ORDINANCE NO. 09- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING ARTICLE'S I and IV, IN GENERAL,

SECTION 10-1.101, DEFINITIONS; SEC. 10-4.201., PERMIT REQUIREMENTS; SEC. 10-4.202., PRE-DEVELOPMENT ENVIRONMENTAL ANALYSIS REVIEWS; SEC. 10-4.204, STORMWATER MANAGEMENT APPLICATION REQUIREMENTS; SEC. 10-4.206, APPLICATION REQUIREMENTS FOR THE REMOVAL OF TREES, GENERALLY; AND, FOR THE REPAIR AND MAINTENANCE OF EXISTING LAWFULLY ESTABLISHED STRUCTURES AND FENCES FOR LANDS WITHIN THE CANOPY ROAD PROTECTION ZONE; SEC. 10-4.207, SILVICULTURE APPLICATION REQUIREMENTS; SEC. 10-4.209, STORMWATER MANAGEMENT FACILITY OPERATING PERMIT; SEC. 10-4.303, STORMWATER MANAGEMENT DESIGN STANDARDS; SEC. 10-4.304, STORMWATER EASEMENTS; SEC. 10-4.321, PROHIBITIONS; SEC. 10-4.322, WETLANDS; SEC. 10-4.323, SPECIAL DEVELOPMENT STANDARDS FOR ENVIRONMENTALLY SENSITIVE ZONES; SEC. 10-4.325, ACTIVE KARST FEATURE REQUIREMENTS; SEC. 10-4.327, TOPOGRAPHIC ALTERATIONS; SEC. 10-4.342, GENERAL APPLICABILITY; SEC. 10-4.343, LANDSCAPE DESIGN STANDARDS GENERALLY; SEC. 10-4.345, NATURAL AREA REQUIREMENTS; SEC. 10-4.346, SITE DESIGN ALTERNATIVE; SEC. 10-4.349, REFORESTATION REQUIREMENTS; SEC. 10-4.350, STORMWATER MANAGEMENT FACILITY LANDSCAPING; SEC. 10-4.351, PLANTING STANDARDS FOR ALL LANDSCAPE AREAS; SEC. 10-4.362, PROTECTED TREES; SEC. 10-4.364, REMOVAL OF PROTECTED TREES; SEC. 10-4.503, VARIANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Sec. 10-1.101 Definitions.

Clean fill shall mean soil, including top soil, clay, and sand, all of which shall contain less than 5% gravel, rubble, or other material. Other material besides soil shall be less than four inches in diameter. Clean fill shall possess no adverse human or environmental risk.

Environmental constraints shall mean environmental features which perform natural functions, have ecological value, or constitute special environmental management problems to site development, including wetlands, water bodies, watercourses, floodways, floodplains, closed basins, severe and significant grades, threatened, endangered, or special concern species or their

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habitat, native or high quality successional forest communities; cultural resources, special development zones, canopy road protection zones, and karst features. Environmental constraints are also referred to in article IV as environmentally sensitive areas.

Fill shall mean any solid substance which is virtually inert, which is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes soil, wood chips, trees and other organics, clay, sand, brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel. Water shall not be considered fill.

SECTION 2: Section 10-4.201 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.201 Permit requirements.

(a) *Environmental management permit.* Prior to engaging in any development activity, and prior to removing, damaging, or destroying any protected tree, the person proposing to engage in such activity and the owner of the land on which such activity is proposed to occur shall first apply for and obtain an environmental management permit, or a right-of-way placement permit, general permit, or vegetation management plan ~~silviculture permit~~, where appropriate pursuant to subsections (c), (d), or (e). For purposes of applying for and obtaining a permit, the term "owner" shall include the following: Fee simple owner; easement holder; life tenant; tenant with a written lease specifically authorizing the tenant to secure permits; and federal, state and local governmental entities and utilities with rights of entry, easements or other interests in real property. Procedures for permit application are set forth in Division 2.

(b) *Stormwater management facility operating permit.* Subsequent to construction of a stormwater retention or detention facility, an operating permit shall be obtained pursuant to section 10-4.209.

(c) *Right-of-way placement permit.* Utility work or other construction of improvements undertaken in an existing public right-of-way shall be permitted upon application, if such work is to be performed in a manner consistent with the requirements of this article, through issuance of a right-of-way placement permit by the county administrator or designee.

(d) *General permit.* The activities enumerated below may be routinely undertaken by federal, state, ~~and~~ local governments, ~~and~~ public and private utilities on an ongoing basis throughout the life of the permit, under the authority granted by the county administrator or designee's issuance of a general permit. All aspects of such activities shall be conducted in accordance with a procedures manual which shall be developed by the applicant for such permit. This procedures manual shall be included with the application for the general permit and must be acceptable to the county administrator or designee as a condition of issuance of the general permit. An individual manual shall be prepared and submitted by each separate utility or division of government requesting a general permit. The manual shall describe the procedures which will be followed by the permittee in execution of activities authorized by the general permit. These

procedures shall conform to the requirements of this article and shall be sufficiently detailed to guide the conduct of the site work. Changes to the procedures manual shall be requested as permit amendments and must be approved by the county administrator or designee prior to implementation. The county administrator or designee may revoke the general permit and require that environmental management permits, right-of-way placement permits, or other permits as may be applicable, be obtained should procedural violations occur. Any activity other than one of those enumerated and approved by general permit under a permit category below shall be undertaken only upon issuance of the environmental management permit or right-of-way placement permit, as applicable:

(1) *Utility general environmental permit:*

a. Vegetation management for overhead line clearance.

b. Vegetation management for minor overhead line and service extensions not to exceed 3,000 feet.

c. Minor underground service or line extensions not exceeding 1,000 feet for gravity sewer extensions, and 3,000 feet for electric communications, cable television, water, gas and sewer force main line extensions.

d. Routine daily maintenance of existing facilities or non-routine emergency maintenance requiring immediate response to protect public health, safety, and welfare.

e. Relocation of existing utilities required for development activity for which an approved environmental management permit has been obtained, but only when such relocation is performed concurrently with the permitted development activity.

(2) *Government general environmental permit:*

a. Routine roadway, shoulder, ditch, and stormwater facility maintenance activities necessary to restore such facilities to original construction or current code requirements.

b. Routine maintenance of existing parks and recreation facilities, including:

1. Minor landscape installations of 3,000 square feet or less.

2. Activities which may damage roots within the critical protection zone of any protected tree, but which will not significantly damage such tree.

3. Irrigation system installations for irrigating landscapes of one acre or less.

4. Other routine maintenance activities which may result in only minor erosion or sedimentation.

(e) *Vegetation Management Plan.* Activities associated with forest management on land that has not received an agricultural exemption from the Leon County Property Appraiser must apply for a vegetation management plan. Additional stormwater protection may be required, as determined by the County Administrator or designee, and may dictate a change to a short form permit. A buffer shall be left in an unaltered state within 25 feet from the property line. Approval under this section is not required when the only management activity is tree planting or prescribed burning including presuppression plowing.

~~*Silviculture permits.* Silviculture projects which meet the criteria set forth in this article for bona fide agricultural activities may be routinely undertaken on an ongoing basis after application, and approval by the county administrator or designee, of a short form environmental management permit or silviculture notice of intent. Such approval may be issued by the county administrator or designee in lieu of issuance of an environmental management permit where the permit application shows that all silvicultural operations intended to be undertaken by the permittee shall be carried out in accordance with all state approved best management practices for uplands and wetlands for silviculture and in a manner consistent with the requirements of this article. Silviculture permit applications and notice of intent shall be submitted as set forth in sections 10-4.362(c)(5), 10-4.204(a)(1)d. and e., 10-4.206(b)(4)d.2., and 10-4.207. Approval under this section is not required when the only management activity is tree planting and/or prescribed burning including presuppression plowing. In all silviculture operations all state approved best management practices shall be followed and within the urban services area (USA), all silviculture operations shall leave a buffer in an unaltered state within 25 feet from every county or city road right-of-way.~~

(f) *Other permits.* Every permit issued pursuant to this article is issued with the condition that the applicant procure and comply with all other necessary federal, state, and local agency permits. Pursuant to section 10-4.601(b), failure to comply with this permit condition shall be a violation of this article. All enforcement and penalty provisions of this article shall be available to enforce the requirements of such other permits.

SECTION 3: Section 10-4.202 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.202. Pre-development environmental analysis reviews.

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

environmental analysis shall include the following components:

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

Preservation areas. Wetlands, waterbodies, floodplains and floodways, watercourses, native forests, severe grades (greater than 20 percent slope), areas of environmental significance (springs and other active karst features), habitat for endangered, threatened, or species of special concern
Conservation areas. Altered floodplains, altered floodways, altered watercourses, high quality successional forest, significant grades (10--20 percent), archaeological or historical sites, closed basins, ~~special development zones,~~ and designated canopy roads protection zones.

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

a. Identification of all endangered and threatened species, all species of special concern, ~~and other wildlife~~ and their ~~its~~ habitat, which are located on the property, and which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation. Wildlife corridors must also be identified, as well as habitats for species expected to occur on site. Species identification shall include scientific names.

1. Identification of species will be based on a visual survey of the site using appropriate methods and at times that maximize chances for species identification. Surveys shall focus on species known to occur on-site, adjacent off-site, or species known to use available habitat type found on-site. A narrative description of survey method used and a map of survey transect and/or point locations are required. Current survey guidelines or protocol provided by state and federal agencies shall be used where applicable. Where guidelines or protocol are not available from federal or state agencies, survey method shall be based on species biology and ecology. Limited survey designs that do not detect species presence should not be used to infer species absence, due to seasonal variations of the species and its habitat. Any signs of habitat use by the species, including evidence of feeding, tracks, trails, or scat shall be reported.

2. An assessment of the species and its habitat will be based on the following factors provided by the applicant: population size or

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

b. A narrative description and classification map of all on-site plant communities and those which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation. Species identification shall include Latin names. Quality of the upland plant communities shall be evaluated and provided based on Leon County's Natural Plant Community Criteria. A narrative description of observed non-listed wildlife shall be provided.

c. Identification of natural grades, including the nature and extent of soils, located on the property, and which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation.

d. Mapped inventory of on-site ~~environmental constraints, (such as wetlands, watercourses, water bodies, active karst feature, underground storage tanks, native forests, high quality successional forests, significant and severe grades, and closed basins),~~ conservation and preservation features, special development zones, topography, drainage basin and watershed divides, tributaries, underground storage tanks, water wells, soils types and a narrative, drawn, or mapped inventory of adjoining and downstream environmental constraints to the best of the applicant's knowledge after reasonable investigation. Maps must be provided at a standard engineering scale no smaller than 1"= 400'. Submittal of digital files of surveyed feature points in AutoCAD or a GIS feature class, spatially referenced to the County's current geographic datum, shall be required.

e. Identification of the 100-year floodplain for properties that have all or a portion of their area located within the 100-year floodplain. Where a FEMA base flood elevation was not provided, the applicant should use the best available data from the inventory of drainage studies to determine the base flood elevation. Available studies may include, but are not limited to, the USGS-91 study, ~~a County Public Works Department approved drainage study,~~ a private engineering study, or the certified results of ~~an~~ a County-approved drainage study performed by a professional engineer licensed in the state of Florida. ~~and approved by the county~~.

(2) *Standards for the protection of natural features.* If an application contains one or more of the preservation/conservation areas and/or special development zones listed in subsection (1) above, the applicant shall propose measures to mitigate the adverse affects of the development on such areas, using as a minimum, the

standards and guidelines set forth below. Details of the proposed mitigation for on-site preservation/conservation areas must be supplied with the environmental impact analysis application.

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

1. *Wetlands, waterbodies, and watercourses.* These features shall be protected in accordance with section 10-4.322, section 10-4.324 and section 10-4.327 (3). Buffers and setbacks are required in accordance with Table 1 of section 10-4.202 (a)(2)~~e~~e. A minimum 20-foot vegetated buffer plus the appropriate setback must be maintained from the jurisdictional boundary of all wetlands. A buffer width of up to 50 feet plus a setback may be required for wetlands depending on the land-use designation of the parcel.

2. *Floodplains and floodways.* These features shall be protected in accordance with section 10-4.327 (3). A drainage or conservation easement is required for the limits of the 100-year floodplain and any floodway as determined during the natural features inventory.

3. *Native forests.* Native forests shall be protected as follows:
   (a) Areas determined to be native forest shall be preserved to the boundary determined during the natural features inventory plus a minimum 20-foot buffer and placed in conservation easement.
   (b) When impact to the native forest is unavoidable and does not exceed the 5% disturbance criteria, priority must be given to preserve the largest total area of the native forest by considering adjacent on and off-site native forests and associated wetlands, floodplains, significant and severe slopes, and canopy road protection zones, while ultimately minimizing fragmentation of the natural plant community.
   (c) The preserved native forest areas shall be restored and enhanced in accordance with a vegetation management plan. The plan shall ensure protection and appropriate management of the native forest, including protection from secondary impacts of development. The plan shall, at a minimum, provide the following: description and mapped limits of the native forest; description of desired future

conditions; description of management techniques; management and monitoring schedules; estimated costs; designated responsible management entity; and conservation easement signage.

4. *Severe grades.* Regions of severe grade (areas with greater than 20 percent slope) shall be preserved to the boundary determined during the natural features inventory and placed in conservation easement in accordance with Section 10-4.327(2)c.

5. *Areas of environmental significance.* Areas of environmental significance include springs and other active karst features. The limits of the feature as determined by the uppermost contiguous contour or slope break plus a minimum buffer width of 35 feet shall be placed in conservation easement as outlined in section 10-4.325.

6. *Habitat for endangered, threatened, and species of special concern.*

(a) Habitats of endangered, threatened, and species of special concern shall be preserved to the boundary of suitable habitat determined during the Natural Features Inventory, plus a minimum 20' vegetated buffer, and placed in a conservation easement. Habitat preserve designs and buffers recommended by state and federal agencies shall be followed where applicable. Essential corridors for movement must also be provided.

b. Where impacts to the habitat cannot be avoided, on-site mitigation may be allowed, provided that the following are demonstrated by the applicant and all other ordinances have been met:

(1) The preserved habitat areas are placed in a conservation easement.
(2) Priority is given to preserve the largest areas, considering adjacent off-site habitat, that are of highest quality and will most likely protect the population and its habitat by preventing fragmentation. Effects of preserve configuration and protection of corridors must also be considered.
(3) The mitigation will result in a net benefit to the species and is supported by published scientific research.
(4) The preserved habitat area is proven to support the population of the species occurring on-site.

(5) The preserved habitat areas are restored or enhanced where needed.

c. A habitat protection and management plan shall be required and shall, at a minimum, meet guidelines provided by state and federal agencies. The plan shall ensure adequate protection and appropriate management of the listed species and its habitat, including protection from secondary impacts of development. The plan shall, at a minimum, provide the following: description and mapped limits of the habitat and listed species locations; description of desired future conditions; description of vegetation management techniques; management and monitoring schedules; estimated costs; a designated responsible management entity; conservation easement signage; buffers; protection during construction; and methods for reducing impacts from passive use, invasive plants, and domestic or feral animals.

b. *Conservation areas.* Development activity is permitted within conservation areas provided that it is specified in the document establishing the conservation area and is consistent with the following criteria:

1. *Altered floodplains.* Development is allowed within altered floodplains provided that no floodway is adversely affected, compensating volume is provided for any net fill within the floodplain, and the lowest floor elevation of any structure is placed at or above the flood protection elevation.

2. *Altered floodways.* Development shall not be allowed in areas designated as floodways, as defined in section 10-1.101. However, public sector infrastructure projects shall be allowed if it can be shown by certified technical methods, approved by the county administrator or designee, that the development activity will not cause an increase in the 100-year floodplain profile. For floodways not designated as FEMA floodways, it shall be demonstrated that all activities associated within the development shall not increase the 100-year floodplain elevation by more then one foot.

3. *Altered watercourses.* Development is allowed within altered watercourses pursuant to meeting other Code sections if compensating volume is provided for any net fill within the watercourse, and the lowest floor elevation of any structure is placed at or above the flood protection elevation.

4. *High quality successional forest.* Impacts to the forest must meet

the following criteria:

(a) If the entire parcel under review is considered high quality successional forest, then the site may be developed at the allowed density with no more than 20% disturbance of the site or at a density of one unit per two acres.

(b) If the site is not entirely high quality successional forest and impact is unavoidable, a maximum disturbance of 5% may be allowed.

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

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

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

6. *Closed basins.*

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

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

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

7. *Cultural resources.* Significant cultural resources shall be protected in accordance with section 10-300. A cultural resource protection plan is required for areas containing identified significant cultural resources. This plan may require a conservation easement encompassing the cultural resources, provision of public access to the cultural resource site, or other measures to protect, maintain, and manage the resource or to mitigate for impacts to the resource.

8. *Canopy road.* The canopy road protection zone includes all lands within 100 feet from the centerlines of the roadways. The uses permitted in the canopy road protection zone are those uses permitted in the underlying zoning district. Canopy road citizens' committee review is required when development is proposed within the canopy road tree protection zone. The following special restrictions shall apply within the canopy road protection zone:

(a) All structures shall be set back a minimum of 100 feet from the centerline of the canopy road;

(b) Any structure which exceeds 40 feet in height must be set back an additional one foot for every one foot in excess of 40 feet in height;

(c) No development may occur in the canopy road protection zone unless authorized for health, safety or welfare of the public;

(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.

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.

ee. *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 Infrastructure 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			Conservation easement to O.H.W. plus 50' × setback factor*
Watercourses/Tributaries**	Conservation easement to O.H.W. plus 10' × setback factor*	Conservation easement to 25-year flood elev. plus 20' × setback factor*	Conservation easement to 25-year flood elev. plus 30' × setback factor*	Conservation easement to 25-year flood elev. plus 50' × 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' × setback factor*(20' min.)	Conservation easement to jurisdictional line plus 20' × setback factor*	Conservation easement to jurisdictional line plus 30' × setback factor*	Conservation easement to jurisdictional line plus 50' × 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			
~~Site~~ Habitats of ~~with~~ Special Concern, Threatened and Endangered Species	Conservation easement to limits of suitable habitat plus a minimum 20' buffer. pProtection 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			Conservation easement to uppermost contiguous slope break plus a 50' setback
Cultural Resources	Protection plan is required if significant cultural resources are present as set forth in section 10-4.329			

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

** See section 10-1.101 for definitions

(3) *Environmental Impact Analysis (EIA),* consisting of a conceptual development plan and an analysis of its impact on the natural features identified in the NFI. The analysis should address all of the applicable items in the "Environmental Impact Analysis Application". In general this application includes the following:

a. A conceptual development plan.

b. An assessment of the project impact on any endangered, threatened, or special concern species and its habitat.~~and a discussion of wildlife habitat characteristics of other wildlife, which are located on the property, and~~ ~~a~~ A description of any management plans which are proposed to eliminate project impact and which have been submitted to the ~~state game and fresh water fish commission~~ state and federal agencies for review where applicable. Management plans must comply with the requirements of Section 10-4.202(a)(2)a.6.c. Any permit issued for development on a site which includes endangered, threatened, or special concern species or their habitat shall be contingent upon approval by state or federal agencies where such approval is required by state or federal law.

c. Description of proposed changes in vegetative and tree cover, including specific identification of all protected trees 36-inch DBH or greater and all dogwoods 4-inch DBH or greater. If the tree debit/credit option is proposed, all protected trees must be specifically identified.

d. Description of proposed changes in natural grades, including identification of the nature and extent of soils and soil disturbance, and proposed erosion, sedimentation, and water management techniques and development practices to be employed.

e. Evaluation of water quality impacts which may result from the proposed action, including such parameters as pre-development and post-development discharge of nutrients, sediments, and other pollutants.

f. Evaluation of changes in volumes and rates of stormwater runoff, including significant impacts on the water table, surface water

flows, and water levels of downstream wetlands, watercourses, and water bodies.

g. Evaluation of adequacy of downstream conveyances to carry rate and volume of stormwater runoff to a receiving wetland or water body, both during construction and after development. This evaluation may include calculations or modeling.

h. Environmental impacts on all additional on-site, adjoining, and downstream conservation and preservation areas, including ~~altered and undisturbed~~ wetlands, altered and undisturbed water courses, water bodies, active karst features, altered and undisturbed floodplains and floodways, significant (ten--20 percent) and severe grades over 20 percent, native forests, high quality successional forests, drainage basins, including closed basins, designated canopy road corridors, cultural resources, special development zones, and areas of environmental significance.

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

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

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

SECTION 4: Section 10-4.204 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.204 Stormwater management application requirements.

(a) *Short form applications.*

(1) *Scope.* A standard form application may be required by the County Administrator or designee, if such application is reasonably necessary to ensure compliance with the requirements, purpose, intent, and objectives of this article. However, a short form application may be submitted when the proposed developed activity involves only:

a. The development of not more than one of either of the following: One individual mobile home; one single family residential structure; one duplex residential structure; or one triplex residential structure; and associated, accessory structures (such as fences, storage sheds and septic tanks) for any such single structure, provided that such proposed development is not located in an approved master planned subdivision; or

b. No significant change in surface water runoff characteristics from the site, as certified by a registered professional engineer; or

c. The development of individual sites which are part of an approved master planned subdivision; or

d. ~~A bona fide agricultural use, as determined by the county administrator or designee pursuant to criteria set out in the definition of same in section 10-1.101, based upon documentation which would support such a classification for the development activity; or~~

~~e.~~ Activities associated with forest management, on land that has not received an agricultural exemption from the Leon County Property Appraiser, that require additional stormwater protection, as determined by the County Administrator or designee, ~~An activity for which a silviculture permit is requested,~~ pursuant to Subsection 10-4.201(e); or

e~~f~~. Additionally, an applicant may file a short form application for any other development activity which the applicant believes will have no substantial public impact, subject, however, to the possibility that the county administrator or designee may determine there is a substantial public impact and require resubmission on a standard application form.

(2) *Required information.* Short form applications shall include:

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a. A general location map, a legal description of the site or sites upon which any and all portions of the development will be located, a tax parcel identification number, and evidence of ownership.

b. A statement expressing the intent and scope of the proposed project.

c. A site plan showing: A grading plan which includes pertinent contours of the areas adjacent to the site; sedimentation and erosion control plans; existing and proposed structures; slopes; existing and proposed wells; natural or constructed stormwater management features; and minimum finished floor elevations for all proposed building lots and any proposed buildings, all of which shall comply with ordinances regulating structures in flood hazard areas.

d. Information evidencing compliance with all applicable floodplain management and flood hazard ordinances.

e. The name, local address and telephone number of an individual who shall be designated as the stormwater management control officer for the property, who shall have adequate authority within the project administration to ensure compliance with this article and who shall be responsible at a minimum for the day-to-day operation, maintenance and management of all stormwater, erosion, and sedimentation control techniques on-site during all development phases.

f. If applicable, acceptable evidence based on standard engineering practice demonstrating that no significant change in surface water runoff characteristics from the site will result from the proposed development activity.

g. If the site is a part of an approved master planned subdivision:

1. The method of stormwater conveyance to an approved stormwater management facility.

2. Evidence of capacity of the facility demonstrating that there is capacity available for the applicant, and that capacity is being dedicated and reserved for the applicant.

h. If there are to be stormwater management facilities located on-site, an operations and maintenance plan shall be submitted and shall meet the requirements in the operating permit application.

i. A copy of any approved site and development plan, subdivision

plat, PUD or development of regional impact and conditions of that approval.

(3) *Short form review.* Short form applications shall be reviewed by the county administrator or designee for compliance with the requirements of this article. Within ten working days after submission of a complete short form application, the county administrator or designee shall determine whether the application is approved, is approved with conditions, is denied, that a standard application form must be submitted, or that the information submitted does not meet the requirements of a short form application, and shall notify the applicant of such determination as soon as reasonably possible. If the county administrator or designee fails to make the determination within ten working days pursuant to this subsection, the application for a permit shall be deemed approved to the extent that it is in compliance with the requirements of this article, and provided that no stop work order is in effect on the site and that no application for downzoning is pending as to the site.

(b) *Standard form applications.*

(1) *Scope.* When a proposed project does not meet the above criteria for short-form application, a standard application is required.

(2) *Required information.* The applicant shall furnish the county administrator or designee all necessary information to show compliance with the Chapter 10 which includes the following information:

a. A completed Leon County checklist titled "Environmental Permitting Checklist" as approved by the county administrator or designee with all necessary components that apply: Stormwater and/or landscaping. The checklist must be signed by the owner or the individual representing the owner and responsible for the contents of the application. The checklist and the application will be deemed incomplete if the requirements listed in the checklist are not attached.

b. Applicable flood boundaries for sites lying wholly or partially within the 25-year and 100-year floodplains, with cross sections and all other information necessary to show compliance with all applicable ordinances regulating structures in flood hazard areas.

c. Stormwater management design report and supporting computations providing:

1. A written summary design report providing a discussion of conclusions determined from hydrologic and flood routing computations, stage, storage, discharge, and complete

storm event information indicating compliance with this article and other information in written, tabular and graphic form to convey the techniques and design criteria utilized to ensure compliance with the provisions of this article.

2. All runoff hydrograph and routing plots and computations, to show compliance with Division 3, Subdivisions 1 and 2, for both pre-development and post-development conditions. Stormwater retention facilities shall be designed to contain the difference between the pre-development and post-development volume of runoff. It will also be necessary to compute the time required for the design volume to infiltrate the bottom and side areas of the retention pond. The depth or elevation of the wet season high water table at the proposed pond location must be identified and justification for providing no mounding analysis shall be presented. Required volume for detention shall be computed through a storage indication method to route stormwater peak flows through the facility in compliance with Division 3, Subdivisions 1 and 2.

3. Hydrologic computations showing that the outlet discharge matches outflows used in the detention basin routing computations for various stage-discharge relationships. If the outlet is submerged, the outlet discharge should reflect the effects of outlet submergence.

4. Hydrologic capacity computations and flow velocities for drainage conveyances, including ditches, swales, pipes, and gutters. Plan profiles for all open conveyances and pipelines, with energy and hydrologic gradients shown thereon.

5. All computations associated with floodplain determination and effects of site development on flood elevation both on and off the site.

6. If not previously provided in the environmental impact analysis, provide a drainage map showing the flows leaving the site traced to a receiving water body, with notes indicating all generally known locations where flooding occurs along this route.

7. An erosion and sediment control plan which utilizes structural and best management practice techniques appropriate to the site to inhibit the occurrence of erosion and to control sedimentation which would otherwise result

upon failure of the erosion and sediment control techniques.

8. The name, local address, and telephone number of an individual who shall be designated the stormwater management control officer for the project.

9. If there are to be stormwater management facilities on-site after completion of the project which require operating permits pursuant to Subsection 10-4.209 (a), an operations and maintenance plan meeting the requirements of Subsection 10-4.209 (f)(1)g.

10. Information regarding off-site impacts anticipated as a result of the proposed development and means by which such impacts are to be mitigated.

(3) *Standard form review.* A standard form application shall be reviewed by the county administrator or designee for compliance with the requirements of this article. Within 20 working days after submission of a complete standard form application, the county administrator or designee shall determine that the application is approved, is approved with conditions, is denied, or does not contain sufficient information to meet the requirements of this division for standard form applications, and shall notify the applicant of such determination as soon as reasonably possible thereafter. If the county administrator or designee fails to make such a determination within 20 working days pursuant to this subsection, the application shall be deemed approved to the extent that it is in compliance with the requirements of this article, unless there is in effect a stop work order on the site or an application for downzoning is pending as to the site.

(c) *Engineering certification of submittals.* Prior to being submitted to the director for review, all documents classifiable as the product of professional engineering, as defined in F.S. ch. 471, shall be signed and sealed by a state registered professional engineer or by some other person legally qualified to practice engineering under the exemptions established in F.S. ch. 471. Such documents include short form application information, standard form application information, and any floodplain information required as part of the permit application.

(d) *Engineering review.* Rejection, or approval with specific conditions or modifications, of any engineering portion of an environmental management permit application must be done in consultation with a state registered professional engineer or with some other person legally qualified to practice engineering under the exemptions established in F.S. ch. 471, who is retained by the county.

(e) *Permit determination.* The county administrator or designee shall state his or her reasons for denial, or for an approval with specific conditions or modifications, except that if an application is deficient in meeting the requirements of this article in numerous respects, the county administrator or designee may return the application marked "returned as incomplete" and it shall not be necessary for the county administrator or designee to attempt to enumerate all deficiencies in the application for the applicant.

SECTION 5: Section 10-4.206 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.206. Application requirements for the removal of trees, generally; and, for the repair and maintenance of existing lawfully established structures and fences for lands within the canopy road protection zone.

(a) *Scope.* Any request to remove or relocate any protected tree shall be made through submission of an environmental management permit application, unless a general permit, a right-of-way placement permit, or a vegetation management plan ~~silviculture permit~~ has been issued as provided for in section 10-4.201.

(b) *Canopy road tree protection zone tree or vegetation removal applications.*

(1) *Required information.* All permits for removal or relocation of trees, for the repair and maintenance of existing lawfully established structures and fences, or for pruning or vegetation management, within the canopy road protection zone (unless such activity is conducted under an approved general permit), shall be obtained by making application to the county administrator or designee, providing the same material to be submitted for permits for other protected trees as set forth in subsection (c). All applications pursuant to this section shall undergo review by the Canopy Roads Citizen Committee. Emergency repairs to existing fences that are necessary due to public health, welfare and safety issues, as approved by the County Administrator or designee, are exempt from permitting requirements if the repairs do not impact protected trees, do not increase the encroachment within the canopy road protection zone, and the fence material is the same or less visually intrusive than that used to construct the original fence.

(2) *Mitigation requirements.* The permit application for removal of trees or vegetation in the canopy road tree protection zone must be accompanied by a mitigation plan which shall include at a minimum, the following:

a. An analysis documenting the purpose which necessitates the tree removal and explaining why the project cannot be modified to avoid the need for the tree removal.

b. An analysis of the canopy road section to be impacted by the proposed activity within the canopy road tree protection zone. The analysis shall include a narrative description of the affected roadway section together with other material helpful in assessing the impact of the intrusion on the existing canopy road effect. Such characteristics as understory density and species composition, tree species and size distribution, high bank areas and opacity should be included as appropriate.

c. A replanting and management plan designed to mitigate the visual and vegetational impacts identified in Subsection (b)(2)a.

(3) *Inspection.* Prior to determination on a permit application, the county administrator or designee shall conduct an on-site inspection.

(4) *Application review.* Only the board shall have power to grant or deny permit applications for removal of trees within a canopy road tree protection zone, except that the county administrator or his or her designee shall have the power to grant or deny permit applications for the removal of trees or other vegetation under the additional conditions listed in subsection d below. The following standards must be met at a minimum in order to receive permit approval:

a. Applicant must show that the proposed clearing or tree removal is necessary for protection of the health, safety, and welfare of the public.

b. As part of the proposed mitigation plan, any part of the canopy road tree protection zone that is cleared or has trees removed from it must be widened by the same amount that was removed, with such replacement area to be replanted in a manner sufficient to reestablish the canopy effect and the understory density, species composition, and species and size distribution of the impacted area within a reasonable time, and to be protected by a conservation easement.

c. The applicant must show that any proposed cut into the canopy road will be designed and dedicated to serve more than one property unless the applicant can show that such joint access would be impossible under the circumstances of the specific site.

d. In addition to the standards above, the county administrator or his or her designee shall grant permit applications for the removal of trees or other vegetation only when one of the following conditions exist:

1. *Diseased or pest-infested trees.* Necessity to remove a

diseased or pest-infested tree to prevent the spread of the disease or pest. The need to remove trees because of insect and disease damage must be determined by a forester with a B.S. degree or higher, from a Society of American Foresters accredited college or by an arborist certified by the International Society of Arboriculture.

2. *Good forestry/silviculture practices.* Activities associated with a bona fide silvicultural operation on land that has received an agricultural exemption from the Leon County Property Appraiser is exempt from the provisions of this section. ~~Necessity to provide silviculture practice or operation under a silviculture management plan in order to enhance the overall canopy, reduce competition between trees and to remove exotic species and replace them with native species. The following special conditions shall further limit the removal of trees under good forestry/silviculture practices:~~

~~i. Clear-cut harvesting is prohibited.~~

~~ii. Selective harvesting may be conducted to the extent that no more than 25 percent of all trees within 25 feet to 50 feet of the centerline of the road or 50 percent of all trees from 51 feet to 100 feet from the centerline of the road shall be removed. The residual stand shall maintain the approximate proportion of diameter classes present prior to harvesting.~~

~~iii. Repeated entry into a harvested canopy road zone shall be limited to once every ten years, less if exclusively for the purposes of minimizing competition between trees.~~

~~iv. No trees will be harvested or significantly damaged, as defined under section 10-1.101, Tree removal, on the road bank, shoulder or county right-of way.~~

~~v. Removal techniques will be utilized that minimize any adverse impacts or damage to the residual trees.~~

3. *Reasonable access.* Removal of protected trees may be allowed under this section, if the proposed single-family residential development activity is found to be in compliance with the special restrictions as defined under Subsection 10-6.708 (c) Development standards.

4. *Repair and maintenance of existing lawfully established structures and fences.* Repair and maintenance of existing lawfully established structures and fences may be allowed if there is no substantial impact to protected trees. The Canopy Roads Citizen Committee shall evaluate such applications and may provide a positive recommendation upon finding in the affirmative in regard to the following factors: a) that the application is not in conjunction with a change of use of the subject property; b) that, if the application is in conjunction with a fence, that the application proposes repair with the same or less visually intrusive materials as the fence was originally constructed; c) that the application does not represent a negative change in the visual impacts to the canopy road protection zone; and, d) that application proposes methods and techniques for repair and maintenance that will not be detrimental to canopy road protection zone resources. In determining whether to approve, deny, or approve the application subject to conditions, the County Administrator or designee shall consider the Canopy Roads Citizen Committee's recommendation.

The Board of County Commissioners (or the county administrator or his or her designee in cases of tree removal or other vegetation removal applications) shall make its determination on the permit application, or the county administrator or his or her designee shall request additional information from the applicant, within 20 working days after receipt of the application. In the event the director requests additional information, the permit application shall be granted or denied by the Board of County Commissioners (or the county administrator or his or her designee in cases of tree removal or other vegetation removal applications) within ten working days after the receipt of the requested information, or, if the request is not complied with by the applicant within 14 calendar days after mailing, the application shall be deemed withdrawn. If the application is denied, the reason for such action shall be specified and provided to the applicant in writing. If no additional information is requested and no final action is taken within the required 20 working days, the application shall be deemed to have been approved to the extent that it is in compliance with the requirements of this article, provided no stop work order is in effect on the site.

e. The Board of County Commissioners (or the county administrator or his or her designee in cases of tree removal or other vegetation removal applications) shall make its determination to approve, deny, or approve ~~on~~ the permit application subject to condition,

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within 20 working days after receipt of the application or request that additional information from the applicant as is necessary to allow such determination to be made. In the event the director requests additional information, the permit application shall be granted or denied by the Board of County Commissioners (or the county administrator or his or her designee in cases of tree removal or other vegetation removal applications) within ten working days after the receipt of the requested information, or, if the request is not complied with by the applicant within 14 calendar days after mailing, the application shall be deemed withdrawn. If the application is denied, the reason for such action shall be specified and provided to the applicant in writing. If no additional information is requested and no final action is taken within the required 20 working days, the application shall be deemed to have been approved to the extent that it is in compliance with the requirements of this article, provided no stop work order is in effect on the site.

(5) *Removal applications affecting city right-of-way or city property.* If a patriarch or canopy road tree protection zone tree which is proposed for removal is located on a right-of-way or other property belonging to the City of Tallahassee but located outside of the incorporated area of the city, any permit for removal shall be conditioned upon the applicant obtaining approval of the removal from the city commission.

(c) *Other protected tree removal, patriarch tree removal, and vegetation management applications.*

(1) *Required information.* Permits for removal or relocation of protected trees, other than trees located within a canopy road tree protection zone, and applications for vegetation management plan approval for areas other than those located within a canopy road tree protection zone, shall be obtained by making application for permit to the county administrator or designee. Applications for vegetation management plan approval shall be accompanied by a diagram depicting the area to be subject to the plan and the existing vegetation therein, and a description of the nature and purpose of the plan. The application for tree removal shall be accompanied by a written statement indicating the reasons requiring removal or relocation of each protected tree and an area map indicating the location of trees to be removed or relocated and any existing and proposed structures or vehicular use areas. In addition, the application shall contain a signed acknowledgment by the applicant verifying that no protected trees will be removed on the site except as noted on the approved application and permit. If the proposed tree removal is associated with development requiring a stormwater management application as part of the environmental management permit application, the written statement and area map mentioned above shall include, at a minimum, the following:

a. Written, detailed justification for the proposed removal of each protected tree, which shall reference the development area where the trees are to be removed. Each tree that is 36-inch DBH or greater and any dogwood 4-inch DBH or greater must be shown on the required development area map by map number designation for each such tree.

b. The locations and dimensions of all existing and proposed vehicular use areas and other improvements, including finished elevations for each.

c. Significant natural site features.

d. Existing and proposed site contours.

e. If the applicant chooses the option of obtaining credit for preserved trees onsite instead of replanting the developed area with 40 trees per acre, the preserved trees must be identified on the plans. Existing protected or required trees to remain on-site, and protected trees proposed to be removed, shall be indicated by a number assigned to each tree and noting DBH, species and critical protection zone. Indication of the general location of the trees, including blocks of trees, may be acceptable depending on-site conditions and provided that a listing of individual trees by species and size is submitted.

f. Existing and proposed utilities, underground and overhead, and location of any other known man-made on-site features, such as underground tanks or old building foundations.

g. Building and other setbacks.

h. Protected trees on adjacent property which may be affected by proposed development activity within the critical protection zone of such trees.

i. All applicable land use requirements pertaining to property use or restrictions, including easements, zoning, rezonings, site and development plan or plat reviews and development orders.

(2) *Inspection.* Subsequent to application, but prior to the issuance of a permit for tree removal or relocation, the county administrator or designee shall conduct an on-site inspection.

(3) *Application review.* The county administrator or designee shall have 20 working days after receipt of a complete application filed pursuant to this

subsection to approve or deny the requested permit, or to request additional information from the applicant, unless the application is accompanied by a short-form application as part of the environmental management permit, in which case approval, denial, or request for additional information shall be made according to the short-form timelines. Where additional information is requested, the county administrator or designee shall grant or deny the permit request within ten working days after the information is provided by the applicant. If the applicant fails to provide such information within 14 days of the request, the application shall be deemed to have been withdrawn. In the event the county administrator or designee denies an application, the county administrator or designee shall specify to the applicant in writing the reason for such action. If no additional information is requested and no final action with respect to a complete application is taken within the required 20 working days, the application shall be deemed to have been approved to the extent that it is in compliance with the requirements of this article, provided that no stop work order is in effect on the site.

SECTION 6: Section 10-4.207 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.207. Silviculture <u>and Forest Management</u> application requirements.

<u>Activities associated with a bona fide silvicultural operation on land that has received an agricultural exemption from the Leon County Property Appraiser is exempt from the provisions of this section.</u>

<u>Activities associated with forest management on land that has not received an agricultural exemption from the Leon County Property Appraiser must apply for a vegetation management plan. Additional stormwater protection may be required, as determined by the County Administrator or designee, and may dictate a change to a short form permit. A buffer shall be left in an unaltered state within 25 feet from the property line. Approval under this section is not required when the only management activity is tree planting and/or prescribed burning including presuppression plowing.</u>

~~(a) Activities associated with a bona fide silvicultural operation on uplands and/or wetlands classified as agricultural land pursuant to section 10-1.101 of this article are exempt from the provisions of this article if such activities are conducted in adherence to silviculture best management practices of the Florida Department of Agriculture and Consumer Services or are expressly regulated by the United States Army Corps of Engineers, or the United States Environmental Protection Agency. State-approved best management practices must be followed as specified in subsection 10-4.201 (e).~~

~~(1) Within the urban service area as defined by the Tallahassee-Leon County Comprehensive Plan, as amended, silviculture activities may be undertaken following approval of a short form application, except where~~

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~~bona fide agricultural lands have been classified, and consistent with subsection 10-4.204 (a). If the activity is on a site of less than ten acres, then a short form permit is required and a silviculture notice of intent is not permissible.~~

~~(2) Within the urban service area silvicultural activities on-site, which are ten acres or greater in size and which have not been classified as bona fide agricultural lands, may be undertaken after seven days following submission of a silvicultural notice of intent application which is complete and includes a silviculture management plan.~~

~~(3) Outside the urban service area, silvicultural activities may be undertaken on lands that have not been classified as bona fide agricultural lands and following submission and approval of a short form permit application or 24 hours following the submission of a silviculture notice of intent.~~

~~(b) A tree may be removed on a lot which is ten acres or less in size and which have not been classified as bona fide agricultural lands, with an existing single-family dwelling unit, as authorized under subsection 10-4.362 (c) pertaining to the single-family tree removal exemption, without obtaining a silviculture permit. This provision does not waive requirements for a stormwater management permit that may be necessitated by the extent of site disturbance created by the development activity.~~

~~(c) Landowners eligible for this exemption are requested to contact the Leon County Office of Growth & Environmental Management prior to conducting exempt activities.~~

SECTION 7: Section 10-4.209 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.209. Stormwater management facility operating permit.

(a) *Scope.* No stormwater management facility shall be utilized until a stormwater management operating permit application meeting the requirements of Subsections (b), (f), (g) and (h), as applicable, has been submitted, the required application fee has been paid, and such application has been approved by the county administrator or designee, except that the following facilities shall not be required to obtain an operating permit:

(1) Facilities which have as their primary function the conveyance of stormwater and which specifically are not required by their permit or otherwise to provide for water quality treatment, flood attenuation, or volume retention.

(2) Facilities in existence on February 1, 1982, which have not been modified since that time.

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(3) Prior to the time of a final inspection as provided for in Subsection 10-4.212 (b)(3), facilities under construction which are part of a development plan authorized by an environmental management permit issued pursuant to this article and temporary facilities which are part of an erosion and sediment control plan for such a development site.

(b) *Permittees.* When a stormwater management facility operating permit is necessary pursuant to this section, the following individuals and entities shall be responsible for obtaining such permit and for insuring compliance with the requirements and conditions stipulated as a part thereof and with this article:

(1) Facilities constructed or modified subsequent to January 15, 1990. All persons having current title to any property which drains to the facility, and which was or is proposed to be developed in conjunction with the activities for which the stormwater management facility was constructed or improved, shall be named as permittees in the permit application. Once issued, the operating permit and the concurrent obligations shall automatically transfer to the successors in interest of such permittees. If a facility for which an operating permit is required receives commingled stormwater from multiple parcels which either are not under a single ownership or were developed specifically for resale, the owners of all such parcels shall enter into a written agreement, in a form approved by the county administrator or designee and bearing notarized signatures of all of the owners, naming one owner as their joint agent for purposes of the permit, or shall create as their joint agent a stormwater management facility property owners' association, which shall be duly registered as a corporation with the state's secretary of state. In such instance the operating permit shall be issued to the named joint agent or property owners' association, and such named joint agent or association shall be the primary contact permittee for purposes of notice, although the individual owners shall remain liable on a pro rata basis for all costs relating to the facility. A neighborhood home owners' association, which exists for purposes supplemental to the permitting of a stormwater facility, may function as the stormwater management facility property owners' association provided the home owners' association is organized in such a manner as to meet the requirements established in this article for stormwater management facility property owners' associations. If a single owner is appointed as the joint agent as described above, and that owner sells or legally transfers his interest in property which contributes water to the facility or otherwise elects to terminate his appointment as the joint agent, then that person shall promptly notify all permittees and the county administrator or designee of his termination as joint agent, and the permittees shall, within 60 days of the date of the joint agent's termination, either establish a stormwater management facility property owners' association and give notice to the county administrator or designee as specified hereunder or modify their joint agent agreement in a writing,

bearing the signature of all owners of property contributing stormwater to the facility, to appoint another owner as the joint agent, and file such agreement with the county administrator or designee. Additionally, in the event that the joint agent agreement option is used, the agreement must be modified to include the signatures of new owners, and refiled with the county administrator or designee within 30 days after transfer, when any parcel contributing stormwater to the facility is transferred or sold. It shall be the responsibility of the transferring/selling owner to notify the joint agent of the transfer within ten days of such transfer.

(2) Facilities constructed prior to January 15, 1990. When a facility existed on January 15, 1990, and is not significantly modified subsequent thereto, the permittee shall be those persons or their legal successors in title, in whose interest and for whose benefit the county or the state Department of Environmental Protection (under the provisions of F.A.C. ch. 62) originally issued a permit. Once issued, the operating permit and the concurrent obligations shall automatically transfer to subsequent legal successors in interest. If such an existing facility receives commingled stormwater from multiple parcels which either are not under a single ownership or were developed specifically for resale, the owners of all such parcels shall enter into a written agreement, in a form approved by the county administrator or designee and bearing notarized signatures of all of the owners, naming one owner as their joint agent for purposes of the permit, or shall create a stormwater management facility property owners' association to act as their joint agent. The operating permit shall then be issued to the named joint agent or stormwater management facility property owners' association, and such named joint agent or association shall be under the conditions and requirements provided for in Subsection (b)(1). If any legal agreements exist which absolve an owner from responsibility for a facility receiving stormwater from their property, and these are presented to the county administrator or designee in written form, such an owner may be allowed to opt out of participation in the stormwater management primary contact permittee, although the individual owners shall remain liable on a pro rata basis for all costs relating to the facility. If a joint agent agreement is used, all conditions and requirements specified in Subsection (b)(1) shall be complied with. A neighborhood home owners' association may function as the stormwater management facility property owners' association or named joint agent agreement. In such an instance the individual or entity which accepted the responsibility for the facility in place of such owner shall instead be required to be a participant.

(3) Government operated facilities. Notwithstanding Subsections (b)(1) and (b)(2), if a facility is constructed by or has been properly dedicated to a governmental entity, the permittee shall be that governmental entity.

(c) *Permit conditions.* In addition to any explicit special conditions outlined in

the operating permit, an implicit condition of all permits is as follows:

1. The permittee shall operate and maintain the facility in a manner consistent with the representations made in the application for the permit which authorized construction of the facility, and with the requirements of this article and other applicable local, state and federal regulations.

2. The permittee shall maintain the site in accordance with all applicable management plans, and shall maintain landscaping and natural areas as designed.

(d) *Expiration and renewal of operating permits.* Operating permits shall expire three years subsequent to issuance or renewal. The permittee shall apply to the county administrator or designee for a permit renewal three months prior to expiration of the permit, as provided in subsection (g).

(e) *Stormwater management facility capacity accounting records.* A record of total facility capacity, the capacities dedicated to individual sites, if any, and remaining available total facility capacity, must be maintained by the permittee if:

(1) The facility is not exempt from operating permit requirements under Subsection (a); or

(2) Some portion of the stormwater management facility capacity is to be utilized for stormwater from future development on multiple sites which are not residential use lots in a master planned subdivision.

(f) *Applications for stormwater facility operating permits.*

(1) For facilities constructed or modified subsequent to January 15, 1990, operating permits are required prior to final inspection and post-construction certification as provided for in sections 10-4.212 (b)(3) and 10-4.208. The applicant shall be the permittee specified in Subsection (b). The following information shall be required in the operating permit application:

a. A property parcel map showing the location and tax parcel numbers of each parcel for which an owner is required under Subsection (b) to either obtain an operating permit or maintain membership in a stormwater management facility property owners' association and a listing of the names and addresses of all owners with cross-references to the property parcel map identifying every parcel owned by each applicant.

b. If the permit is to be issued to a stormwater management facility property owners' association, a copy of the articles of incorporation

and pertinent bylaws, which have been approved by the county administrator or designee as meeting the requirements of F.A.C. 62-25.027, and other local government requirements if any, and which have been recorded in the official record books of the county; a list of the names, addresses, and telephone numbers of all association members and officers; and a certificate of good standing for the association, issued by the state's secretary of state evidencing the formal establishment of the association.

c. If the permit is to be issued to a joint agent, a copy of the agreement as specified in subsection (b).

d. A narrative description of the facilities to be permitted. Multiple facilities which were constructed under a single environmental management permit may be permitted by the county under one operating permit, as practical.

e. A general location map which indicates the relative location in the county and in the watershed of the facilities to be permitted, the property tax parcel numbers, and the names and addresses of the current owners of all parcels on which facilities are located, the limits of the drainage basin contributing to the facilities and the number of acres contributing runoff to each of the facilities.

f. Information regarding operating capacities of the facilities, demonstrating that such capacities are not greater than those specified in the application for an environmental management permit unless approved design modifications were made, in which event new calculations shall be provided.

g. An operation and maintenance plan, including identification by name, address, and phone number of an individual who shall be designated facility operator, and who shall be responsible for the day-to-day operation, maintenance and management of the facilities. The plan shall clearly define how funding and supervision is to be provided and shall include an acceptable operation and maintenance outline specifying operating procedures and possible required facility adjustment, routine intermittent and annual maintenance including exercising of valves, cleaning of weirs and trash racks, mowing, dredging, replacing filter media and underdrains as applicable, and all other activities required to ensure that the facility performs as designed. Such an outline must include estimates of equipment required, man hours and crew size, schedules and an estimate of long term annual cost. <u>If an oil/grease and water separator is required, a maintenance plan must be provided. The maintenance plan must address removal and approved disposal of products and pollutants to be performed at</u>

specific maintenance intervals.

h. Detailed vegetative and landscaping maintenance 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.

(g) *Renewal of operating permits.* Operating permits shall be renewed every three years. The permittee shall apply to the county administrator or designee for a permit renewal at least three months, but not more than six months, prior to expiration of the permit. Renewal shall be granted by the county administrator or designee when each of the following conditions is met:

(1) Inspection by the county administrator or designee, or sampling at the facility, confirms that all components are in good working order, that the facility is free of debris or excessive sediment deposits and is well stabilized, and that the facility is meeting or exceeding the design performance criteria specified in the environmental management permit and this article. Facilities for which no environmental management permit was issued to authorize construction shall meet the facility performance criteria specified in F.A.C. ch. 62-25.

(2) If the operating permit being renewed was issued to an individual or entity other than a stormwater management facility property owners' association, the applicant submits updated records providing the names and addresses of current property owners who are required to maintain an operating permit under this division. This list, through cross-referencing to the property parcel map filed with the original operating permit application, shall identify every parcel owned by each individual applicant.

(3) If the operating permit being renewed was issued to a stormwater management facility property owners' association, the applicant provides a current list of the names, addresses and telephone numbers of all association members, the names of all association officers, any changes made in the association bylaws subsequent to issuance of the previous operating permits, and a current certificate of good standing for the association issued by the state's secretary of state.

(4) The applicant provides the name, address and telephone number of the individual responsible for day-to-day operation, maintenance and management of the facility and who shall be designated as facility operator.

(5) The applicant presents up-to-date stormwater facility capacity accounting records if the development is not built out or the facility is not at full capacity.

(6) The applicant agrees to make such modifications, improvements, or operation or maintenance changes necessary to meet the requirements of this article.

(7) The landscape and management plans have been followed and the green areas are in acceptable condition. The applicant will restore, replant or do any other item necessary to bring the site into compliance with all management plans and the original design.

(h) *Applications by governmental entities for operating permits.* When a facility is to be operated and maintained by a governmental entity, an operating permit shall be issued upon submission by the governmental entity of evidence that the facility is to be maintained as a part of an overall plan of maintenance for the master stormwater management system. The plan must conform with the standards of this article, and evidence of compliance with state water quality standards must be provided. Such a permit shall be renewed provided the governmental entity submits evidence of continued performance of required maintenance under the overall system maintenance plan.

SECTION 8: Section 10-4.303 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

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

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

(2) *Additional pretreatment for intensive land uses.* Any post-development land use involving as a principal activity: The sale or handling of petroleum products; the repair, maintenance, or cleaning of motor vehicles; the outside storage of fertilizers; or the production, distribution or use of any hazardous material regulated by any federal, state, or local government agency; shall include a separate and distinct stormwater management system to treat the runoff from those areas where such activities are conducted, so as to provide intensive pre-treatment and removal of such products or pollutants from the runoff prior to discharge into the stormwater treatment system serving the other areas of the site. Routine maintenance must be specified and a maintenance plan must be

provided. The maintenance plan must address removal and approved disposal of products and pollutants to be performed at specific maintenance intervals. A separate operating permit is required if the project is part of a stormwater facility serving more than one parcel.

(3) *Design provisions for maintenance.* The design and construction of all facilities shall include adequate provisions, including easements and rights-of-way, to accommodate maintenance activities for the proper operation of the facility.

(4) *Design standards and design life.* Stormwater facilities, including pipelines, culverts, retaining walls, and channel linings, shall be designed and constructed to have a minimum 50-year useful life to the maximum extent feasible and in accordance with specifications adopted by the governmental entity.

(5) *Design capacity.* Design of stormwater management facilities shall control the rate of flow of stormwater runoff for all intensities, durations and return frequencies up to and including the 25-year storm except that underground pipelines may be designed for lesser magnitude storms, in accordance with the local government policies, if an overland conveyance meeting the requirements of this article is provided for the flow in excess of pipeline capacity. Where use of existing regional or off-site facilities is proposed, documentation must be presented which verifies that adequate capacity is available within such regional or off-site facility.

(6) *Maximum design depth.* Design of a development shall ensure that the depth of water in vehicular and pedestrian use areas does not exceed six inches for the critical duration storm, up to and including the 25-year storm.

(7) *Overflow systems.* All stormwater detention and retention facilities shall include overflow design features as necessary to minimize the risk of any significant adverse impacts caused by overtopping during storms up to and including 100-year storm events.

(8) *Runoff buffers.* For sites which will contain less than 10,000 square feet or ten percent of impervious surface, whichever is less, alternatives to stormwater detention or retention facilities that utilize landscaped buffers or natural areas as a means of attenuating rate of runoff may be allowed and are encouraged, provided the applicant can demonstrate, to the satisfaction of the county administrator or designee, that adequate water quality treatment can be provided and no significant adverse impacts will result and that the purposes and standards of this article are met by the proposed alternative. Runoff buffers are not allowed for treatment of roadway runoff.

(9) *Interbasin transfer restrictions.* Transfer of stormwater runoff from one drainage basin to another, including stormwater runoff from closed basins, shall only be allowed where an assessment of impacts has been made, to the satisfaction of the ~~c~~County ~~a~~Administrator or designee, indicating minimal negative impacts to the receiving watershed relative to water quality, quantity and rate of discharge, and where subsection (a) or (b) of this subsection (9) is met:

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

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

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

(10) *Slope requirements.*

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

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

~~1~~2. The area is surrounded by fencing or another appropriate physical barrier at least four ~~three~~ 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

~~2~~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

~~3~~4. The sides are stabilized with appropriate material having a

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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 ~~three~~ 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 credit 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, 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.

(13) *Ditches.* Ditches shall conform to the following standards:

(a) Ditch side slopes shall be no steeper than 3:1, unless paved, in which case a 2:1 maximum side slope will be allowed for depths greater than one foot and 1:1 for depths up to one foot.

(b) Ditches shall be grassed and mulched if the peak velocity of stormwater is from zero to two and one-half feet per second, sodded if the velocity is two and one-half to four feet per second, and paved if the velocity is greater than four feet per second. Sodding may be allowed for velocities from four to five and one-

half feet per second if sod is lapstaked and joint staggered. Alternate stabilization techniques may be allowed by the county administrator or designee if sufficient additional information is provided by the applicant to assure that ditch integrity will be maintained. Peak stormwater velocities shall be calculated based upon the critical duration of a 25-year return period storm.

(14) *Recovery for rate and volume retention.* All facilities that provide retention for rate and volume control shall:

(a) Recover one-half the retention volume in seven days and the remaining volume within 30 days. More restrictive recovery times may exist for particular standards, including, but not limited to the Bradfordville Study Area and the Northwest Florida Water Management District Environmental Resource Permitting;

(b) Provide soil borings to a depth of three and one-half times the depth of the pond extended below the proposed bottom of pond elevation (one boring if pond is less than one-half acre, two borings if pond is greater than one-half acre but less than one acre and one additional boring for each additional acre of pond);

(c) Substantiate percolation rates by providing stabilized double ring percolation tests, or other tests approved by the County Administrator or designee, located one foot below the proposed pond bottom and in each soil strata indicating low permeability (one test if pond is less than one-half acre, two tests if pond is greater than one-half acre but less than one acre and one additional test for each additional acre of pond).

(d) Substantiate recovery: A geotechnical report, prepared and certified by a licensed professional engineer qualified to do such a report, pursuant to Florida Statutes 471, shall demonstrate recovery by addressing the following:

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

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

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

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

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

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

1. Has an exposed sandy soil footprint of less than 5,000 square feet, or an impervious area of less than 8,000 square feet, or a graveled area of less than 10,000 square feet.

2. Has a width of ten feet or less and constructed on grade.

3. Has a parallel downstream swale at least six feet in width and between 12 and 15 inches in depth, ditch blocked as necessary to retain at least one-half inch of runoff from the roadway, and directed to properly sized and stabilized conveyances if the swale provides a concentrated discharge.

4. Provides no anticipated adverse impact on downstream property.

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

(17) *Pervious pavement for pre-existing unstabilized roads.* Pre-existing

unstabilized roads which are proposed for stabilization with pervious surfacing treatments such as hard gravel, porous concrete, or Open Grade Cold Mix Asphalt shall be eligible for a permit if all of the following conditions are demonstrated by the applicant to the satisfaction of the county administrator or designee:

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

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

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

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

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

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

(18) *Additional requirements for the Bradfordville Study Area.* For those properties within the Bradfordville Study Area, these provisions shall be supplemented by the more stringent standards set forth in Section 10-4.382.

SECTION 9: Section 10-4.304 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-~~4~~5.304. Stormwater easements.

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

(1) *Flood zone easements.* All areas subject to inundation post-development during storm events up to and including a 25-year storm shall be protected by an easement prohibiting the owner from making any alterations other than those associated with permitted infrastructure and vegetation

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management, and granting to the local governmental entity within whose boundaries a development site is located the right to periodically inundate the property. This easement shall grant to the local governmental entity the power of enforcing the prohibition against alterations within the easement. Any unauthorized alteration of the easement or the area subject thereto shall constitute a violation of the environmental management permit issued for the site.

(2) *Conveyance easements.*

a. *On-site easements.* All new development shall include drainage easements as necessary to ensure that parcels adjacent and uphill have access to adequate stormwater conveyances. Such easements may be required to be dedicated to and maintained by the local governmental entity having primary jurisdiction over the site.

b. *Off-site easements.* If a newly concentrated flow or increased concentration of stormwater is discharged off-site into any conveyance other than a public drainage conveyance, or an approved watercourse (having defined banks), wetland, or waterbody capable of sustaining the effects of such a discharge, an adequate easement shall be obtained for the off-site conveyance. The local governmental entity with primary jurisdiction over the site may require that such easements be dedicated to the public if the nature of the conveyance warrants its inclusion as a part of the government's master stormwater management system.

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

(3) *Pass-through capability for stormwater run-off from uphill areas.* Upon adoption of a master stormwater management system plan, the county may require that

stormwater conveyances and stormwater management systems be designed and constructed to function to the maximum standards of this article after all uphill property has been developed. When actual construction of oversized facilities is required, costs shall be apportioned on a pro rata basis among the users of the facility. Prior to adoption of a master stormwater management system plan, only the easements for such facilities shall be required. The size of the easements and the design of required facilities shall be sufficient to account for the increased volume and rate of stormwater runoff anticipated after all uphill property is developed. Should the intended use for the uphill property not be known, the design shall presume the uses shown in the local government's land use plan.

SECTION 10: Section 10-4.321 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.321. Prohibitions.

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

(1) Activities related to accessory home gardening and customary routine landscape maintenance.

(2) Activities involving soil or ground cover disturbance in connection with permitted removal of an individual tree, in which case the disturbance shall be limited to that necessary to remove the stump.

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

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

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

All projects must ensure that the capacity of existing swales, ditches or

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other surface water management systems are not reduced, the projects are not located in wetlands and other surface waters, the projects include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation, and flooding impacts are mitigated. These exemptions are not applicable in the Bradfordville Study area. A demonstration must be made to the satisfaction of the County Administrator or designee that no adverse environmental impacts will result. Specific projects are as follows:

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

(b) *Compliance with standards.*

1. *Permits issued January 15, 1990, and thereafter.* No development or redevelopment activity shall be permitted or undertaken subsequent to January 15, 1990, unless and until the county administrator or designee determines that plans and specifications for such activity indicate that all stormwater management requirements and standards of this division will be met for the entire site for new development activities, or for the particular parcel in the case of redevelopment activity with the allowances listed in section 10-173. However, where activities proposed for a parcel will be less extensive than that set out in the definition of redevelopment, the plans and specifications for such activity need only show that all requirements of this division will be met for the specific portions of the parcel subject to alteration, without requiring that the entire parcel be retrofitted.

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

(c) *Stormwater and pollutant discharge.* No person shall discharge, or allow or cause to be discharged, or alter the discharge of, stormwater runoff, sedimentation, or

other pollution as defined in this chapter into rivers, streams or other watercourses, ~~or~~ water bodies, or the groundwater without the consent of the applicable governmental authorities.

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

SECTION 11. Section 10-4.322 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.322. Wetlands.

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

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

(c) *Protection of topography and hydrocycle.* Existing natural topography shall be maintained within wetland areas. No alterations shall be made within a wetland area to the natural fluctuation of water levels or flows. Restoration shall only be allowed to wetlands which have been determined by the County Administrator or designee to be degraded to the extent that their ecological functions have been significantly and detrimentally degraded. Restoration of degraded wetlands may be allowed only if the wetlands are being designed to be brought back to a historical vegetated natural system. The applicant shall provide undisputable evidence to support this historical vegetated natural system to the satisfaction of the County Administrator or designee. The intent of the restoration is to create a wetland that will function as a natural system.

(d) *Structures and roads.* Disturbance for new structures or roads located within a wetland area shall be limited to five percent of the total wetland area within the development and the road placed at the location that minimizes impact. New structures, access roads or improvements to existing roads shall require the road to be elevated on pilings or piers or otherwise constructed so that the circulation and flow of water is not impeded or restricted. The applicant must demonstrate to the satisfaction of the county administrator or designee that structures or roads do not interfere with the ecological functions of the wetland area, through maintaining the existing flow patterns and

minimizing the water elevation changes within 0.1 foot difference from the pre- and post-development conditions.

(e) *Protection of vegetation.* No tree or vegetation located within a wetland or within 20 feet of the perimeter boundary of a wetland area shall be removed or damaged except as permitted in accordance with the provisions of this division. No natural vegetation shall be removed, except:

(1) As necessary for routine trimming and pruning of trees; as necessary to construct approved ~~stormwater detention or retention systems, or approved~~ utilities, roadways, or other structures, and in compliance with an approved environmental management permit and all requirements of this division; or

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

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

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

SECTION 12: Section 10-4.323 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.323 Special development standards for environmentally sensitive zones.

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

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

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

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 floodplain area.

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

C. *Natural vegetation protection zone.* All vegetation shall be protected in a natural state 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 from elevation 89 feet NGVD, except that established lawns existing on developed single-family lots prior to January 15, 1990, may continue to be maintained. Annual (or less frequent) cutting of woody plants and controlled burning within the natural vegetation protection zone is allowed, as well as selective removal of species which are intrusive to the native species, and planting of native species, such as to improve the environmental function of the area.

D. *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, and within the latter zone if permitted pursuant to subsection (b)(1)~~e~~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 100 feet to 110 feet NGVD:

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

(3) Regional stormwater facilities may be located within the Lake Jackson Special Development Zones and the lake's undisturbed 100-year floodplains, wetlands and native forest for the purpose of addressing existing stormwater problems provided the following criteria are met:

A. All other reasonable options have been considered, and there is no other location that can be utilized given the stormwater flow patterns.

B. The stormwater facility is designed to retrofit an existing stormwater problem.

C. The stormwater facility must be initiated by the local government and shall demonstrate a net benefit in water quality which offsets the loss of the 100-year floodplain, wetlands, and native forest.

D. This retrofit option is only available if the lake has an adopted retrofit plan.

(~~3~~4) *Lake protection area.* An area based on the Lake Jackson basin boundary, adjusted to primarily include undeveloped areas and existing less intensely developed areas, as specified in the Tallahassee-Leon County Comprehensive Plan, land use element, and related overlays included therein:

A. Upon presentation of competent technical evidence that a proposed development site within the lake preservation area lies within a closed basin which does not naturally or artificially discharge to the Lake Jackson basin, such development site shall not be subject to the limitations of the Lake Jackson area special development zone, provided that the following conditions are met:

1. The closed basin must be certified by a qualified professional to the effect that there are no artificial or natural discharges from it.

2. Increases in the post-development stormwater runoff above the pre-development volumes shall be either retained on-site or filtered through an approved regional stormwater management facility.

3. All other applicable development standards outlined within the Tallahassee-Leon County Comprehensive Plan, matrix, and this article, are met, including special requirements and restrictions specified for the particular zone if the development site is located within zone A or B.

(45) *Prohibited land uses.* See section 10-6.707.

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

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

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, 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.

B. *Natural vegetation protection zone.* All vegetation shall be protected in a natural state 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 from elevation 35 feet NGVD, except that established lawns existing on developed single-family lots prior to January 15, 1990, may continue to be maintained. Annual (or less frequent) cutting of woody plants and controlled 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.

C. *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 (c)(1)b., 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 40 feet NGVD to elevation 60 feet NGVD:

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

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

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

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

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

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

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

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

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

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.

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

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

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

A. *Development area limitations.*

1. Development, as defined by 10-1.101 and 10-4.102 is excluded from zone A, except as specifically permitted by section 10-4.323(f)(1)a.2., below.

2. For previously platted residential lots or residentially zoned lots of record entirely within, or where more than 25 percent of the area of such lot is within, zone A, 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 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 only 50 percent of gravel driveways kept on grade will be included.

3. No cut and fill and no fill except as necessary and specifically authorized by a grading and filling permit for permitted impervious areas.

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 vegetative 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 or 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. Controlled and limited entry shall be allowed into those areas which must be entered to provide reasonable access to permitted structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways which shall be authorized by an environmental permit.

2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, 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, pursuant to a special access permit.

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

A. *Development area limitations.*

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

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

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

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

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. 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 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.* Zone B includes a distance extending 200 feet upland from the 100-year floodplain boundary of Lake Lafayette.

A. Development area limitations.

1. Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or 25 percent of that part of the development site located within zone B. 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. For a lot that has both zone A and zone B, the 4,000 square foot minimum shall only be applicable once per lot.

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

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

(3) *Variances.* To the extent that a variance, if granted, would not be inconsistent with any provision of the Comprehensive Plan, the county administrator or designee shall serve as hearing officer and is hereby

authorized to grant variances to section 10-4.323 (g)(2) for single family residential lots.

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

1. The disturbance is limited to Zone B upland from Zone A, and

2. Technical evidence based on slopes, soil erodability, isolation from the regional drainage system or other scientific data reasonably supports the conclusion that no significant adverse environmental impacts will result from the granting of the variance, and

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

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

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

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

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

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

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

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

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

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

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

SECTION 13: Section 10-4.325 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.325. Active karst feature requirements.

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

(1) Runoff to be discharged directly into the active karst feature shall be treated to comply with F.A.C. 62-520.420 prior to discharge. <u>For purposes of this subsection, "discharged directly" shall mean stormwater discharging from a development site into an active karst feature without first mixing and attenuating in a wetland, water body, floodplain, or other surface water feature, independent of the karst feature, whereby additional natural treatment can further reduce pollutant loading.</u>

(2) Discharge rates and volumes into the active karst features shall not exceed pre-development rates and volumes.

(3) A <u>minimum</u> buffer width of 35 feet from the uppermost contiguous contour or slope break of any active karst feature, as specified in the permit and determined by standard geotechnical evidence in consideration of soil types, slope, vegetation, topography, and geologic features, shall remain in a natural and unaltered state.

(4) Sufficient measures shall be taken to protect the active karst feature from sedimentation or other debris during development.

(5) The following uses shall not discharge any stormwater runoff into an active karst feature:

Automotive repair--Major and minor.

Automotive--Sale of tires, batteries, or accessories.

Automotive--Sales and rentals.

Bottling plants.

Car washes.

Food processing.

Horticulture nurseries.

Laboratories; research and development activities.

Laundries and dry cleaning establishments.

Manufactured or assembly.

Paint and solvent sales, storage, or manufacturing.

Permanent active recreational facilities including race tracks.

Petroleum storage, refining and allied activities.

Printing, publishing, and allied activities.

Repair services--General (furniture and similar uses).

Resource development activities.

Salvage yards.

Sawmills, planing mills, gristmills, nut crushing plants, turpentine stills, and other activities utilizing the natural resources of the region.

Self-moving business operations.

Service stations or other sales of petroleum products.

Slaughterhouses.

Transportation activities, freight handling.

Warehousing including enclosed, open, and tank storage.

Welding and machine shops.

Wholesale activities.

Any other nonresidential use which uses, produces, or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.

Any other use which the county administrator or designee determines may reasonably be expected to produce stormwater pollutants similar to those specifically listed above and sought to be eliminated by this subsection.

Manufacture or processing of the following:

Apparel and accessories.

Chemicals and allied products.

Lumber, wood, furniture, and fixtures.

Metals and allied products.

Paper and allied products.

Rubber, plastic, and allied products.

Stone, clay, and glass products.

Textile and textile products.

SECTION 14: Section 10-4.327 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.327. Topographic alterations.

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

(1) *Sedimentation and erosion controls.*

a. Installation of controls. No clearing, grading, cutting, or filling shall commence until erosion and sedimentation control devices have been properly installed, in accordance with an approved plan, between the area to be disturbed and adjacent property, water bodies, watercourses (including inlets and culverts), and wetlands. Clearing and excavation required for installation of erosion and sedimentation control devices is allowed provided no activity occurs ~~beyond~~ more than five feet from the location of control devices as specified in an approved plan.

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

1. Limiting the amount of clearing necessary.

2. Staging clearing activities to minimize the length of time any area is left unstabilized and to minimize the total area cleared at any one time.

3. Temporary gravel construction entrances.

4. Straw bale barriers.

5. Silt fences.

6. Storm drain inlet protections.

7. Temporary diversion dikes.

8. Temporary sediment traps.

9. Temporary sediment basins.

10. Temporary stream crossings.

11. Seeding so as to establish an appropriate vegetative ground cover.

12. Sodding.

13. Erosion control and seeding mats.

14. Other suitable methods as approved by the county administrator or designee.

c. Maintenance of controls. Once properly installed, erosion and sediment controls shall be maintained pursuant to section 10-4.210~~4~~ until a permanent vegetative ground cover is established. Any site or portion thereof where work is not being performed as part of the current phase of development, and which remains cleared for over 30 days, shall be stabilized through the establishment of appropriate ground cover. All disturbed areas shall be permanently stabilized through the establishment of appropriate vegetative ground cover upon completion of development activities on the site.

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

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

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

c. The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. Man made slopes shall not be regulated. Development in sloped areas of ten percent and above shall be permitted as follows:

1. Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.
2. A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed or have an approved vegetation management plan and shall be placed so

as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.

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.

d. 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. Appropriate restrictive limits of areas as to clearing and topographic alteration.

2. Approved erosion and sediment control plans.

3. An evaluation of alternatives which support the allowance of an exemption.

(3) *Flood zone grade change restrictions.* The wetland protection provisions of Article IV shall first be complied with prior to considering the

provisions of this section. It is the intent of this subsection to allow selective alterations and redevelopment activities in those specific portions of a floodplain meeting the definition of altered floodplain, ~~which have previously been substantially topographically altered or substantially ecologically degraded,~~ provided that the requirements of all other applicable portions of this article are met and that the applicant demonstrates in the permit application that a net improvement in the hydrologic function of the adjacent unaltered floodplain will result post-development.

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

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

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

2. For projects where placement of fill in the floodplain is

allowed pursuant to subsection 1., compensating volume shall be provided. ~~required only for that fill placed below the ten year floodplain.~~ The compensating volume required shall be located so as to mitigate the ecological and hydrologic impacts of the fill. ~~that is placed below the ten-year flood elevation.~~

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

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

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

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

SECTION 15: Section 10-4.342 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.342. General applicability.

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

(1) Minimum landscaped areas in all developed land use areas, including towers and telecommunication projects, additions of 1,000 square feet or more of impervious area, or where redevelopment requires additional parking, in accordance with sections 10-173, 10-4.344, 10-4.347 through 10-4.355, including section 10-6.812 for towers and telecommunication projects.

(2) A reforestation program, in accordance with sections 10-4.347, 10-4.349, 10-4.350, and 10-4.353.

(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, 10-4.673(10), 10-4.674(10), 10-4.675(10), and 10-4.676(10).

(b) Exemptions. The following activities are exempt to the degree specified herein from the landscaping requirements of this division:

(1) Individual mobile homes, individual detached single-family dwelling units, individual two-family dwelling units, triplex and quadraplex units, or bona fide agricultural uses.

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

SECTION 16: Section 10-4.343 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Section 10-4.343. Landscape design standards generally.

Whenever a landscape plan is required as part of the environmental management permit application, the design and installation of required landscaping shall be consistent with the minimum standards in this subdivision. Where an applicant can demonstrate, to the satisfaction of the county administrator or designee, that an alternative landscape development plan will exceed the objectives of this ~~division~~ Article, as set out in Section 10-4.104, strict application of the specific requirements for landscaping may be waived by the county administrator or designee.

SECTION 17: Section 10-4.345 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.345. Natural area requirements.

(a) Minimum natural area. All development activity shall preserve a minimum of 25 percent of the total area of the development site in a natural condition, unless the site design alternative criteria of section 10-4.346 are met. In either case, all natural areas designated in the permit to be preserved shall be recorded as a conservation easement. The development activity shall preserve at least ten percent of the total number of protected trees located on the site. If there are no environmental constraints or forested areas onsite, no conservation easement is required, but the area must be delineated as a conservation area on the site plan.

(b) Credit towards landscape area requirements of section 10-4.344 may be allowed for all or part of the natural area, provided the applicant demonstrates to the satisfaction of the county administrator or designee that the natural area to be claimed for landscape credit addresses one or more of the following criteria:

(1) Encompasses tree clusters including high quality successional forest, native forest, protected trees, or urban forest with native understory that have been protected from development impact; or

(2) Is located so as to protect the downhill sides of severe or significant grade areas; or,

(3) Constitutes a minimum 20 foot wide perimeter buffer on at least three sides of the site; or,

(4) Encompasses all significant on-site environmental constraints; or,

(5) Provides a forested buffer along any roadway; or,

(6) Includes other environmentally sensitive considerations as determined to be consistent with the intent of this subdivision by the county administrator or designee; or,

(7) Provides a perimeter buffer on at least two sides of a site contiguous to high quality successional, native or urban forest on adjacent properties.

(8) Is located adjacent to an environmentally sensitive land feature.

(c) Maintenance of natural areas. A management plan submitted as part of the environmental management permit application is required for all pre-development vegetation located on the site. Vegetation management shall be allowed for the purpose of integrating pre-development vegetation both visually and physically into the site's master landscape plan. Maintenance guidelines shall be required and provisions made for any supplemental planting, if additional plantings are desired. Approved maintenance activities include pruning of dead and hazardous tree limbs, planting, mulching, fertilization, pest control. Mechanical methods which compact the earth or impair root systems, or the pruning of limbs greater than 10 percent of the green mass of a tree are prohibited, unless otherwise allowed in an approved plan. Activities that would result in a change in the vegetative composition of the forest community including removal of native species and replacement by invasive/exotics, or the removal of understory and ground cover are prohibited.

SECTION 18. Section 10-4.346, Site design alternative, is amended as follows:

Sec. 10-4.346, Site design alternative.

(1) For sites which do not contain, in their pre-development state, any forested areas and/or environmental constraints (such as environmental resources or characteristics which are identified in the definitions of conservation area or preservation area) to meet the intent of the 25 percent natural area preservation requirement of section 10-4.345(a), a permit for a development project designed to provide net environmental benefit by other means in lieu of the 25 percent natural area preservation may be approved by the county administrator or designee if the permit application meets the following criteria:

~~(1)~~ (a) Ensures preservation of at least ten percent of the pre-development vegetation on the site with emphasis on preservation of tree clusters, urban forest, native understory vegetation, and includes wildlife habitat enhancements as defined in section 10-1.101. ~~;~~ ~~(a)~~ If the site is devoid of an urban forest community, or if existing natural vegetation comprises less than ten percent of the total site area, then a forest community, shall be established in the amount necessary to achieve the ten percent minimum natural area requirement. The site design alternative plan must conform to landscape site design standards set forth in section 10-4.351 for the purpose of restoring forest community types with an emphasis on enhancing wildlife habitat benefits.

(2) Within those zoning districts located within the urban services area wherein residential densities of greater than six dwelling units per acre or medium and high intensity non-residential land use is allowed, new development and redevelopment may

comply with the following alternative landscape and natural area requirements:

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

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

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

R-3,	Single- and Two-Family Residential zoning district,
R-4,	Single-,Two-Family and Multi-Family Residential zoning district,
BC-1,	Bradfordville Commercial zoning district,
BC-2,	Bradfordville Commercial zoning district,
BCS,	Bradfordville Commercial Services zoning district, and,
BOR,	Bradfordville Office Residential Districts zoning district,

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

C-1,	Neighborhood Commercial zoning district,
CP,	Commercial Parkway zoning district,
OR-1,	Office Residential zoning district,
OR-2,	Office Residential zoning district,
NBO,	Neighborhood Boundary Office zoning district,

MRC, Mahan Residential Corridor zoning district, and
MRCN, Mahan Residential Corridor Node zoning district

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

MR-1, Medium Density Residential zoning district,
OR-3, Office Residential zoning district
OA-1, Airport Vicinity zoning district,
C-2, Neighborhood Commercial zoning district,
CM, Medical Arts Commercial, UP-1 Urban Pedestrian zoning district,
UP-2, Urban Pedestrian zoning district,
M-1, Light Industrial zoning district,
PD, Planned Development zoning district,
PUD, Planned Unit Development zoning district,
DRI, Development of Regional Impact zoning district, and,
IC, Interchange Commercial zoning district

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

I, Industrial zoning district, and
AC, Activity Center zoning district.

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

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

C-1, Neighborhood Commercial zoning district,
CP, Commercial Parkway zoning district,
OR-1, Office Residential zoning district,
OR-2, Office Residential zoning district,
NBO, Neighborhood Boundary Office zoning district,
MRC, Mahan Residential Corridor zoning district, and

MRCN, Mahan Residential Corridor Node zoning district

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

MR-1, Medium Density Residential zoning district,
OR-3, Office Residential zoning district,
OA-1, Airport Vicinity zoning district,
C-2, Neighborhood Commercial zoning district,
CM, Medical Arts Commercial zoning district,
UP-1, Urban Pedestrian zoning district,
PD, Planned Development zoning district,
PUD, Planned Unit Development zoning district,
DRI, Development of Regional Impact zoning district, and
IC, Interchange Commercial zoning district,

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

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

(c) If there are structures on the property that Leon County determines must be removed, all demolition must be performed prior to closing at no cost to Leon County. All closing and real estate transaction costs must be paid by the developer. The management and use of any and all such flood-prone properties conveyed to Leon County shall be in accordance with Leon County Board of County Commissioners Policy 05-5, Flooded Property Acquisition and Management Program, or as that Policy may be amended or superseded, including, but not limited to, the use of restrictive covenants to prohibit any use of such properties other than in accordance with Policy 05-5 or as otherwise directed by the Board.

SECTION 19: Section 10-4.349 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.349. Reforestation requirements.

(a) *Tree count.* All sites shall include, upon completion of development activities, a minimum number of trees determined by using the ratio of 40 trees for each

acre of developed area, except for public roadway projects, which shall include a minimum ratio of 20 trees for each acre of developed area.

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

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

(2) At least 75 percent of the critical protection zone (cpz) of each preserved tree shall be protected during development activities pursuant to section 10-4.363, and maintained during and after development in a natural state, in a vegetative landscape material covering, or in some other pervious surface covering. Half of the allowable preservation credit can be counted toward trees that are impacted within the cpz, if the tree is not being removed and a determination is made that the tree will survive with no adverse impacts. This includes mitigation prepared by a certified arborist to offset the impact.

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

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

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

SECTION 20: Section 10-4.350 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.350. Stormwater management facility landscaping.

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

(b) *Landscape area credit availability.* As a design alternative, 100 percent

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credit can be given toward the 25 percent landscape area requirements of section 10-4.344 when stormwater wet-detention or retention facilities meet section 10-4.303 and are landscaped in accordance with the minimum standards set forth in subsection 10-4.351 (e)(6), provided:

(1) Wet detention ponds.

a. Side slopes are 6:1 or flatter;

b. Appropriate wetland tree and aquatic plant species are used.

c. Pond must be curvilinear in shape.

(2) Dry retention ponds.

a. Side slopes are 4:1 or flatter;

b. Appropriate tree and plant species are used.

c. Pond must be curvilinear in shape.

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

(4) Landscaping functions to visually integrate the stormwater management system into the overall landscape design of the site.

(5) The pond is landscaped in accordance with the minimum standards set forth in section 10-4.351. The pond area allowable for landscape credit shall be defined as the area encompassed by the pond's contour line at the spillway elevation.

SECTION 21: Section 10-4.351 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

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

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

(b) *Habitat development.* The use of native plant material, site design techniques, and planting design techniques which enhance wildlife habitat benefits shall be used where possible in the landscape plan. The publication "Planting a Refuge For Wildlife," or its successor, available from the State of Florida Fish and Wildlife

Conservation Commission, may be used as a guide. Types of wildlife habitat enhancements may be found in section 10-1.101.

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

(d) *General landscape standards.*

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

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

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

b. *Size.* Trees shall have a minimum diameter of two-inches caliper at the time of planting, except that whenever three or fewer trees are required to be planted on a site, such trees shall have a minimum height of 12 feet and a minimum diameter of three-inches caliper at the time of planting. Canopy tree species shall reach a height of greater than 40 feet, and shall create the upper story of the tree line. Understory trees shall be a species that reach a height of less than 40 feet, and shall prefer a cover of larger trees.

c. *Crown spread.* Planted trees must be a species with an average mature crown spread of at least 30 feet for canopy trees and 20 feet for understory trees, or they must be grouped so as to create a

crown spread meeting this criteria.

d. *Interior planting volume.* The interior planting volume for each tree shall be a minimum of 1,200 cubic feet with a minimum width of 12 feet and a depth of three feet. Construction-grade fill material within planting areas shall be excavated to a depth of three feet below the finished grade of the planting area and replaced with a non-compacted "friable" topsoil. The planting area shall be maintained in either vegetative landscape material or other pervious surface cover.

e. *Utility considerations.* Tree species and placement shall be selected so as to minimize conflicts with existing or proposed utilities. To prevent conflict with overhead utilities, trees shall be selected from a list of trees recommended for use under utility lines and shall be planted within the affected portion of the interior landscape area to fulfill the tree requirement of this section. Where conflicts with underground utilities exist, tree placement shall be a minimum of ten feet from the underground utility.

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

a. *Height and spread.* Shrubs shall be a minimum height of 18 inches and have a minimum spread of 15 inches at the time of planting.

b. *Placement and opacity conformance.* Shrubs with 15 to 23 inches of spread shall be planted on maximum three-foot centers. Shrubs with greater than 23 inches of spread shall be planted on maximum five-foot centers. In no event shall spacing exceed five feet on center, nor shall plants be closer than two feet to the edge of any pavement.

(4) Ground cover. Grass or other ground cover shall be planted on all areas within all landscape areas not occupied by other landscape material or permitted access ways.

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

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

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

planting.

c. *Lawn grasses.*

1. Lawn grasses planted for credit toward landscaping requirements shall be perennial species capable of thriving in the county.

2. Lawn grasses shall be planted so as to achieve complete coverage within two calendar years from the time of planting.

3. Grasses may be sodded, sprigged, plugged or seeded, except that solid sod is required in swales and other areas subject to erosion.

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

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

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

a. A plan must be prepared by a qualified professional and must include details pertaining to site preparation methods of weed control during establishment, methods of planting, irrigation, justification for species and quantities proposed.

b. 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. 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.

c. Shrubs shall be planted at half the number of required trees. Shrubs shall meet the specifications of Sec. 10-4.351(d)(3).

d. Groundcover shall be planted to obtain 80 percent cover of the area

within three years. Groundcovers shall be native species adaptable to the site.

(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:

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

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

(4) Interior landscape area planting specifications.

a. *Canopy coverage.* Interior planting areas shall be located such that tree(s) planted therein will achieve a minimum of 40 percent plan-view canopy coverage of all paved parking areas. To calculate canopy coverage for site design purposes, the standard canopy diameter for canopy and understory trees shall be 30 feet and 20 feet, respectfully.

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

(5) Uncomplimentary landuse buffer planting specifications.

(a) Plant material requirements.

1. Trees. Trees used as part of an uncomplimentary land use buffer shall meet the provisions of Subsection 10-4.351 (d)(2).

2. Shrub material. Shrub material used as a part of an uncomplimentary land use buffer shall be a minimum height of 30 inches and have a minimum crown width of 24 inches when planted; shall be a species capable of achieving a minimum height of eight feet at maturity; and shall be located in such a way as to maximize the screening potential.

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

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

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

a. *Planting specifications.* Species selected for stormwater management facility landscaping shall be suitable for individual pond characteristics of soil, slope, aspect and hydro period and micro climate. Recommended plant materials in the "Environmental Design Guide," published by the City of Tallahassee, Growth Management Department.

b. *Plant material requirements.*

1. Wet detention facilities.

(a) Wet detention facilities stormwater management facilities are to be landscaped with native species which are well suited to the use within the boundaries of a stormwater management facility, including fluctuating water levels, changes in hydro periods, and anthropogenic impact. Aquatic species which are listed as prohibited by the Florida Department of Environmental Protection cannot be

used under any circumstances.

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

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

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

2. Retention facilities.

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

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

3. Swales and berms. All swales and berms shall be sodded.

SECTION 22: Section 10-4.362 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.362. Protected trees.

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

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

(1) Any tree having a diameter of 18 inches DBH or greater.

(2) Any tree with a DBH of four inches or greater which is located in the lot perimeter zone of any development site except for sites being developed for detached single-family residential use. The lot perimeter zone is the area of a development site which falls between a property line and the minimum building setback corresponding to that property line as required by Article VI (Zoning).

(3) Any tree within a canopy road tree protection zone.

(4) Any tree planted to meet the replanting, reforestation, or landscaping requirements of this chapter.

(5) Any tree located within a conservation or preservation area as described in section 10-4.202.

(6) Any dogwood (Cornus florida) tree of four inches DBH or greater.

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

1. 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. Are not located within a wetland or floodplain area;

b. Are not located within a canopy road tree protection zone; and

c. Are not located within a required buffer, preservation, conservation, or easement area.

2. The removal of any tree planted and grown in the ordinary course of business of a lawful plant or tree nursery.

3. The removal of any tree during or following an emergency or an act of nature, when the county administrator or designee determines that permitting requirements will hamper private or public work to restore order to the county.

4. The removal of any tree which the county administrator or designee finds to be in such a hazardous or dangerous condition as to endanger the public health, welfare, or safety and therefore to require immediate removal.

~~5. Removal of trees as necessary for a project which the county administrator or designee has determined is a bona fide agricultural use, provided that:~~

~~a. A short form environmental management permit application or silvicultural permit for the project has been approved by the county administrator or designee pursuant to Division 2 and sections 10-187, 10-4.2 (a), and 10-4.206 (1) of this chapter.~~

~~b. No tree proposed for removal is a patriarch tree.~~

~~c. No tree proposed for removal is located within a wetland area, a conservation or preservation area, or a canopy road tree protection zone.~~

~~6. Removal of trees for a project which the county administrator or designee has determined is a silvicultural operation and a bona fide agricultural use provided that a silviculture application for a short form environmental management permit or a silviculture notice of intent has been applied for and, as required herein, approved. Further, no tree proposed for removal shall be a patriarch tree or a tree located within a canopy road protection zone unless the criteria in Subsection 10-4.206 (b)(4)d.2. applies.~~

5. Activities associated with a bona fide silvicultural operation on land that has received an agricultural exemption from the Leon County Property Appraiser are exempt from the provisions of this Article.

6~~7~~. Limited excavation activity within the critical protection zone of any protected tree when necessary in association with an archeological project approved by and performed under the

direction of the state's department of state, provided that a plan for mitigating the impact upon affected trees is submitted with the exemption application and approved by the county administrator or designee.

SECTION 23: Section 10-4.364 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.364. Removal of protected trees.

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

(1) *Safety hazard.* Necessity to remove a tree which poses a safety hazard to pedestrians or other persons, buildings or other property, or vehicular traffic, or which threatens to cause disruption of public services.

(2) *Diseased or pest infested trees.* Necessity to remove a diseased or pest infested tree to prevent the spread of the disease or pests. The need to remove trees because of disease or pest-infestation must be determined by a forester with a B.S. degree or higher from a Society of American Foresters accredited college or by an arborist certified by the International Society of Arboriculture.

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

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

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

b. Limited access to the building site essential for reasonable use of construction equipment.

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

d. Location of driveways, buildings or other permanent

improvements. Driveway-aisles shall be consistent with other applicable standards.

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

(b) *Tree replanting requirements.*

(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 per acre, except for public roadway projects, which can replant the developed area at 20 trees 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

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

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

SECTION 24. Section 10-4.503 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.503. Variances.

(a) *Authorized.* To the extent that a variance, if granted, would not be inconsistent with the provision of the Comprehensive Plan, the Leon County Board of Adjustment and Appeals is hereby authorized to grant variances to the specific stormwater management, landscape, and tree protection requirements of division 3, except for the requirements of division 3 as they apply within any wetland, water body, watercourse, floodplain, or floodway, upon filing of a written ~~request~~ petition with the Leon County ~~Community Development~~ Department of Growth and Environmental Management by the property owner for whose land the

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variance is sought, and payment of a fee for same. The board of adjustment and appeals shall consider such a request at a public hearing. The procedures, criteria, and hearing requirements set forth for variances in article II shall govern applications for variances under this article. When all criteria for a variance have been met, based on the evidence presented, only the minimum variance necessary shall be granted.

(b) *Criteria.* Applications for variances under this article may only be approved when:

(1) Literal enforcement of the requirements of this article would result in an unnecessary and undue hardship not resulting from the actions of the property owners, and

(2) Granting of the variance will not impair the attainment of the objectives of this article, and

(3) Technical evidence reasonably supports the conclusion that no significant adverse impacts will result from the granting of the variance, and

(4) When an application for subdivision or site and development approval has been submitted.

(c) *Wetlands, water bodies, watercourses, floodplains, or floodways.* To the extent that a variance, if granted, would not be inconsistent with the provision of the Comprehensive Plan, only the Board of County Commissioners may grant variances to the requirements of division 3 as they apply within any wetland, water body, watercourse, floodplain, or floodway, upon application of the property owner filed with the director and payment of a fee as established by the Board of County Commissioners, in the same manner, and pursuant to the same procedures and criteria, as set forth for variance requests in this section.

(d) *Public sector linear infrastructure variances.*

(1) *Standards and procedures.* Variances for public sector projects approved as provided herein are intended to comply with Policy 1.3.11[C] ~~exempt from the restrictions in Policy 1.3.7~~ of the Comprehensive Plan Conservation Element, and are not limited to the maximum five percent threshold associated with ~~by allowing a maximum 25 percent disturbance within~~ conservation or preservation areas.

a. *Development activity within a conservation or preservation overlay district~~, not to exceed 25 percent of the conservation or preservation areas of the site~~:* A governmental entity or a franchisee of a governmental entity serving a public purpose may petition for a public sector linear infrastructure variance pursuant

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to this section. ~~petition the Board of County Commissioners for a variance from the provisions of this ordinance prior to permit approval or denial of an existing or new public sector infrastructure project, limited to 25 percent disturbance of the conservation or preservation areas, and will become a component of a public sector linear infrastructure system.~~

b. *Public sector linear infrastructure systems:* Examples of public sector linear infrastructure systems include, but are not limited to transportation systems such as roads, sidewalks and bikeways, water and sewer distribution and collection systems, stormwater conveyance and impoundment systems, telecommunication lines, gas and electric distribution and transmission systems. Ancillary components or subsystems of linear infrastructure systems, which functionally must be located adjacent to or near the linear system may also request a variance under this subsection.

c. Department of Growth and Environmental Management ~~*Community development department*~~ *review:* A petition for a variance under this subsection shall be made after the approval of a natural features inventory and after review of an environmental impact analysis by the Department of Growth and Environmental Management ~~community development department~~, as applicable.

d. *Mitigation:* Evaluation of other feasible alternatives and determination of appropriate mitigation shall be explored during the environmental impact analysis.

(2) *Criteria for granting a public sector linear infrastructure variance.* The ~~Board of County Commissioners may grant the~~ petition may be granted as follows: ~~if it is determined that:~~

a. *Less than or equal to two acres of development activity.* The County Administrator or designee may grant the petition prior to permit approval or denial of an existing or new public sector infrastructure project that contains no more than two acres of development activity in a conservation or preservation area and will become a component of a public sector linear infrastructure system.

b. *More than two acres of development activity.* The Board of County Commissioners may grant the petition prior to permit approval or denial of an existing or new public sector infrastructure project that contains more than two acres of development activity in a conservation or preservation area and will become a component of a public sector linear infrastructure system.

c~~a~~. The applicant satisfactorily demonstrates that all practical

alternatives have been evaluated and the public sector project cannot practically be completed within the five percent threshold in Policy 1.3.11[C]~~7~~ of the Comprehensive Plan Conservation Element or cannot be redesigned to avoid impacting the conservation or preservation area; and

d~~b~~. The applicant satisfactorily demonstrates that the net positive environmental benefits of the project's mitigation outweigh the environmental losses to the natural resources to be impacted.

SECTION 25. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 26. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 27. Effective date. This ordinance shall be effective according to law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2009.

LEON COUNTY, FLORIDA

BY: _____
BRYAN DESLOGE, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

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

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY