and root collars. Soaker hoses are an  
27 acceptable method of irrigation during construction. Installed mechanical  
28 irrigation shall be on grade or placed parallel to the radial roots of the tree  
29 so as not to damage the trees root system.

30  
31 (iii) *Mulching.* Mulching shall be used throughout the project within the  
32 critical protection zone (CPZ) of protected trees to the greatest extent  
33 possible. Where construction machinery or vehicular traffic has to pass  
34 within the critical protection zone (CPZ), a layer of four to six inches of  
35 organic mulch shall be placed within the drive areas within the critical  
36 protection zone (CPZ). Additionally a minimum of 5/8-inch plywood shall  
37 be placed over the mulch material positioned where vehicular traffic is  
38 proposed. Where possible, within the limits of the project, all critical  
39 protection zones (CPZs) of protected and desirable trees should be covered  
40 with a two- to three-inch layer of organic mulch or ground cover, as  
41 opposed to the placement of sod.

42  
43 (iv) *Root pruning.* Root pruning shall occur as far in advance as possible  
44 prior to site grading, earthwork, excavation or any other activity which  
45 may damage the roots of a tree proposed for mitigation, in all areas where  
46 demolition or new construction requires removal of existing roots (i.e.  
47 excavation/construction of footings, retaining walls, curbs, paving and

1 base). Roots shall be cut with a mechanical trenching device to a  
2 minimum depth of 18 inches. Where possible, all trenching within the  
3 critical protection zone (CPZ) shall be done by hand or an air spade and  
4 followed immediately by a clean-cut hand pruning of all roots greater than  
5 ¾-inch diameter. Where it is not possible to hand trench, mechanical  
6 trenching may be approved by the city's environmental inspector. All  
7 pruned/cut roots shall be covered as soon as possible with topsoil, mulch,  
8 or other organic medium. Any root-pruning areas that cannot be protected  
9 by immediate backfill replacement shall be covered with burlap and  
10 wetted to retard soil/root dehydration. The cutting of all major support  
11 roots or roots greater than six inches diameter or within ten feet of the  
12 trunk collar, shall be reviewed in the field by the county's environmental  
13 inspector, a landscape architect or a certified arborist. This inspection shall  
14 determine if a tree designated to remain, may have to be removed due to  
15 the size of the cut and the possibility of the tree becoming a future  
16 liability.

17  
18 (v) *Fertilization.* Prescribed fertilization, if indicated through soil analysis,  
19 shall occur as far in advance of root pruning as possible (six to twelve  
20 months is most desirable). Commercial fertilizer applications shall be in  
21 accordance with the requirements of chapter 10, article XIV of the Land  
22 Development Code regarding fertilizer use, and performed by an  
23 individual holding a city county approved best management practice  
24 training certificate.

25  
26 (vi) *Soil aeration.* Where soil compaction has occurred within the critical  
27 protection zone (CPZ) of protected and desirable trees on site, an aeration  
28 method, approved by the County Administrator or designee or a certified  
29 arborist shall be required. The soil aerating method used shall be applied  
30 to a depth no less than eight to ten inches, below original grade and spaced  
31 no greater than 24-inches, staggered spacing. Based on soil analysis and  
32 compaction, it may be necessary to recommended that a high nitrogen (3-  
33 1-1 ratio) slow release fertilizer mixed with peat moss and gypsum or peat  
34 moss and sand (1-5-2 ratio) mix be back filled into the aeration holes.  
35 Commercial fertilizer applications shall be in accordance with the  
36 requirements of chapter 10, article XIV of the Land Development Code  
37 regarding fertilizer use, and performed by an individual holding a county  
38 approved best management practice training certificate.

39  
40 (vii) *Pruning.* Pruning and crown clearing shall be performed by a  
41 certified arborist in accordance with the currently adopted ANSI A300  
42 Standards. Pruning and crown cleaning shall consist of the removal of all  
43 dead and diseased limbs as well as heavy concentrations of moss and vines  
44 that compete with crown foliage. Branch collar cuts over eight inch  
45 diameter should be avoided but may be allowed to raise limbs in order to  
46 accommodate construction traffic, equipment and structures, as advised by  
47 a certified arborist.

1  
2 (f) *Understory protection in canopy road tree protection zones.* No  
3 underbrushing or other removal of understory vegetation shall be allowed within the  
4 canopy road tree protection zones, except when approved for legal access (provided no  
5 alternative exists) or for health, safety, or welfare of the public as specified in a  
6 vegetation management plan, submitted to and approved by the county administrator or  
7 designee, which outlines specific planting and maintenance operations designed to restore  
8 or maintain the natural vegetation component of a specific canopy road section. Each  
9 vegetation management plan shall be consistent with the objectives and intent of this  
10 article. Seven poisonous or noxious species shall be exempt from the requirements of  
11 this article. They shall be kudzu (*Pueraria lobata*), Chinese tallow (*Sapium seberiferum*),  
12 Silktree/Mimosa (*Albizia julibrissin*), chinaberry (*Melia azedarach*), Coral ardisia  
13 (*Ardisia crenata*), Heavenly bamboo (*Nandina domestica*) and poison ivy/oak  
14 (*Toxicodendron radicans/toxicarium*). As a condition of the approval of a vegetation  
15 management plan, a satisfactory plan shall be presented by the applicant for the  
16 successful replacement of understory vegetation equal to the square footage of the area  
17 cleared. If protected understory vegetation is removed without an approved vegetation  
18 management plan or otherwise in violation of this chapter, the square footage of the  
19 required replant shall be doubled may be increased up to twice the size of the vegetation  
20 removal area at the discretion of the County Administrator or designee. All removal and  
21 replanting shall be in conformance with the Canopy Roads Management Plan. In cases  
22 where the applicant can show that an area was maintained by mowing, pruning or other  
23 techniques on a regular basis, prior to January 15, 1990, such person may obtain approval  
24 of a vegetation management plan that may include continued maintenance of such  
25 existing lawn and shrubbery by submitting a letter of request to the county administrator  
26 or designee which includes a verified statement and description of the area to be subject  
27 to such a plan and the history of maintenance upon which the request is based. Minimal  
28 public road safety maintenance practices which must occur within canopy road tree  
29 protection zones shall not require a vegetation management plan if carried out pursuant to  
30 an approved general permit.

31  
32 (g) *Governmental approval.* No development shall occur within 100 feet of  
33 the centerline of a canopy road without the express approval of the local government.  
34

35 **Sec. 10-4.364. Removal of protected trees.**

36  
37 (a) *Criteria for protected tree removal.* The County Administrator or designee  
38 shall approve a permit or exemption for removal of a protected tree, as defined in Sec.  
39 10-1.101 and 10-4.362, if the applicant demonstrates the presence of one or more of the  
40 following conditions:

- 41  
42 (1) *Safety hazard.* Necessity to remove a tree which poses a safety hazard to  
43 pedestrians or other persons, buildings or other property, or vehicular  
44 traffic, or which threatens to cause disruption of public services. When a  
45 tree is removed for safety hazard reasons that were created as a result of  
46 development activity, debits shall accrue and an environmental permit  
47 shall be required. When a tree is removed for safety reasons not

1 associated with development activity, an environmental permit shall not be  
2 required and debits shall not accrue.

3  
4 (2) *Diseased or pest infested trees.* Necessity to remove a diseased or pest  
5 infested tree to prevent the spread of the disease or pests. When required  
6 by the County Administrator or designee, ~~t~~The need to remove trees  
7 because of disease or pest-infestation ~~must~~ may need to be determined by  
8 a forester with a B.S. degree or higher from a Society of American  
9 Foresters accredited college or by an arborist certified by the International  
10 Society of Arboriculture. Debits shall not accrue for trees deemed by the  
11 County Administrator or designee to be diseased or pest infested.

12  
13  
14 (3) *Good forestry practices.* Necessity to reduce competition between trees or  
15 to remove exotic species and replace them with native species.

16  
17 (4) *Reasonable and permissible use of property.* Tree removal which is  
18 essential for reasonable and permissible use of property, or necessary for  
19 construction of essential improvements, resulting from:

20  
21 a. Construction access around structure. Need for access  
22 immediately around the proposed structure for essential  
23 construction equipment, limited to a maximum width of 20 feet  
24 from the structure.

25  
26 b. Construction access to building site. Limited access to the  
27 building site essential for reasonable use of construction  
28 equipment.

29  
30 c. Essential grade changes. ~~Essential grade changes.~~ Essential grade  
31 changes are those grade changes needed to implement safety  
32 standards common to standard engineering or architectural  
33 practices, and reference to a text where such standards are found  
34 shall be required.

35  
36 d. Permanent improvements. Location of driveways, buildings or  
37 other permanent improvements. Driveway-aisles shall be  
38 consistent with other applicable standards.

39  
40 (5) *Compliance with other ordinances or codes.* Necessity for compliance  
41 with county codes, such as building, zoning and site and development  
42 plan, subdivision regulations, health provisions, and other environmental  
43 ordinances.

44  
45 (b) *Tree replanting requirements.*

46  
47 (1) *Replanting schedule.* As a condition of the issuance of a permit for

removal of a protected tree, a satisfactory plan shall be presented by the applicant for the successful replacement of trees to be removed. Two options are available for replacement of trees as follows:

- a. The first option is to replant the developed area at 40 trees credits per acre, except for public roadway projects, which can replant the developed area at 20 trees credits per acre. If there are protected trees that are 36-inch DBH or greater and the minimum replacement tree credits for these 36-inch DBH trees exceed 40 tree credits per acre, the replacement credits will be calculated based on the schedule in subsection b. below.
- b. The second option for replacement of trees to be removed shall be based on the following schedule:

Diameter (DBH) Tree Removed (inches)	Minimum Replacement Tree Credits
Over 60	40
49--60	28
43--48	24
37--42	20
31--36	16
25--30	10
19--24	8
13--18	6
7--12	4
4--6	2
2--3	1

\*Tree trunk diameter shall be rounded off to the nearest inch.

- 1. If protected trees are removed without permit or otherwise in violation of this article, this second option must be used and the number of required replacement tree credits in the schedule shall be doubled.
- (2) *Enhanced credit availability for replanting with trees exceeding minimum size requirement.* In order to promote planting of larger size replacement trees, the number of two-inch diameter trees (tree credits) that must be replanted as determined by the table above may be reduced when replanted trees are of a larger size than two-inch DBH, according to the following table:

Diameter (Caliper) of Tree Replanted	Number of Tree Credits
For each 3-inch tree	2
For each 4-inch tree	4
For each 5-inch tree	7
For each 6-inch tree	10

- (3) *Off-site replanting agreements.* If the total number of trees to be replanted

1 based on the tree replanting schedule in subsection (b)(1) exceeds that  
2 which may be reasonably planted on the development site, the applicant  
3 may enter into an agreement with the county, as approved by the county  
4 administrator or his designee, to plant the excess trees on an approved  
5 public site or to provide the monetary equivalent to the county for use in  
6 public landscaping projects and which may, upon proper application be  
7 provided for organizations for the purpose of wildlife protection and  
8 preservation, however, in no event shall greater than 50 percent of the  
9 funds received after the effective date of this section be allocated to  
10 organizations for the purpose of wildlife protection and preservation.  
11 Further, monies collected prior to the effective date of this section, may  
12 only be used in public landscaping projects.

- 13  
14 (4) *Minimum guarantee for trees for which credit given.* If any tree for which  
15 credit was given under this section or subsection 10-4.349 (b) in relation  
16 to a project other than a single-family residential project is not alive and  
17 growing three years after all associated development activity on the  
18 property is completed, it shall be removed and replaced by the permittee  
19 with trees of at least the size which originally would have been required to  
20 be planted if such credit had not been allowed.

21  
22  
23 **SECTION 10: Section 10-4.401 of Article IV of the Code of Laws of Leon County,**  
24 **Florida, is hereby amended as follows:**

25  
26 **Sec. 10-4.401. Redevelopment allowances.**

- 27  
28 (a) In the unincorporated area of the County, ~~W~~when redevelopment is occurring and  
29 when the demolition or removal of the principal structure or 50 percent or more of  
30 the impervious surface existing on a site is occurring, it is the intent of this section  
31 to allow for the following modifications to this article:

- 32  
33 (1) *Allowances.* The following allowances apply to parcels ~~within the urban~~  
34 ~~services area~~ with impervious area greater than or equal to 25 percent of  
35 the parcel existing on or before January 1, 2004, if there is no reduction to  
36 special development zone requirements and the requirements of section  
37 10-4.202:

- 38  
39 (a)a. Only 1/2 of the landscaping area requirements of sections 10-  
40 4.344, 10-4.347 (1)a., and (2) shall be applied except the  
41 minimum landscape island area shall remain 400 sf.  
42  
43 (b)b. Section 10-4.351 (e)(4)a. (40 percent canopy coverage of parking  
44 areas) shall not apply.  
45  
46 (e)c. Trees preserved shall receive double the credit listed in section 10-  
47 4.349.

- 1  
2           ~~(d)~~d. A parcel may utilize section 10-4.346 if no impacts are proposed to  
3           preservation areas.  
4  
5           ~~(e)~~e. If no increase in impervious area is proposed, section 10-4.302 2.a.  
6           is presumed to be met.  
7  
8           ~~(f)~~f. If full water quality treatment is provided as required by this  
9           article, then the parcel may utilize 50 percent of the existing  
10          impervious in the rate control and downstream analysis  
11          calculations required in section 10-4.302.

- 12  
13       (2)   *Variances.* Where a redevelopment site can not meet the requirements of  
14       specific stormwater management, landscape, and tree protection  
15       requirements of division 3, a variance may be sought by submitting an  
16       application to Leon County Growth and Environmental Management  
17       Department in accordance with the requirements in section 10-2.347.  
18

19   (b)   This subsection is intended to encourage redevelopment activities in the  
20   incorporated area of the County by exempting certain types of redevelopment, as  
21   defined herein. In some instances, these exemptions are available in exchange  
22   for retrofitting the existing development to some extent. In the incorporated area  
23   of the County, redevelopment activities shall be allowed as follows:  
24

25   (1)   Exempt redevelopment.

- 26       a.   The following redevelopment activities will not be subject to the  
27       requirements of Chapter 5, Environmental Management, of the  
28       City's Land Development Regulations, except for those provisions  
29       specified below:  
30       1.   Alterations to the interior of an existing structure.  
31       2.   Alterations of an existing structure (other than a bridge)  
32       that does not change the arrangement of the exterior walls  
33       (i.e., the structure's footprint) and does not involve the  
34       removal of the structure's foundations, ground floor, or  
35       structural frame, except to the extent that structural repair is  
36       necessary.  
37       3.   Routine building repairs including adding a facade to a  
38       building.  
39       4.   The replacement or repairs of buried service lines for water,  
40       sewer, gas, power, and communication services.  
41       5.   Resurfacing a paved area such as a parking lot, roadway or  
42       other vehicle use areas, provided the resurfacing project  
43       does not include any other non-exempt redevelopment  
44       activity.  
45       6.   When the development activity involves less than 1,000  
46       square feet on vacant parcels. For the purpose of this  
47       subsection, the removal of existing impervious surface area

1 in order to install constructed landscaping shall not be  
2 considered to be development activity.

3 7. When the redevelopment activity involves less than 2,500  
4 square feet and the stormwater runoff generated from the  
5 increase directly discharges into a public conveyance  
6 system. For the purpose of this subsection, the removal of  
7 existing impervious surface area in order to install  
8 constructed landscaping shall not be considered to be  
9 development activity.

10 8. Other similar minor site alterations.

11 b. Exempt redevelopment activities shall comply with the following  
12 provisions:

13 1. Section 5-88 of the City's Environmental Management  
14 Ordinance (EMO), sediment and erosion control;

15 2. Section 5-83 of the EMO, tree protection and removal  
16 standards, except for the reforestation requirements;

17 3. Section 5-81 of the EMO, conservation and preservation  
18 standards, except that the closed basin requirements set  
19 forth for regulated closed basins shall only apply to the  
20 stormwater runoff generated by a net increase in  
21 impervious surface area; and

22 4. Section 5-82 of the EMO, special development zones.

23  
24 (2) Type I redevelopment.

25 a. Type I redevelopment is non-exempt redevelopment that meets the  
26 following criteria:

27 1. Any redevelopment activity covered by this chapter on a  
28 site when the site is less than one acre in size; or

29 2. Redevelopment activity on a site one acre or larger that  
30 involves no addition of impervious surface area or an  
31 addition of impervious surface area which is less than or  
32 equal to 25 percent of the existing impervious surface area  
33 of the site, and the additional impervious surface area is  
34 less than or equal to one acre.

35 b. Type I redevelopment shall be exempt from certain requirements  
36 and provisions of the EMO provided the redevelopment includes  
37 retrofitting the entire site so as to:

38 1. Comply with subsection 5-85(k) of the EMO, except only  
39 one 400 square foot planting island for every 8,000 square  
40 feet of vehicular use area is required; front or side-corner  
41 perimeter landscaped areas remain at ten feet, side and rear  
42 perimeter landscape areas remain at eight feet with an  
43 ability to request a functional waiver pursuant to subsection  
44 5-85(k)(8) of the EMO; and

45 2. Additional pre-treatment for intensive land uses. Additional  
46 pre-treatment shall be required for any new land use or  
47 change of land use that involves, as a principal activity, the

1 sale or handling of petroleum products; the repair,  
2 maintenance, or cleaning of motor vehicles; the outside  
3 storage of fertilizers; or the production, distribution, or use  
4 of any hazardous material regulated by any state, federal, or  
5 local government agency with jurisdiction and shall include  
6 a separate and distinct stormwater management system to  
7 treat the runoff from those areas where such activities are  
8 conducted. It shall provide intensive pre-treatment and  
9 removal of such products or pollutants from the runoff  
10 prior to discharge into the stormwater treatment system  
11 servicing the other areas of the site. However, if in the  
12 opinion of the Director of the City of Tallahassee Growth  
13 Management Department, the principal activities identified  
14 above are conducted and managed in a manner that do not  
15 pose a risk of such products or pollutants from  
16 commingling with the off-site stormwater runoff, then  
17 additional pre-treatment is not required.

18 c. Type I redevelopment that complies with section b. of this  
19 subsection shall be exempt, to the extent conditioned below, from  
20 the following provisions:

- 21 1. Subsection 5-86(c) of the EMO, water quality treatment  
22 standards, and subsection 5-86(d) of the EMO, rate control  
23 standards, when no accessible off-site facility is available  
24 and when there is no net increase in the total amount of  
25 impervious surface area on the site of the type I  
26 redevelopment. When no accessible off-site facility is  
27 available and when there is a net increase in the total  
28 amount of impervious surface area on the site of the type I  
29 redevelopment, the site must comply with subsection 5-  
30 86(c) and 5-86(d) of the EMO for the net increase in the  
31 total amount of impervious surface area;
- 32 2. Subsection 5-86(e) of the EMO, volume control standards  
33 in regulated closed basins, when there is no net increase in  
34 the total amount of impervious surface area on the site.  
35 When there is a net increase in the total amount of  
36 impervious surface area on the site, the site must comply  
37 with subsection 5-86(e) of the EMO for the net increase in  
38 the total amount of impervious surface area;
- 39 3. Subsection 5-86(k)(1) of the EMO, stormwater conveyance  
40 easements, on-site easements, but only after providing  
41 written certification to the Director of the City of  
42 Tallahassee Growth Management Department that an on-  
43 site easement cannot be created due to existing site  
44 conditions which will not be changed by the type I  
45 redevelopment or because the planned type I  
46 redevelopment would not be possible if an on-site easement  
47 was provided;

- 1                   4.     Subsection 5-86(k)(4) of the EMO, stormwater conveyance  
2                   easements, pass-through capability for stormwater runoff  
3                   from uplands, but only after providing verification and  
4                   written certification, acceptable to the Director of the City  
5                   of Tallahassee Growth Management Department, that  
6                   provision of pass-through capability for stormwater runoff  
7                   from uphill areas is impossible due to existing site  
8                   conditions which will not be changed by the type I  
9                   redevelopment or because the planned type I  
10                  redevelopment would not be possible if provision for pass-  
11                  through capability were provided;  
12                  5.     Subsection 5-85(d) of the EMO, landscaping and urban  
13                  forest standards, minimum urban forest and landscape area  
14                  requirements.

15  
16     (3) Type II redevelopment.

- 17             a.     Type II is redevelopment activity on a site that is one acre or larger  
18             that involves the addition of impervious surface area that is either  
19             greater than 25 percent of the existing impervious surface area or  
20             greater than one acre.  
21             b.     When type II is proposed, that part of the development activity that  
22             is not on an existing impervious surface shall comply with all  
23             applicable requirements and provisions of the EMO. That part of  
24             the redevelopment activity that is on an existing impervious  
25             surface shall be considered type I redevelopment and Section 10-  
26             4.401(b)(2) shall apply to that portion of the project.

27  
28     (4) City or County stormwater retrofit projects.

- 29             a.     Certain projects undertaken by City or County capital projects will  
30             be classified as stormwater retrofit projects, and will not be subject  
31             to the requirements of the EMO, except as provided below.  
32             b.     City or County stormwater retrofit projects shall have a primary  
33             and overriding purpose of improving or managing the stormwater  
34             system or natural drainage system and shall not have a primary  
35             purpose of facilitating some other non-exempt development such  
36             as a roadway or building. However, minor accessories to  
37             stormwater retrofit projects, including, but not limited to,  
38             sidewalks, curb, fencing, and access driveways, shall be allowed.  
39             Stormwater retrofit projects may include the replacement, repair,  
40             reconstruction, and modification of existing stormwater facilities  
41             and systems, and/or the construction of new stormwater  
42             management facilities and systems provided that such replacement,  
43             repair, reconstruction, modification, and/or construction:  
44                 1.     Does not increase the off-site rate of discharge in the  
45                 stormwater facility or system beyond its current rate (on-  
46                 site increases that do not cause adverse flooding are  
47                 acceptable);

2. Does not cause adverse flooding to on-site or off-site property;
  3. Does not increase pollutant loading beyond current levels;
  4. or
  4. Does not change the points of discharge in a manner that would adversely affect downstream surface waters.
- c. City or County stormwater retrofit projects shall comply with the following provisions:
1. Section 5-54 of the EMO, natural features inventory;
  2. Section 5-55 of the EMO, environmental impact analysis;
  3. Section 5-81 of the EMO, conservation and preservation area development standards; and
  4. Section 5-83 of the EMO, tree protection and removal standards, except that City or County stormwater retrofit projects shall be exempt from the following subsections of section 5-83 of the EMO:
    - (f) Reforestation requirements;
    - (j) Tree replanting requirements; and
    - (o) Tree debits and credits in proposed residential subdivisions.

(5) Other stipulations.

The provisions of article V of the EMO shall not be applied to avoid the requirements of an environmental management permit issued by the city or Leon County authorizing existing development. Existing requirements may be relocated, however, either temporarily or permanently. Article V of the EMO shall not exempt any redevelopment activity from the requirements of section 5-86(h) of the EMO, including any fees that may be required therein or required by any other ordinance, rule or law. Further, article V of the EMO shall not exempt any redevelopment activity from any other applicable ordinance, rule, or law.

**SECTION 11: Section 10-7.530 of Article VII of the Code of Laws of Leon County, Florida, is hereby amended as follows:**

**Sec. 10-7.530. ~~Special roadway setbacks.~~ Transportation right-of-way preservation.**

(a) — ~~Purpose.~~ This section is promulgated in response to the needs of the county for the purpose of providing for the health, safety, and general welfare of property owners, members of the vehicle-using public, and pedestrians along roadways designated for improvement.

(b) — ~~Setbacks along designated roadway facilities.~~ The following minimum building setbacks shall be required along existing arterial and collector roadways designated for upgrading in the Tallahassee Leon County Transportation Improvement Program developed by the Metropolitan Planning Organization.

- ~~(1) 35 feet from the centerline of any proposed three-lane road;~~
- ~~(2) 51 feet from the centerline of any proposed four-lane road inside the urban services area;~~
- ~~(3) 63 feet from the centerline of any proposed six-lane road inside the urban services area;~~
- ~~(4) 91 feet from the centerline of proposed four-lane road designated as a limited-access facility;~~
- ~~(5) 103 feet from the centerline of a proposed six-lane road designated as a limited-access facility;~~
- ~~(6) 81 feet from the centerline of a rural road proposed to be four lanes; and~~
- ~~(7) 93 feet from the centerline of a rural road proposed to be six lanes.~~

~~(c) *Applicability.* These special roadway setbacks shall be applicable within all zoning districts excluding the downtown and central urban districts until the city, county, or state authority responsible for design specifies the right-of-way required for the upgrade in the Tallahassee Leon County Transportation Improvement Program. After that specification, any area not required for the right-of-way shall be relieved from the special setback.~~

~~(d) *Structures in required setback prohibited.* The area within the required special roadway setback along any and all arterial and collector roadways as designated in the Tallahassee Leon County Transportation Improvement Program developed by the Metropolitan Planning Organization shall remain free of any permanent structure not required for utilities or for the normal and customary use of adjacent public roadways. Structure shall include, but not be limited to, signs, off-street parking, man-made drainage facilities serving the property, and accessory structures.~~

~~The area within the required special roadway setback along designated roadways shall be included in the calculations of gross developable area in order to facilitate the transfer of development rights associated with this area to other developable portions of the property, to ensure no net loss in development potential.~~

~~(e) *Exceptions.* Sidewalks, bicycle facilities, driveway access facilities and public utilities may be placed within the required setback subject to review and written authorization by the county department of public works. Mailboxes shall not be affected by this ordinance.~~

~~(f) *Appeals.* Any aggrieved party adversely affected by this section may seek relief under the procedure outlined in Article XI, Division 8 Section 10-1.106, entitled "Deviation to Development Standards," whether or not the property is the subject of an~~

1 application for site and development plan review.

2  
3 ~~—— (g) — Coordination with zoning district setbacks. Setbacks to exterior vertical~~  
4 ~~walls required for the applicable zoning districts shall be measured in addition to the~~  
5 ~~special roadway setback.~~  
6

7 (a) Purpose and authority. The purposes of this section, adopted in accordance with  
8 F.S. §§ 163.3177(6)(b) and 337.273(6) are to:

9 (1) Implement the Tallahassee-Leon County Comprehensive Plan, especially the  
10 long range transportation plan and transportation element objectives and policies for  
11 future transportation corridors;

12 (2) Alleviate traffic congestion on major roadways and therefore protect and  
13 enhance the economy, the environment, and the public health, safety and welfare of  
14 the citizens of the county;

15 (3) Maintain established level of service standards to accommodate planned future  
16 growth, minimize impacts to existing development, and to assure a safe, efficient  
17 and sustainable transportation system for the citizens of the county;

18 (4) Provide a basis for coordinating the provision of transportation facilities with  
19 new development on designated corridors where the construction and improvement  
20 of transportation facilities is expected; and

21 (5) Protect the rights of landowners whose land is designated for future  
22 transportation use.

23 (b) Applicability. These right-of-way setbacks shall apply to all land within or abutting  
24 future transportation corridors designated on/in the future right-of-way needs map and the  
25 Tallahassee-Leon County long range transportation plan of the Tallahassee-Leon County  
26 Comprehensive Plan, as amended.

27 (c) Consistency with the transportation plan and protection from encroachment. All  
28 development on planned future corridors designated for improvement in the Tallahassee-  
29 Leon County Comprehensive Plan and identified on the future right-of-way needs map  
30 and long range transportation plan shall be consistent with the transportation functions of  
31 those corridors. Planned future corridors shall be protected from encroachment by  
32 structures, parking areas, or drainage facilities, except as may be allowed on an interim  
33 basis in accordance with subsection (g).

34 (d) Right-of-way along designated roadway facilities. The following minimum right-of-  
35 way shall be required along arterial and collector roadways designated for improvement  
36 on/in the future right-of-way needs map and/or the Tallahassee-Leon County long range  
37 transportation plan of the Tallahassee-Leon County Comprehensive Plan, as amended.

38 (1)

39 **Future Right-of-Way Needs**

1 **WITH an Existing Corridor Alignment**

2 (Assuming flat terrain without side slopes, and 4 lanes with separate bike lanes provided)

3

<u>Functional Classification</u>	<u>ROW (ft.)</u>
<u>Blueprint principal arterial</u>	<u>230</u>
<u>Principal arterial (with frontage road)</u>	<u>138</u>
<u>Minor arterial (no parking)</u>	<u>112</u>
<u>Major collector (with parking)</u>	<u>120</u>
<u>Minor collector (no parking)</u>	<u>100</u>

4  
5 (2)

6 **Future Right-of-Way Needs**

7 **WITHOUT an Existing Corridor Alignment**

8

<u>Functional Classification</u>	<u>ROW (ft.)</u>
<u>Blueprint principal arterial *</u>	<u>230</u>
<u>Principal arterial</u>	<u>200</u>
<u>Minor arterial</u>	<u>176</u>
<u>Major collector</u>	<u>146</u>
<u>Minor collector</u>	<u>100</u>

\* Planned right-of-way needs for Capital Circle from Centerview to W. Tennessee, as accepted by the Blueprint Intergovernmental Agency on November 19, 2001.

9  
10 (3) Widths represent maximum anticipated right-of-way needs based on roadway  
11 functional classification, typical cross sections, and design standards for a range of  
12 potential design alternatives. In addition to the number of travel lanes, the following  
13 are important considerations in the determination of right-of-way needs for future  
14 corridors:

15 a. Space for sidewalks to provide safe and convenient movement of  
16 pedestrians.

17 b. The provision of bike lanes or separate bike paths.

18 c. Space for current or future location of utilities so that, when necessary,  
19 they can be safely maintained without undue interference with traffic. The  
20 utility strip needs to be of sufficient width to allow placement of a water main  
21 so that in the case of rupture, neither the roadway pavement nor adjacent  
22 property will be damaged.

23 d. Accommodation of stormwater at the surface or in storm drains.

1           e. Accommodation of auxiliary lanes at intersections.

2           f. Placement of trees to improve the aesthetic qualities of the roadway, to  
3           shade pedestrians, and improve community appearance. The space needs to be  
4           adequate to accommodate tree growth without damaging sidewalks, abutting  
5           development, or curb and gutter.

6           g. Allowing for changes in the paved section, utilities, or other  
7           modifications, that may be necessary in order to meet unforeseen changes in  
8           vehicular, pedestrian, bicycle, or other transportation needs as a result of  
9           changes in land use and activity patterns.

10          (4) Alternative widths may be established by the local government, in consultation  
11          with other affected agencies, pursuant to an adopted critical area plan or based upon  
12          an analysis of existing constraints, community planning objectives, and other  
13          considerations unique to the roadway or surrounding land development.

14          (e) *Determination of alignment and setbacks.*

15          (1) Where an alignment of a designated corridor has been established by  
16          engineering study and/or design, all proposed structural improvements shall  
17          conform with the building setbacks in that zoning district and such setbacks shall be  
18          measured from the identified right-of-way line for the new alignment.

19          (2) Where an alignment has not been established by engineering study and/or  
20          design, the applicant may propose, and the county shall establish, an approximate  
21          alignment consistent with the need to avoid development encroachment and provide  
22          continuity of the corridor, as well as to meet conceptual site planning needs of the  
23          project. The generalized widths indicated on the future right-of-way needs table  
24          (subsection 10-7.530(d), above) shall be used to determine an appropriate  
25          alignment, except where the local government has designated an alternative width  
26          pursuant to an adopted critical area plan, an analysis of existing constraints, or  
27          community planning objectives. The following techniques shall be considered for  
28          maintaining the continuity of the corridor and protecting the corridor from  
29          encroachment:

30                a. For existing roads, the future centerline shall be the centerline of the  
31                existing right-of-way, except where an alternative centerline alignment would  
32                be clearly less harmful to the environment, would displace fewer residents and  
33                businesses, or is more technically or financially feasible. On state roads, the  
34                public works department shall solicit comments on the proposed alignment  
35                from the state department of transportation and review those comments in  
36                evaluating the proposed alignment.

37                b. For new roads on new alignments, the public works director shall  
38                establish an approximate alignment that maintains the continuity of the  
39                corridor and minimizes adverse social, environmental and economic impacts of  
40                the transportation project. On state roads, the public works department shall  
41                solicit comments on the proposed alignment from the state department of

1 transportation and review those comments in evaluating the proposed  
2 alignment.

3 c. The approximate alignment shall be the basis for applying normal  
4 setbacks as specified in that zoning district. When the specific alignment is  
5 later established through engineering study and design, the setback may be  
6 reduced through the established deviation process, provided that such reduction  
7 is necessitated solely by the final alignment of the right-of-way.

8 (3) Reduction of rear- and side-yard setbacks may be considered to ensure that  
9 structures do not encroach into future transportation corridors. A reduction of the  
10 required setback may be approved through the development review committee  
11 (DRC) deviation procedure, provided such reduction is necessitated solely by the  
12 proposed alignment of the corridor. In the event that a site plan application would  
13 normally qualify as a type A site plan, the request of such setback reduction would  
14 elevate the request to a type B site plan review to ensure comprehensive  
15 consideration of potential impacts.

16 (f) *Right-of-way dedication.*

17 (1) A property owner may, at any time during the application process for  
18 preliminary, conceptual, or final approval of a project (including site plan or plat),  
19 voluntarily dedicate lands within the project site to the county, or to the  
20 governmental entity with jurisdiction should it be a non-county roadway, that are in  
21 the future corridor or right-of-way. Where an alignment has been established by  
22 engineering study or design, lands to be dedicated shall be within the designated  
23 future right-of-way. Where an alignment has not been established, an approximate  
24 alignment shall be established as provided in subsection 10-7.530(d).

25 (2) Projects proposed adjacent to or abutting a designated future transportation  
26 corridor, shall, as a condition of approval, be required to dedicate lands within the  
27 project site that are necessary for that right-of-way to the county, or to the  
28 governmental entity with jurisdiction should it be a non-county roadway, provided  
29 there is a rational nexus between the required dedication of land, the needs of the  
30 community, and the impacts of the project on the transportation network due to  
31 development. When a development application proposes to generate trips on  
32 adjacent roadway facilities (both existing and proposed), the county will generally  
33 presume there is a nexus. The following shall also apply:

34 a. Dedication required under this section shall be shown on the site plan  
35 and/or recordation on the face of the plat, deed, grant of easement, or other  
36 method acceptable to the county, or to the governmental entity with  
37 jurisdiction should it be a non-county roadway. Dedication shall be completed  
38 prior to issuance of final development order or recording of the final plat. If  
39 final approval of the application is denied, the deed or other instrument of  
40 dedication shall be voided and returned to the applicant.

41 b. Where a series of approvals are required for a development project, or in  
42 the case of a phased development project, the developer may petition the

1 county, or the governmental entity with jurisdiction should it be a non-county  
2 roadway, to defer the obligation to dedicate necessary rights-of-way at the time  
3 of granting of a subsequent development order approval. As a condition of  
4 deferring the obligation to dedicate rights-of-way, which deferral shall be in  
5 the sole discretion of the county (or entity with jurisdiction), the county shall  
6 require the developer to execute an agreement specifying the amount and  
7 timing of the right-of-way dedication.

8 (g) *Interim use of reserved land.* Interim use of land within a future transportation  
9 corridor may be permitted to preserve some economic use of the land until it is needed  
10 for transportation purposes. Such uses shall conform to the use provisions of the zoning  
11 district and shall be limited to the following:

12 (1) Green space requirements to support the development on the non-dedicated  
13 portion of the parcel;

14 (2) The stormwater retention facility may, at the discretion of city and/or FDOT,  
15 be incorporated into the design of the future transportation facility retention  
16 facilities. Should this option be chosen by the county and/or FDOT, the developer  
17 need not relocate the stormwater retention facility provided that the property for the  
18 stormwater facility is dedicated to the local government, which will assume  
19 maintenance responsibility for the facility, and/or relocate such facility to a regional  
20 facility.

21 (h) *Incentives.* The incentives below may also be provided to landowners who dedicate  
22 property determined by the county as necessary for corridor protection. A landowner is  
23 not entitled to all of these incentives on any one project. Instead, it is the intent of this  
24 provision that these tools (or a combination thereof) be available to the landowner and  
25 county staff for development of a written agreement in which the landowner is  
26 compensated for the value of land dedicated to the county (or other applicable  
27 jurisdiction). Such written agreement shall be completed as a condition of final site plan  
28 approval. Incentive (5), however, shall be granted by right to every applicable  
29 application.

30 (1) *On-site transfer of development rights.* If the right-of-way is dedicated to the  
31 county, the county may approve the on-site transfer of development rights, based on  
32 the gross density or intensity allowable on the site prior to any set-aside for future  
33 right-of-way. The transfer will be from land needed for transportation right-of-way  
34 to other portions of the site, excluding any land required to be dedicated for site-  
35 related improvements. Approval of transfer of development rights may include  
36 consideration of deviations from site design standards necessitated by the increased  
37 net density or intensity of the portions of the site receiving the transfer of  
38 development rights.

39 (2) *Clustering of structures.* Clustering of structures may be allowed to preserve  
40 the full development rights of the property while siting structures to avoid  
41 encroachment into the corridor. Clustering of structures under this provision may  
42 include deviations to reduce setbacks between buildings within a project site,  
43 reduction of buffers within a project site, or deviations from other related site design

1 requirements. This provision is not intended to reduce perimeter buffers designed to  
2 ensure compatibility of proposed development with adjacent uses.

3 (3) *Natural/landscape area.* The acreage of dedicated right-of-way may be  
4 included in the calculations of greenspace required under Article IV of this Code.  
5 This provision is not intended to reduce perimeter buffers designed to ensure  
6 compatibility of proposed development with adjacent uses, or to eliminate interior  
7 landscaping designed for aesthetics and shade. Related standards for landscaping,  
8 natural area, and tree debits/credits are provided in Article IV of this Code.

9 (4) *Concurrency Transportation Mitigation.* The value of the dedicated right-of-  
10 way may be eligible as a credit toward the transportation concurrency mitigation  
11 consistent with the Leon County Concurrency Management Policy and Procedures  
12 Manual.

13 (5) *Deviation fees or elevated review fees.* In the event that a government request  
14 for dedication causes the need for specific deviation and/or elevation from type A to  
15 type B review, a waiver of the resultant deviation fees and/or the difference between  
16 type A and type B site plan fees shall be provided.

17 (i) *Economically beneficial use of property.* The county may elect to not apply certain  
18 provisions of this section to a particular parcel of property if staff determines that  
19 application of such provisions would prevent all economically beneficial use of the  
20 property.

21 (j) *Exceptions.* Sidewalks, bicycle facilities, driveway access facilities and public  
22 utilities may be placed within the required right-of-way subject to review and written  
23 authorization by the department of public works in coordination with the applicable  
24 departments and/or facilities providers. Mailboxes shall not be affected by this section.

25 (k) *Appeals.* Any aggrieved party adversely affected by this section may seek relief  
26 under the procedure provided in the applicable provisions of Article VII, Division IV.  
27  
28  
29

30 **SECTION 12. Conflicts.** All ordinances or parts of ordinances in conflict with the  
31 provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the  
32 effective date of this Ordinance, except to the extent of any conflicts with the  
33 Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall  
34 prevail over any parts of this Ordinance which are inconsistent, either in whole or in part,  
35 with the Comprehensive Plan.  
36

37 **SECTION 13. Severability.** If any section, subsection, sentence, clause, phrase or  
38 portion of this article is for any reason held invalid or unconstitutional by any court of  
39 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent  
40 provision and such holding shall not affect the validity of the remaining portions of this  
41 Ordinance.  
42

43 **SECTION 14. Effective date.** This ordinance shall be effective according to law.

1  
2  
3 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon  
4 County, Florida, this 8th day of May, 2012.  
5  
6

7 LEON COUNTY, FLORIDA



15 BY: Akin S. Akinyemi  
16 AKIN S. AKINYEMI, CHAIRMAN  
17 BOARD OF COUNTY COMMISSIONERS

18 ATTEST:  
19 BOB INZER, CLERK OF THE COURT  
20 LEON COUNTY, FLORIDA

21 BY: [Signature]

22  
23 APPROVED AS TO FORM:  
24 LEON COUNTY ATTORNEY'S OFFICE

25  
26 BY: [Signature]  
27 HERBERT W.A. THIELE, ESQ.  
28 COUNTY ATTORNEY  
29