

ORDINANCE NO. 09- 23

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

1 habitat, native or high quality successional forest communities, cultural resources, special  
2 development zones, canopy road protection zones, and karst features. Environmental constraints  
3 are also referred to in article IV as environmentally sensitive areas.  
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5 Fill shall mean any solid substance which is virtually inert, which is not a pollution  
6 threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical  
7 and chemical structure under expected conditions of disposal or use. The term includes soil,  
8 wood chips, trees and other organics, clay, sand, brick, glass, ceramics, and uncontaminated  
9 concrete including embedded pipe or steel. Water shall not be considered fill.  
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11  
12 **SECTION 2: Section 10-4.201 of the Code of Laws of Leon County, Florida, is hereby**  
13 **amended to read as follows:**  
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15 **Sec. 10-4.201 Permit requirements.**  
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17 (a) *Environmental management permit.* Prior to engaging in any development  
18 activity, and prior to removing, damaging, or destroying any protected tree, the person proposing  
19 to engage in such activity and the owner of the land on which such activity is proposed to occur  
20 shall first apply for and obtain an environmental management permit, or a right-of-way  
21 placement permit, general permit, or vegetation management plan ~~silviculture permit~~, where  
22 appropriate pursuant to subsections (c), (d), or (e). For purposes of applying for and obtaining a  
23 permit, the term "owner" shall include the following: Fee simple owner; easement holder; life  
24 tenant; tenant with a written lease specifically authorizing the tenant to secure permits; and  
25 federal, state and local governmental entities and utilities with rights of entry, easements or other  
26 interests in real property. Procedures for permit application are set forth in Division 2.  
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28 (b) *Stormwater management facility operating permit.* Subsequent to construction of  
29 a stormwater retention or detention facility, an operating permit shall be obtained pursuant to  
30 section 10-4.209.  
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32 (c) *Right-of-way placement permit.* Utility work or other construction of  
33 improvements undertaken in an existing public right-of-way shall be permitted upon application,  
34 if such work is to be performed in a manner consistent with the requirements of this article,  
35 through issuance of a right-of-way placement permit by the county administrator or designee.  
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37 (d) *General permit.* The activities enumerated below may be routinely undertaken by  
38 federal, state, ~~and~~ local governments, ~~and~~ public and private utilities on an ongoing basis  
39 throughout the life of the permit, under the authority granted by the county administrator or  
40 designee's issuance of a general permit. All aspects of such activities shall be conducted in  
41 accordance with a procedures manual which shall be developed by the applicant for such permit.  
42 This procedures manual shall be included with the application for the general permit and must be  
43 acceptable to the county administrator or designee as a condition of issuance of the general  
44 permit. An individual manual shall be prepared and submitted by each separate utility or division  
45 of government requesting a general permit. The manual shall describe the procedures which will  
46 be followed by the permittee in execution of activities authorized by the general permit. These

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

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11 (1) *Utility general environmental permit:*

- 12 a. Vegetation management for overhead line clearance.
- 13 b. Vegetation management for minor overhead line and service extensions  
14 not to exceed 3,000 feet.
- 15 c. Minor underground service or line extensions not exceeding 1,000 feet for  
16 gravity sewer extensions, and 3,000 feet for electric communications,  
17 cable television, water, gas and sewer force main line extensions.
- 18 d. Routine daily maintenance of existing facilities or non-routine emergency  
19 maintenance requiring immediate response to protect public health, safety,  
20 and welfare.
- 21 e. Relocation of existing utilities required for development activity for which  
22 an approved environmental management permit has been obtained, but  
23 only when such relocation is performed concurrently with the permitted  
24 development activity.

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31 (2) *Government general environmental permit:*

- 32 a. Routine roadway, shoulder, ditch, and stormwater facility maintenance  
33 activities necessary to restore such facilities to original construction or  
34 current code requirements.
- 35 b. Routine maintenance of existing parks and recreation facilities, including:
  - 36 1. Minor landscape installations of 3,000 square feet or less.
  - 37 2. Activities which may damage roots within the critical protection  
38 zone of any protected tree, but which will not significantly damage  
39 such tree.
  - 40 3. Irrigation system installations for irrigating landscapes of one acre  
41 or less.

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2 4. Other routine maintenance activities which may result in only  
3 minor erosion or sedimentation.  
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5 (e) Vegetation Management Plan. Activities associated with forest management on  
6 land that has not received an agricultural exemption from the Leon County Property Appraiser  
7 must apply for a vegetation management plan. Additional stormwater protection may be  
8 required, as determined by the County Administrator or designee, and may dictate a change to a  
9 short form permit. A buffer shall be left in an unaltered state within 25 feet from the property  
10 line. Approval under this section is not required when the only management activity is tree  
11 planting or prescribed burning including presuppression plowing.  
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13 ~~Silviculture permits. Silviculture projects which meet the criteria set forth in this article for bona~~  
14 ~~fide agricultural activities may be routinely undertaken on an ongoing basis after application, and~~  
15 ~~approval by the county administrator or designee, of a short form environmental management~~  
16 ~~permit or silviculture notice of intent. Such approval may be issued by the county administrator~~  
17 ~~or designee in lieu of issuance of an environmental management permit where the permit~~  
18 ~~application shows that all silvicultural operations intended to be undertaken by the permittee~~  
19 ~~shall be carried out in accordance with all state approved best management practices for uplands~~  
20 ~~and wetlands for silviculture and in a manner consistent with the requirements of this article.~~  
21 ~~Silviculture permit applications and notice of intent shall be submitted as set forth in sections 10-~~  
22 ~~4.362(e)(5), 10-4.204(a)(1)d. and e., 10-4.206(b)(4)d.2., and 10-4.207. Approval under this~~  
23 ~~section is not required when the only management activity is tree planting and/or prescribed~~  
24 ~~burning including presuppression plowing. In all silviculture operations all state approved best~~  
25 ~~management practices shall be followed and within the urban services area (USA), all~~  
26 ~~silviculture operations shall leave a buffer in an unaltered state within 25 feet from every county~~  
27 ~~or city road right of way.~~  
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29 (f) *Other permits.* Every permit issued pursuant to this article is issued with the  
30 condition that the applicant procure and comply with all other necessary federal, state, and local  
31 agency permits. Pursuant to section 10-4.601(b), failure to comply with this permit condition  
32 shall be a violation of this article. All enforcement and penalty provisions of this article shall be  
33 available to enforce the requirements of such other permits.  
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36 **SECTION 3: Section 10-4.202 of the Code of Laws of Leon County, Florida, is hereby**  
37 **amended to read as follows:**  
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39 **Sec. 10-4.202. Pre-development environmental analysis reviews.**  
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41 (a) Every application for standard form permit, for subdivision approval, for  
42 conceptual or final PUD approval, for approval of any project which includes 40 percent or more  
43 area of the proposed site located in a conservation or preservation overlay district, for every  
44 required application for site and development plan approval, for all roadway projects on new  
45 locations, and all widening of existing roadways, shall be accompanied by an environmental  
46 analysis which shall become, upon approval, a part of the final development approval. The

1 environmental analysis shall include the following components:

- 2  
3 (1) *Natural features inventory (NFI)*--The identification and mapping of conservation  
4 areas, and preservation areas and special development zones, located on or  
5 adjacent to the property under review. A natural features inventory--no impact,  
6 may be submitted in lieu of a standard natural features inventory if the property  
7 under review is less than 20 acres in size and contains no conservation areas, or  
8 preservation areas or special development zones. Conservation and preservation  
9 areas are defined as:

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

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

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

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

1 population estimate; number of individuals on-site; distance to nearest  
2 known occurrence; and habitat suitability based on Leon County's  
3 Natural Community Criteria or the individual species needs. State and  
4 federal agency guidelines for assessing the species and its habitat shall  
5 be used where applicable.  
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7 b. A narrative description and classification map of all on-site plant  
8 communities and those which are located adjacent to the property to the  
9 best of the applicant's knowledge after reasonable investigation. Species  
10 identification shall include Latin names. Quality of the upland plant  
11 communities shall be evaluated and provided based on Leon County's  
12 Natural Plant Community Criteria. A narrative description of observed  
13 non-listed wildlife shall be provided.  
14

15 c. Identification of natural grades, including the nature and extent of soils,  
16 located on the property, and which are located adjacent to the property to  
17 the best of the applicant's knowledge after reasonable investigation.  
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19 d. Mapped inventory of on-site ~~environmental constraints, (such as wetlands,~~  
20 ~~watercourses, water bodies, active karst feature, underground storage~~  
21 ~~tanks, native forests, high quality successional forests, significant and~~  
22 ~~severe grades, and closed basins),~~ conservation and preservation features,  
23 special development zones, topography, drainage basin and watershed  
24 divides, tributaries, underground storage tanks, water wells, soils types  
25 and a narrative, drawn, or mapped inventory of adjoining and downstream  
26 environmental constraints to the best of the applicant's knowledge after  
27 reasonable investigation. Maps must be provided at a standard engineering  
28 scale no smaller than 1"= 400'. Submittal of digital files of surveyed  
29 feature points in AutoCAD or a GIS feature class, spatially referenced to  
30 the County's current geographic datum, shall be required.  
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33 e. Identification of the 100-year floodplain for properties that have all or a  
34 portion of their area located within the 100-year floodplain. Where a  
35 FEMA base flood elevation was not provided, the applicant should use the  
36 best available data from the inventory of drainage studies to determine the  
37 base flood elevation. Available studies may include, but are not limited to,  
38 the USGS-91 study, ~~a County Public Works Department approved~~  
39 ~~drainage study,~~ a private engineering study, or the certified results of ~~an a~~  
40 County-approved drainage study performed by a professional engineer  
41 licensed in the state of Florida, and approved by the county.  
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43 (2) *Standards for the protection of natural features.* If an application contains one or  
44 more of the preservation/conservation areas and/or special development zones  
45 listed in subsection (1) above, the applicant shall propose measures to mitigate the  
46 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)ee. 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

1 conditions; description of management techniques;  
2 management and monitoring schedules; estimated costs;  
3 designated responsible management entity; and  
4 conservation easement signage.  
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6 4. *Severe grades.* Regions of severe grade (areas with greater than 20  
7 percent slope) shall be preserved to the boundary determined  
8 during the natural features inventory and placed in conservation  
9 easement in accordance with Section 10-4.327(2)c.  
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11 5. *Areas of environmental significance.* Areas of environmental  
12 significance include springs and other active karst features. The  
13 limits of the feature as determined by the uppermost contiguous  
14 contour or slope break plus a minimum buffer width of 35 feet  
15 shall be placed in conservation easement as outlined in section 10-  
16 4.325.  
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18 6. *Habitat for endangered, threatened, and species of special*  
19 *concern.*  
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21 (a) Habitats of endangered, threatened, and species of special  
22 concern shall be preserved to the boundary of suitable habitat  
23 determined during the Natural Features Inventory, plus a  
24 minimum 20' vegetated buffer, and placed in a conservation  
25 easement. Habitat preserve designs and buffers recommended  
26 by state and federal agencies shall be followed where  
27 applicable. Essential corridors for movement must also be  
28 provided.  
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30 b. Where impacts to the habitat cannot be avoided, on-site  
31 mitigation may be allowed, provided that the following are  
32 demonstrated by the applicant and all other ordinances have  
33 been met:  
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35 (1) The preserved habitat areas are placed in a conservation  
36 easement.

37 (2) Priority is given to preserve the largest areas, considering  
38 adjacent off-site habitat, that are of highest quality and will  
39 most likely protect the population and its habitat by  
40 preventing fragmentation. Effects of preserve  
41 configuration and protection of corridors must also be  
42 considered.

43 (3) The mitigation will result in a net benefit to the species and  
44 is supported by published scientific research.

45 (4) The preserved habitat area is proven to support the  
46 population of the species occurring on-site.

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

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

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

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

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

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

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

1 the following criteria:  
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- 3 (a) If the entire parcel under review is considered high quality  
4 successional forest, then the site may be developed at the  
5 allowed density with no more than 20% disturbance of the  
6 site or at a density of one unit per two acres.  
7 (b) If the site is not entirely high quality successional forest  
8 and impact is unavoidable, a maximum disturbance of 5%  
9 may be allowed.  
10 (c) Those areas designated to be preserved shall be placed in  
11 conservation easement. Priority must be given to preserve  
12 the largest total area of the high quality successional forest  
13 by considering adjacent on and off-site high quality  
14 successional forests and associated wetlands, floodplains,  
15 significant and severe slopes, and canopy road protection  
16 zones, while ultimately minimizing fragmentation of the  
17 natural plant community.  
18 (d) The preserved high quality successional forest areas shall  
19 be restored and enhanced in accordance with a vegetation  
20 management plan. The plan shall ensure protection and  
21 appropriate management of the high quality successional  
22 forest, including protection from secondary impacts of  
23 development. The plan shall, at a minimum, provide the  
24 following: description and mapped limits of the high  
25 quality successional forest; description of desired future  
26 conditions; description of management techniques;  
27 management and monitoring schedules; estimated costs;  
28 designated responsible management entity; and  
29 conservation easement signage.  
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31 5. *Significant grade area.* Significant (ten percent to 20 percent  
32 slope) grade areas shall be protected in accordance with Section  
33 10-4.327(2)c.  
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35 6. *Closed basins.*

- 36 (a) Development activity within closed basins must meet the  
37 standard outlined in section 10-4.301 and 10-4.303.  
38 (b) *One-hundred-year storm event flood exclusion area.* The  
39 applicant shall determine the post-development critical  
40 100-year storm event flood elevation within the closed  
41 basin assuming full build-out of all on-site and off-site  
42 property within the closed basin. A broad range of storm  
43 durations and sequences, up to a ten-day duration, shall be  
44 analyzed and the storm sequence generating the highest  
45 flood elevation shall be utilized. No on-grade structures or  
46 other development activity shall be permitted below the

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

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

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

- 38                    (a) All structures shall be set back a minimum of 100  
39                    feet from the centerline of the canopy road;  
40                    (b) Any structure which exceeds 40 feet in height must  
41                    be set back an additional one foot for every one foot  
42                    in excess of 40 feet in height;  
43                    (c) No development may occur in the canopy road  
44                    protection zone unless authorized for health, safety  
45                    or welfare of the public;

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- (d) Any part of the canopy road protection zone that is cleared or has trees removed from it must be widened in some other location by the same amount that was removed and shall be replanted if necessary, with native, non-invasive canopy trees, understory trees and shrubs;
  - (e) A full analysis of the impact of a development on the affected canopy road as described in Section 10-4.206(b) shall be submitted by the applicant as a component of the environmental impact analysis;
  - (f) Joint access to canopy roads shall be required unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one property;
  - (g) If the site is accessible by roads other than the canopy road, it shall not have direct vehicular access to the canopy road.
  - (h) The canopy road tree protection zone shall be placed in a conservation easement.
  - (i) No removal of understory vegetation (underbrushing) shall be allowed within the canopy road tree protection zones, except as specified in a vegetation management plan, submitted to and approved by the County Administrator or designee, which outlines specific planting and maintenance operations designed to restore or maintain the natural vegetation component of a specific canopy road section, and is consistent with the objectives of this chapter.
  - (j) Repair and maintenance of existing lawfully established structures and fences shall meet the requirements in Sec. 10-4.206.

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c. Special Development Zones. Development within special development zones shall meet the requirements in Sec. 10-4.323. All areas to remain protected shall be placed in one or more conservation easements.

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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

1 management entity responsible for funding and implementation shall be  
2 identified. A monitoring report detailing management activities and current  
3 percent cover of invasive exotic plant species shall be provided at the time of  
4 each operating permit renewal.  
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6  
7 ee. *Table of Standards for the Protection of Natural Features* is included  
8 herein as Table 1. If an application includes land on which one or more of  
9 the natural features listed within the table is present, the applicant shall  
10 propose measures to mitigate the adverse effects of the development on  
11 such constraints, using as a minimum the mitigation measures set forth in  
12 the table, but in addition may include other appropriate mitigation  
13 techniques which would meet the objectives thereof.

1 Table 1. Table of Standards for the Protection of Natural Features  
2

Allowable Use Categories	Low-Density Passive Recreation	Residential Recreation	High-Density Residential Recreation	Residential Active	Minor Neighborhood Community Highway Regional Postsecondary Office Major Office Park Community Services	Commercial Commercial Commercial Commercial Commercial Minor Office Office Services	Heavy Infrastructure Industrial Light Industrial Interchange Commercial of regulated materials**	Heavy Infrastructure Industrial Light Industrial Interchange Commercial of regulated materials**
Natural features	Conservation easement to O.H.W. line plus 50' naturally vegetated buffer							
Waterbodies	Conservation easement to O.H.W. line plus 50' naturally vegetated buffer							
Watercourses/Tributaries**	Conservation easement to O.H.W. plus 10' × setback factor*	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 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. plus 50' × setback factor*	Conservation easement to O.H.W. plus 50' × setback factor*
Wetlands	Conservation Easement to O.H.W. line plus a 50' naturally vegetated buffer for all tributaries as defined in section 10-1.101							
Floodplain	Conservation easement to jurisdictional line plus 10' × setback factor*(20' min.) × setback factor* Drainage easement to critical 100 year post-development floodplain elevation/conservation easement to 100-year floodplain if additional natural features are present Conservation easement to boundary determined during the NFI plus a minimum 20' buffer—A Vegetation Management plan is required.							
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 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							

1 \* Setback factor: Buffer width as given X slope factor X soil factor. Where slope  
2 factor = 1 + average gradient in % and soil factor = clay × 2 and sand × 1 (i.e. the  
3 required buffer for an apartment complex with a 5% slope on clay soils: 20 × 1.05  
4 × 2 = 42')

5  
6 \*\* See section 10-1.101 for definitions  
7

8 (3) *Environmental Impact Analysis (EIA)*, consisting of a conceptual  
9 development plan and an analysis of its impact on the natural features  
10 identified in the NFI. The analysis should address all of the applicable  
11 items in the "Environmental Impact Analysis Application". In general this  
12 application includes the following:  
13

- 14 a. A conceptual development plan.
- 15  
16 b. An assessment of the project impact on any endangered,  
17 threatened, or special concern species and its habitat, ~~and a~~  
18 ~~discussion of wildlife habitat characteristics of other wildlife,~~  
19 ~~which are located on the property, and a~~ A description of any  
20 management plans which are proposed to eliminate project impact  
21 and which have been submitted to the ~~state game and fresh water~~  
22 ~~fish commission~~ state and federal agencies for review where  
23 applicable. Management plans must comply with the requirements  
24 of Section 10-4.202(a)(2)a.6.c. Any permit issued for development  
25 on a site which includes endangered, threatened, or special concern  
26 species or their habitat shall be contingent upon approval by state  
27 or federal agencies where such approval is required by state or  
28 federal law.  
29
- 30 c. Description of proposed changes in vegetative and tree cover,  
31 including specific identification of all protected trees 36-inch DBH  
32 or greater and all dogwoods 4-inch DBH or greater. If the tree  
33 debit/credit option is proposed, all protected trees must be  
34 specifically identified.  
35
- 36 d. Description of proposed changes in natural grades, including  
37 identification of the nature and extent of soils and soil disturbance,  
38 and proposed erosion, sedimentation, and water management  
39 techniques and development practices to be employed.  
40
- 41 e. Evaluation of water quality impacts which may result from the  
42 proposed action, including such parameters as pre-development  
43 and post-development discharge of nutrients, sediments, and other  
44 pollutants.  
45
- 46 f. Evaluation of changes in volumes and rates of stormwater runoff,  
47 including significant impacts on the water table, surface water

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

3  
4 g. Evaluation of adequacy of downstream conveyances to carry rate  
5 and volume of stormwater runoff to a receiving wetland or water  
6 body, both during construction and after development. This  
7 evaluation may include calculations or modeling.

8  
9 h. Environmental impacts on all additional on-site, adjoining, and  
10 downstream conservation and preservation areas, including ~~altered~~  
11 ~~and undisturbed~~ wetlands, altered and undisturbed water courses,  
12 water bodies, active karst features, altered and undisturbed  
13 floodplains and floodways, significant (ten--20 percent) and severe  
14 grades over 20 percent, native forests, high quality successional  
15 forests, drainage basins, including closed basins, designated  
16 canopy road corridors, cultural resources, special development  
17 zones, and areas of environmental significance.

18  
19 i. Verification that all newly proposed lots have sufficient buildable  
20 area outside of environmental constraints and special development  
21 zone (SDZ) restrictions. Sufficient buildable area shall be  
22 considered one-half acre of contiguous area if the site lot has a  
23 septic system, environmental constraints, and/or SDZ restrictions,  
24 or the allowable zoning density if there are no site constraints.

25  
26 j. Mitigation as required in subsection (2). The EIA may be waived if  
27 there is no required mitigation for sensitive features and no  
28 anticipated stormwater problems that could affect the site plan (in  
29 this case, the stormwater items in the EIA application shall be  
30 addressed in stormwater permitting).

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

43  
44  
45 **SECTION 4: Section 10-4.204 of the Code of Laws of Leon County, Florida, is**  
46 **hereby amended to read as follows:**  
47

1  
2 **Sec. 10-4.204 Stormwater management application requirements.**  
3

4 (a) *Short form applications.*  
5

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

11  
12 a. The development of not more than one of either of the following:  
13 One individual mobile home; one single family residential  
14 structure; one duplex residential structure; or one triplex residential  
15 structure; and associated, accessory structures (such as fences,  
16 storage sheds and septic tanks) for any such single structure,  
17 provided that such proposed development is not located in an  
18 approved master planned subdivision; or

19  
20 b. No significant change in surface water runoff characteristics from  
21 the site, as certified by a registered professional engineer; or

22  
23 c. The development of individual sites which are part of an approved  
24 master planned subdivision; or

25  
26 d. ~~A bona fide agricultural use, as determined by the county~~  
27 ~~administrator or designee pursuant to criteria set out in the~~  
28 ~~definition of same in section 10-1.101, based upon documentation~~  
29 ~~which would support such a classification for the development~~  
30 ~~activity; or~~

31  
32 ~~e.~~ Activities associated with forest management, on land that has not  
33 received an agricultural exemption from the Leon County Property  
34 Appraiser, that require additional stormwater protection, as  
35 determined by the County Administrator or designee. An activity  
36 for which a silviculture permit is requested, pursuant to Subsection  
37 10-4.201(e); or

38  
39 ~~ef.~~ Additionally, an applicant may file a short form application for any  
40 other development activity which the applicant believes will have  
41 no substantial public impact, subject, however, to the possibility  
42 that the county administrator or designee may determine there is a  
43 substantial public impact and require resubmission on a standard  
44 application form.

45  
46 (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

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

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

18  
19 (b) *Standard form applications.*

20  
21 (1) *Scope.* When a proposed project does not meet the above criteria for short-  
22 form application, a standard application is required.

23  
24 (2) *Required information.* The applicant shall furnish the county administrator  
25 or designee all necessary information to show compliance with the  
26 Chapter 10 which includes the following information:

27  
28 a. A completed Leon County checklist titled "Environmental  
29 Permitting Checklist" as approved by the county administrator or  
30 designee with all necessary components that apply: Stormwater  
31 and/or landscaping. The checklist must be signed by the owner or  
32 the individual representing the owner and responsible for the  
33 contents of the application. The checklist and the application will  
34 be deemed incomplete if the requirements listed in the checklist are  
35 not attached.

36  
37 b. Applicable flood boundaries for sites lying wholly or partially  
38 within the 25-year and 100-year floodplains, with cross sections  
39 and all other information necessary to show compliance with all  
40 applicable ordinances regulating structures in flood hazard areas.

41  
42 c. Stormwater management design report and supporting  
43 computations providing:

44  
45 1. A written summary design report providing a discussion of  
46 conclusions determined from hydrologic and flood routing  
47 computations, stage, storage, discharge, and complete

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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

1 upon failure of the erosion and sediment control  
2 techniques.

3  
4 8. The name, local address, and telephone number of an  
5 individual who shall be designated the stormwater  
6 management control officer for the project.

7  
8 9. If there are to be stormwater management facilities on-site  
9 after completion of the project which require operating  
10 permits pursuant to Subsection 10-4.209 (a), an operations  
11 and maintenance plan meeting the requirements of  
12 Subsection 10-4.209 (f)(1)g.

13  
14 10. Information regarding off-site impacts anticipated as a  
15 result of the proposed development and means by which  
16 such impacts are to be mitigated.

17  
18 (3) *Standard form review.* A standard form application shall be reviewed by  
19 the county administrator or designee for compliance with the requirements  
20 of this article. Within 20 working days after submission of a complete  
21 standard form application, the county administrator or designee shall  
22 determine that the application is approved, is approved with conditions, is  
23 denied, or does not contain sufficient information to meet the requirements  
24 of this division for standard form applications, and shall notify the  
25 applicant of such determination as soon as reasonably possible thereafter.  
26 If the county administrator or designee fails to make such a determination  
27 within 20 working days pursuant to this subsection, the application shall  
28 be deemed approved to the extent that it is in compliance with the  
29 requirements of this article, unless there is in effect a stop work order on  
30 the site or an application for downzoning is pending as to the site.

31  
32 (c) *Engineering certification of submittals.* Prior to being submitted to the director for  
33 review, all documents classifiable as the product of professional engineering, as  
34 defined in F.S. ch. 471, shall be signed and sealed by a state registered  
35 professional engineer or by some other person legally qualified to practice  
36 engineering under the exemptions established in F.S. ch. 471. Such documents  
37 include short form application information, standard form application  
38 information, and any floodplain information required as part of the permit  
39 application.

40  
41 (d) *Engineering review.* Rejection, or approval with specific conditions or  
42 modifications, of any engineering portion of an environmental management  
43 permit application must be done in consultation with a state registered  
44 professional engineer or with some other person legally qualified to practice  
45 engineering under the exemptions established in F.S. ch. 471, who is retained by  
46 the county.  
47

- 1 (e) *Permit determination.* The county administrator or designee shall state his or her  
2 reasons for denial, or for an approval with specific conditions or modifications,  
3 except that if an application is deficient in meeting the requirements of this article  
4 in numerous respects, the county administrator or designee may return the  
5 application marked "returned as incomplete" and it shall not be necessary for the  
6 county administrator or designee to attempt to enumerate all deficiencies in the  
7 application for the applicant.  
8  
9

10 **SECTION 5: Section 10-4.206 of the Code of Laws of Leon County, Florida, is**  
11 **hereby amended to read as follows:**  
12

13 **Sec. 10-4.206. Application requirements for the removal of trees, generally; and, for**  
14 **the repair and maintenance of existing lawfully established structures and fences for**  
15 **lands within the canopy road protection zone.**  
16

17 (a) *Scope.* Any request to remove or relocate any protected tree shall be made  
18 through submission of an environmental management permit application, unless a general  
19 permit, a right-of-way placement permit, or a vegetation management plan silviculture  
20 permit has been issued as provided for in section 10-4.201.  
21

22 (b) *Canopy road tree protection zone tree or vegetation removal applications.*  
23

24 (1) *Required information.* All permits for removal or relocation of trees, for  
25 the repair and maintenance of existing lawfully established structures and  
26 fences, or for pruning or vegetation management, within the canopy road  
27 protection zone (unless such activity is conducted under an approved  
28 general permit), shall be obtained by making application to the county  
29 administrator or designee, providing the same material to be submitted for  
30 permits for other protected trees as set forth in subsection (c). All  
31 applications pursuant to this section shall undergo review by the Canopy  
32 Roads Citizen Committee. Emergency repairs to existing fences that are  
33 necessary due to public health, welfare and safety issues, as approved by  
34 the County Administrator or designee, are exempt from permitting  
35 requirements if the repairs do not impact protected trees, do not increase  
36 the encroachment within the canopy road protection zone, and the fence  
37 material is the same or less visually intrusive than that used to construct  
38 the original fence.  
39

40 (2) *Mitigation requirements.* The permit application for removal of trees or  
41 vegetation in the canopy road tree protection zone must be accompanied  
42 by a mitigation plan which shall include at a minimum, the following:  
43

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

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

7  
8                   2.     ~~*Good forestry/silviculture practices. Activities associated*~~  
9                   ~~*with a bona fide silvicultural operation on land that has*~~  
10                  ~~*received an agricultural exemption from the Leon County*~~  
11                  ~~*Property Appraiser is exempt from the provisions of this*~~  
12                  ~~*section. Necessity to provide silviculture practice or*~~  
13                  ~~*operation under a silviculture management plan in order to*~~  
14                  ~~*enhance the overall canopy, reduce competition between*~~  
15                  ~~*trees and to remove exotic species and replace them with*~~  
16                  ~~*native species. The following special conditions shall*~~  
17                  ~~*further limit the removal of trees under good*~~  
18                  ~~*forestry/silviculture practices:*~~

19  
20                  ~~i.     Clear cut harvesting is prohibited.~~

21  
22                  ~~ii.    Selective harvesting may be conducted to the extent~~  
23                  ~~that no more than 25 percent of all trees within 25~~  
24                  ~~feet to 50 feet of the centerline of the road or 50~~  
25                  ~~percent of all trees from 51 feet to 100 feet from the~~  
26                  ~~centerline of the road shall be removed. The~~  
27                  ~~residual stand shall maintain the approximate~~  
28                  ~~proportion of diameter classes present prior to~~  
29                  ~~harvesting.~~

30  
31                  ~~iii.   Repeated entry into a harvested canopy road zone~~  
32                  ~~shall be limited to once every ten years, less if~~  
33                  ~~exclusively for the purposes of minimizing~~  
34                  ~~competition between trees.~~

35  
36                  ~~iv.    No trees will be harvested or significantly damaged,~~  
37                  ~~as defined under section 10-1.101, Tree removal, on~~  
38                  ~~the road bank, shoulder or county right-of-way.~~

39  
40                  ~~v.     Removal techniques will be utilized that minimize~~  
41                  ~~any adverse impacts or damage to the residual trees.~~

42  
43                  3.     ~~*Reasonable access.*~~ Removal of protected trees may be allowed  
44                  under this section, if the proposed single-family residential  
45                  development activity is found to be in compliance with the  
46                  special restrictions as defined under Subsection 10-6.708 (c)  
47                  Development standards.

1  
2 4. *Repair and maintenance of existing lawfully established*  
3 *structures and fences.* Repair and maintenance of existing  
4 lawfully established structures and fences may be allowed if  
5 there is no substantial impact to protected trees. The Canopy  
6 Roads Citizen Committee shall evaluate such applications and  
7 may provide a positive recommendation upon finding in the  
8 affirmative in regard to the following factors: a) that the  
9 application is not in conjunction with a change of use of the  
10 subject property; b) that, if the application is in conjunction  
11 with a fence, that the application proposes repair with the same  
12 or less visually intrusive materials as the fence was originally  
13 constructed; c) that the application does not represent a  
14 negative change in the visual impacts to the canopy road  
15 protection zone; and, d) that application proposes methods and  
16 techniques for repair and maintenance that will not be  
17 detrimental to canopy road protection zone resources. In  
18 determining whether to approve, deny, or approve the  
19 application subject to conditions, the County Administrator or  
20 designee shall consider the Canopy Roads Citizen Committee's  
21 recommendation.  
22

23 The Board of County Commissioners (or the county administrator  
24 or his or her designee in cases of tree removal or other vegetation  
25 removal applications) shall make its determination on the permit  
26 application, or the county administrator or his or her designee shall  
27 request additional information from the applicant, within 20  
28 working days after receipt of the application. In the event the  
29 director requests additional information, the permit application  
30 shall be granted or denied by the Board of County Commissioners  
31 (or the county administrator or his or her designee in cases of tree  
32 removal or other vegetation removal applications) within ten  
33 working days after the receipt of the requested information, or, if  
34 the request is not complied with by the applicant within 14  
35 calendar days after mailing, the application shall be deemed  
36 withdrawn. If the application is denied, the reason for such action  
37 shall be specified and provided to the applicant in writing. If no  
38 additional information is requested and no final action is taken  
39 within the required 20 working days, the application shall be  
40 deemed to have been approved to the extent that it is in compliance  
41 with the requirements of this article, provided no stop work order  
42 is in effect on the site.  
43

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

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

- 18  
19 (5) *Removal applications affecting city right-of-way or city property.* If a  
20 patriarch or canopy road tree protection zone tree which is proposed for  
21 removal is located on a right-of-way or other property belonging to the  
22 City of Tallahassee but located outside of the incorporated area of the city,  
23 any permit for removal shall be conditioned upon the applicant obtaining  
24 approval of the removal from the city commission.

25  
26 (c) *Other protected tree removal, patriarch tree removal, and vegetation*  
27 *management applications.*

- 28  
29 (1) *Required information.* Permits for removal or relocation of protected trees,  
30 other than trees located within a canopy road tree protection zone, and  
31 applications for vegetation management plan approval for areas other than  
32 those located within a canopy road tree protection zone, shall be obtained  
33 by making application for permit to the county administrator or designee.  
34 Applications for vegetation management plan approval shall be  
35 accompanied by a diagram depicting the area to be subject to the plan and  
36 the existing vegetation therein, and a description of the nature and purpose  
37 of the plan. The application for tree removal shall be accompanied by a  
38 written statement indicating the reasons requiring removal or relocation of  
39 each protected tree and an area map indicating the location of trees to be  
40 removed or relocated and any existing and proposed structures or  
41 vehicular use areas. In addition, the application shall contain a signed  
42 acknowledgment by the applicant verifying that no protected trees will be  
43 removed on the site except as noted on the approved application and  
44 permit. If the proposed tree removal is associated with development  
45 requiring a stormwater management application as part of the  
46 environmental management permit application, the written statement and  
47 area map mentioned above shall include, at a minimum, the following:

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- 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

1 subsection to approve or deny the requested permit, or to request  
2 additional information from the applicant, unless the application is  
3 accompanied by a short-form application as part of the environmental  
4 management permit, in which case approval, denial, or request for  
5 additional information shall be made according to the short-form  
6 timelines. Where additional information is requested, the county  
7 administrator or designee shall grant or deny the permit request within ten  
8 working days after the information is provided by the applicant. If the  
9 applicant fails to provide such information within 14 days of the request,  
10 the application shall be deemed to have been withdrawn. In the event the  
11 county administrator or designee denies an application, the county  
12 administrator or designee shall specify to the applicant in writing the  
13 reason for such action. If no additional information is requested and no  
14 final action with respect to a complete application is taken within the  
15 required 20 working days, the application shall be deemed to have been  
16 approved to the extent that it is in compliance with the requirements of  
17 this article, provided that no stop work order is in effect on the site.  
18

19  
20 **SECTION 6: Section 10-4.207 of the Code of Laws of Leon County, Florida, is**  
21 **hereby amended to read as follows:**  
22

23 **Sec. 10-4.207. Silviculture and Forest Management application requirements.**  
24

25 Activities associated with a bona fide silvicultural operation on land that has received an  
26 agricultural exemption from the Leon County Property Appraiser is exempt from the  
27 provisions of this section.  
28

29 Activities associated with forest management on land that has not received an agricultural  
30 exemption from the Leon County Property Appraiser must apply for a vegetation  
31 management plan. Additional stormwater protection may be required, as determined by  
32 the County Administrator or designee, and may dictate a change to a short form permit.  
33 A buffer shall be left in an unaltered state within 25 feet from the property line. Approval  
34 under this section is not required when the only management activity is tree planting  
35 and/or prescribed burning including presuppression plowing.  
36

37 ~~(a) — Activities associated with a bona fide silvicultural operation on uplands~~  
38 ~~and/or wetlands classified as agricultural land pursuant to section 10-1.101 of this article~~  
39 ~~are exempt from the provisions of this article if such activities are conducted in adherence~~  
40 ~~to silviculture best management practices of the Florida Department of Agriculture and~~  
41 ~~Consumer Services or are expressly regulated by the United States Army Corps of~~  
42 ~~Engineers, or the United States Environmental Protection Agency. State approved best~~  
43 ~~management practices must be followed as specified in subsection 10-4.201 (e).~~  
44

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

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

5  
6           ~~(2) Within the urban service area silvicultural activities on-site, which are ten~~  
7           ~~acres or greater in size and which have not been classified as bona fide~~  
8           ~~agricultural lands, may be undertaken after seven days following~~  
9           ~~submission of a silvicultural notice of intent application which is complete~~  
10           ~~and includes a silviculture management plan.~~

11  
12           ~~(3) Outside the urban service area, silvicultural activities may be undertaken~~  
13           ~~on lands that have not been classified as bona fide agricultural lands and~~  
14           ~~following submission and approval of a short form permit application or~~  
15           ~~24 hours following the submission of a silviculture notice of intent.~~

16  
17           ~~(b) A tree may be removed on a lot which is ten acres or less in size and~~  
18           ~~which have not been classified as bona fide agricultural lands, with an existing single-~~  
19           ~~family dwelling unit, as authorized under subsection 10-4.362 (c) pertaining to the single-~~  
20           ~~family tree removal exemption, without obtaining a silviculture permit. This provision~~  
21           ~~does not waive requirements for a stormwater management permit that may be~~  
22           ~~neecessitated by the extent of site disturbance created by the development activity.~~

23  
24           ~~(c) Landowners eligible for this exemption are requested to contact the Leon~~  
25           ~~County Office of Growth & Environmental Management prior to conducting exempt~~  
26           ~~activities.~~

27  
28  
29           **SECTION 7: Section 10-4.209 of the Code of Laws of Leon County, Florida, is**  
30           **hereby amended to read as follows:**

31  
32           **Sec. 10-4.209. Stormwater management facility operating permit.**

33  
34           (a) *Scope.* No stormwater management facility shall be utilized until a  
35           stormwater management operating permit application meeting the requirements of  
36           Subsections (b), (f), (g) and (h), as applicable, has been submitted, the required  
37           application fee has been paid, and such application has been approved by the county  
38           administrator or designee, except that the following facilities shall not be required to  
39           obtain an operating permit:

40  
41           (1) Facilities which have as their primary function the conveyance of  
42           stormwater and which specifically are not required by their permit or  
43           otherwise to provide for water quality treatment, flood attenuation, or  
44           volume retention.

45  
46           (2) Facilities in existence on February 1, 1982, which have not been modified  
47           since that time.

1  
2 (3) Prior to the time of a final inspection as provided for in Subsection 10-  
3 4.212 (b)(3), facilities under construction which are part of a development  
4 plan authorized by an environmental management permit issued pursuant  
5 to this article and temporary facilities which are part of an erosion and  
6 sediment control plan for such a development site.  
7

8 (b) *Permittees.* When a stormwater management facility operating permit is  
9 necessary pursuant to this section, the following individuals and entities shall be  
10 responsible for obtaining such permit and for insuring compliance with the requirements  
11 and conditions stipulated as a part thereof and with this article:  
12

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

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

10  
11 (2) Facilities constructed prior to January 15, 1990. When a facility existed on  
12 January 15, 1990, and is not significantly modified subsequent thereto, the  
13 permittee shall be those persons or their legal successors in title, in whose  
14 interest and for whose benefit the county or the state Department of  
15 Environmental Protection (under the provisions of F.A.C. ch. 62)  
16 originally issued a permit. Once issued, the operating permit and the  
17 concurrent obligations shall automatically transfer to subsequent legal  
18 successors in interest. If such an existing facility receives commingled  
19 stormwater from multiple parcels which either are not under a single  
20 ownership or were developed specifically for resale, the owners of all such  
21 parcels shall enter into a written agreement, in a form approved by the  
22 county administrator or designee and bearing notarized signatures of all of  
23 the owners, naming one owner as their joint agent for purposes of the  
24 permit, or shall create a stormwater management facility property owners'  
25 association to act as their joint agent. The operating permit shall then be  
26 issued to the named joint agent or stormwater management facility  
27 property owners' association, and such named joint agent or association  
28 shall be under the conditions and requirements provided for in Subsection  
29 (b)(1). If any legal agreements exist which absolve an owner from  
30 responsibility for a facility receiving stormwater from their property, and  
31 these are presented to the county administrator or designee in written  
32 form, such an owner may be allowed to opt out of participation in the  
33 stormwater management primary contact permittee, although the  
34 individual owners shall remain liable on a pro rata basis for all costs  
35 relating to the facility. If a joint agent agreement is used, all conditions  
36 and requirements specified in Subsection (b)(1) shall be complied with. A  
37 neighborhood home owners' association may function as the stormwater  
38 management facility property owners' association or named joint agent  
39 agreement. In such an instance the individual or entity which accepted the  
40 responsibility for the facility in place of such owner shall instead be  
41 required to be a participant.

42  
43 (3) Government operated facilities. Notwithstanding Subsections (b)(1) and  
44 (b)(2), if a facility is constructed by or has been properly dedicated to a  
45 governmental entity, the permittee shall be that governmental entity.

46  
47 (c) *Permit conditions.* In addition to any explicit special conditions outlined in

1 the operating permit, an implicit condition of all permits is as follows:  
2

- 3 1. The permittee shall operate and maintain the facility in a manner  
4 consistent with the representations made in the application for the  
5 permit which authorized construction of the facility, and with the  
6 requirements of this article and other applicable local, state and  
7 federal regulations.  
8
- 9 2. The permittee shall maintain the site in accordance with all  
10 applicable management plans, and shall maintain landscaping and  
11 natural areas as designed.  
12

13 (d) *Expiration and renewal of operating permits.* Operating permits shall  
14 expire three years subsequent to issuance or renewal. The permittee shall apply to the  
15 county administrator or designee for a permit renewal three months prior to expiration of  
16 the permit, as provided in subsection (g).  
17

18 (e) *Stormwater management facility capacity accounting records.* A record of  
19 total facility capacity, the capacities dedicated to individual sites, if any, and remaining  
20 available total facility capacity, must be maintained by the permittee if:  
21

- 22 (1) The facility is not exempt from operating permit requirements under  
23 Subsection (a); or  
24
- 25 (2) Some portion of the stormwater management facility capacity is to be  
26 utilized for stormwater from future development on multiple sites which  
27 are not residential use lots in a master planned subdivision.  
28

29 (f) *Applications for stormwater facility operating permits.*  
30

- 31 (1) For facilities constructed or modified subsequent to January 15, 1990,  
32 operating permits are required prior to final inspection and post-  
33 construction certification as provided for in sections 10-4.212 (b)(3) and  
34 10-4.208. The applicant shall be the permittee specified in Subsection (b).  
35 The following information shall be required in the operating permit  
36 application:  
37

- 38 a. A property parcel map showing the location and tax parcel  
39 numbers of each parcel for which an owner is required under  
40 Subsection (b) to either obtain an operating permit or maintain  
41 membership in a stormwater management facility property owners'  
42 association and a listing of the names and addresses of all owners  
43 with cross-references to the property parcel map identifying every  
44 parcel owned by each applicant.  
45
- 46 b. If the permit is to be issued to a stormwater management facility  
47 property owners' association, a copy of the articles of incorporation

1 and pertinent bylaws, which have been approved by the county  
2 administrator or designee as meeting the requirements of F.A.C.  
3 62-25.027, and other local government requirements if any, and  
4 which have been recorded in the official record books of the  
5 county; a list of the names, addresses, and telephone numbers of all  
6 association members and officers; and a certificate of good  
7 standing for the association, issued by the state's secretary of state  
8 evidencing the formal establishment of the association.  
9

- 10 c. If the permit is to be issued to a joint agent, a copy of the  
11 agreement as specified in subsection (b).  
12
- 13 d. A narrative description of the facilities to be permitted. Multiple  
14 facilities which were constructed under a single environmental  
15 management permit may be permitted by the county under one  
16 operating permit, as practical.  
17
- 18 e. A general location map which indicates the relative location in the  
19 county and in the watershed of the facilities to be permitted, the  
20 property tax parcel numbers, and the names and addresses of the  
21 current owners of all parcels on which facilities are located, the  
22 limits of the drainage basin contributing to the facilities and the  
23 number of acres contributing runoff to each of the facilities.  
24
- 25 f. Information regarding operating capacities of the facilities,  
26 demonstrating that such capacities are not greater than those  
27 specified in the application for an environmental management  
28 permit unless approved design modifications were made, in which  
29 event new calculations shall be provided.  
30
- 31 g. An operation and maintenance plan, including identification by  
32 name, address, and phone number of an individual who shall be  
33 designated facility operator, and who shall be responsible for the  
34 day-to-day operation, maintenance and management of the  
35 facilities. The plan shall clearly define how funding and  
36 supervision is to be provided and shall include an acceptable  
37 operation and maintenance outline specifying operating procedures  
38 and possible required facility adjustment, routine intermittent and  
39 annual maintenance including exercising of valves, cleaning of  
40 weirs and trash racks, mowing, dredging, replacing filter media  
41 and underdrains as applicable, and all other activities required to  
42 ensure that the facility performs as designed. Such an outline must  
43 include estimates of equipment required, man hours and crew size,  
44 schedules and an estimate of long term annual cost. If an  
45 oil/grease and water separator is required, a maintenance plan must  
46 be provided. The maintenance plan must address removal and  
47 approved disposal of products and pollutants to be performed at

1                                   specific maintenance intervals.  
2

3           h.     Detailed vegetative and landscaping maintenance plans and  
4                narrative description are prepared and designed to guide future  
5                horticultural and arboricultural activities necessary to maintain  
6                landscaping and vegetation consistent with the design goals of the  
7                approved plan.  
8

9           (g)    *Renewal of operating permits.* Operating permits shall be renewed every  
10           three years. The permittee shall apply to the county administrator or designee for a permit  
11           renewal at least three months, but not more than six months, prior to expiration of the  
12           permit. Renewal shall be granted by the county administrator or designee when each of  
13           the following conditions is met:  
14

15           (1)    Inspection by the county administrator or designee, or sampling at the  
16                facility, confirms that all components are in good working order, that the  
17                facility is free of debris or excessive sediment deposits and is well  
18                stabilized, and that the facility is meeting or exceeding the design  
19                performance criteria specified in the environmental management permit  
20                and this article. Facilities for which no environmental management permit  
21                was issued to authorize construction shall meet the facility performance  
22                criteria specified in F.A.C. ch. 62-25.  
23

24           (2)    If the operating permit being renewed was issued to an individual or entity  
25                other than a stormwater management facility property owners' association,  
26                the applicant submits updated records providing the names and addresses  
27                of current property owners who are required to maintain an operating  
28                permit under this division. This list, through cross-referencing to the  
29                property parcel map filed with the original operating permit application,  
30                shall identify every parcel owned by each individual applicant.  
31

32           (3)    If the operating permit being renewed was issued to a stormwater  
33                management facility property owners' association, the applicant provides a  
34                current list of the names, addresses and telephone numbers of all  
35                association members, the names of all association officers, any changes  
36                made in the association bylaws subsequent to issuance of the previous  
37                operating permits, and a current certificate of good standing for the  
38                association issued by the state's secretary of state.  
39

40           (4)    The applicant provides the name, address and telephone number of the  
41                individual responsible for day-to-day operation, maintenance and  
42                management of the facility and who shall be designated as facility  
43                operator.  
44

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

- 1  
2 (6) The applicant agrees to make such modifications, improvements, or  
3 operation or maintenance changes necessary to meet the requirements of  
4 this article.  
5  
6 (7) The landscape and management plans have been followed and the green  
7 areas are in acceptable condition. The applicant will restore, replant or do  
8 any other item necessary to bring the site into compliance with all  
9 management plans and the original design.  
10  
11 (h) *Applications by governmental entities for operating permits.* When a  
12 facility is to be operated and maintained by a governmental entity, an  
13 operating permit shall be issued upon submission by the governmental  
14 entity of evidence that the facility is to be maintained as a part of an  
15 overall plan of maintenance for the master stormwater management  
16 system. The plan must conform with the standards of this article, and  
17 evidence of compliance with state water quality standards must be  
18 provided. Such a permit shall be renewed provided the governmental  
19 entity submits evidence of continued performance of required maintenance  
20 under the overall system maintenance plan.  
21  
22

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

25  
26 **Sec. 10-4.303 Stormwater Management Design Standards.** The design and  
27 construction of stormwater management systems shall be consistent with the  
28 following minimum standards:  
29

- 30 (1) *Treatment prior to discharge.* Stormwater shall be treated in accordance  
31 with the provisions of section 10-4.301 (1) before it is discharged off-site,  
32 unless the stormwater is approved for discharge into a permitted regional  
33 stormwater treatment facility. All treatment facilities shall be designed and  
34 constructed so as to remain completely functional during the 25-year  
35 flood.  
36  
37 (2) *Additional pretreatment for intensive land uses.* Any post-development  
38 land use involving as a principal activity: The sale or handling of  
39 petroleum products; the repair, maintenance, or cleaning of motor  
40 vehicles; the outside storage of fertilizers; or the production, distribution  
41 or use of any hazardous material regulated by any federal, state, or local  
42 government agency; shall include a separate and distinct stormwater  
43 management system to treat the runoff from those areas where such  
44 activities are conducted, so as to provide intensive pre-treatment and  
45 removal of such products or pollutants from the runoff prior to discharge  
46 into the stormwater treatment system serving the other areas of the site.  
47 Routine maintenance must be specified and a maintenance plan must be

1 provided. The maintenance plan must address removal and approved  
2 disposal of products and pollutants to be performed at specific  
3 maintenance intervals. A separate operating permit is required if the  
4 project is part of a stormwater facility serving more than one parcel.  
5

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

10  
11 (4) *Design standards and design life.* Stormwater facilities, including  
12 pipelines, culverts, retaining walls, and channel linings, shall be designed  
13 and constructed to have a minimum 50-year useful life to the maximum  
14 extent feasible and in accordance with specifications adopted by the  
15 governmental entity.

16  
17 (5) *Design capacity.* Design of stormwater management facilities shall control  
18 the rate of flow of stormwater runoff for all intensities, durations and  
19 return frequencies up to and including the 25-year storm except that  
20 underground pipelines may be designed for lesser magnitude storms, in  
21 accordance with the local government policies, if an overland conveyance  
22 meeting the requirements of this article is provided for the flow in excess  
23 of pipeline capacity. Where use of existing regional or off-site facilities is  
24 proposed, documentation must be presented which verifies that adequate  
25 capacity is available within such regional or off-site facility.

26  
27 (6) *Maximum design depth.* Design of a development shall ensure that the  
28 depth of water in vehicular and pedestrian use areas does not exceed six  
29 inches for the critical duration storm, up to and including the 25-year  
30 storm.

31  
32 (7) *Overflow systems.* All stormwater detention and retention facilities shall  
33 include overflow design features as necessary to minimize the risk of any  
34 significant adverse impacts caused by overtopping during storms up to and  
35 including 100-year storm events.

36  
37 (8) *Runoff buffers.* For sites which will contain less than 10,000 square feet or  
38 ten percent of impervious surface, whichever is less, alternatives to  
39 stormwater detention or retention facilities that utilize landscaped buffers  
40 or natural areas as a means of attenuating rate of runoff may be allowed  
41 and are encouraged, provided the applicant can demonstrate, to the  
42 satisfaction of the county administrator or designee, that adequate water  
43 quality treatment can be provided and no significant adverse impacts will  
44 result and that the purposes and standards of this article are met by the  
45 proposed alternative. Runoff buffers are not allowed for treatment of  
46 roadway runoff.  
47

1 (9) *Interbasin transfer restrictions.* Transfer of stormwater runoff from one  
2 drainage basin to another, including stormwater runoff from closed basins,  
3 shall only be allowed where an assessment of impacts has been made, to  
4 the satisfaction of the eCounty aAdministrator or designee, indicating  
5 minimal negative impacts to the receiving watershed relative to water  
6 quality, quantity and rate of discharge, and where subsection (a) or (b) of  
7 this subsection (9) is met:  
8

9 (a) The interbasin transfer is necessary for a public sector project, or a  
10 private/public joint venture, either of which must benefit a broad segment  
11 of the community.  
12

13 (b) The interbasin transfer mitigates an existing stormwater problem.  
14

15 The assessment of impact to the receiving watershed shall be in the form of a  
16 detailed study which addresses not only the specific impacts of the immediate  
17 development activity proposed, but also the potential cumulative impact on the  
18 receiving watershed and water bodies which would result from continued  
19 interbasin transfers within the watershed.  
20

21 (10) *Slope requirements.*  
22

23 (a) Pond slopes. The side slopes of detention and retention facilities  
24 shall conform to design guidelines appropriate to the functional  
25 type of the facility but, except as provided for below, shall not be  
26 steeper than a 4:1 slope and shall be sodded. With approval by the  
27 county administrator or designee, seeding and mulching may be  
28 allowed for slopes flatter than 10:1, if the applicant demonstrates it  
29 is sufficient to prevent erosion. Grades steeper than 4:1 may be  
30 allowed, provided that:  
31

32 1. A demonstration is made to, and approved by, the County  
33 Administrator or designee that there is no reasonable  
34 alternative.  
35

36 2. The area is surrounded by fencing or another appropriate  
37 physical barrier at least four three feet in height, the fencing  
38 must be green, brown or black, and composed of steel,  
39 aluminum, vinyl-clad or other material approved by the  
40 County Administrator or designee, and is landscaped as  
41 required by section 10-4.350 (a); and  
42

43 3. All or part of the detention or retention facility is at or  
44 above natural grade, in which case retaining walls may be  
45 utilized for sides adjacent to those portions; and  
46

47 4. The sides are stabilized with appropriate material having a

suitable design life.

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

13  
14 (12) *Landscape credit availability.* As a design alternative, 100 percent credit  
15 can be given toward the 25 percent landscape area requirements of section  
16 10-4.344, if the holding pond meets the criteria of section 10-4.350 and  
17 landscaped in accordance with the minimum standards set forth in section  
18 10-4.351, provided:

19  
20 (a) For retention ponds:

- 21  
22 1. Impoundment water depth is no deeper than 24 inches.  
23  
24 2. Sediment sumps are to be located at all points of  
25 concentrated inflows to the pond.  
26  
27 3. There shall be no confining layer within four feet of the  
28 proposed pond bottom.

29  
30 (b) For wet detention ponds, the design must meet the specifications in  
31 the "Florida Development Manual" or its successor.

32  
33 (c) The pond area allowable for landscape credit shall be defined as  
34 the area encompassed by the pond's contour line at the spillway  
35 elevation.

36  
37 (13) *Ditches.* Ditches shall conform to the following standards:

38  
39 (a) Ditch side slopes shall be no steeper than 3:1, unless paved, in  
40 which case a 2:1 maximum side slope will be allowed for depths  
41 greater than one foot and 1:1 for depths up to one foot.

42  
43 (b) Ditches shall be grassed and mulched if the peak velocity of  
44 stormwater is from zero to two and one-half feet per second,  
45 sodded if the velocity is two and one-half to four feet per second,  
46 and paved if the velocity is greater than four feet per second.  
47 Sodding may be allowed for velocities from four to five and one-

1 half feet per second if sod is lapstaked and joint staggered.  
2 Alternate stabilization techniques may be allowed by the county  
3 administrator or designee if sufficient additional information is  
4 provided by the applicant to assure that ditch integrity will be  
5 maintained. Peak stormwater velocities shall be calculated based  
6 upon the critical duration of a 25-year return period storm.  
7

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

10  
11 (a) Recover one-half the retention volume in seven days and the  
12 remaining volume within 30 days. More restrictive recovery times  
13 may exist for particular standards, including, but not limited to the  
14 Bradfordville Study Area and the Northwest Florida Water  
15 Management District Environmental Resource Permitting;  
16

17 (b) Provide soil borings to a depth of three and one-half times the  
18 depth of the pond extended below the proposed bottom of pond  
19 elevation (one boring if pond is less than one-half acre, two  
20 borings if pond is greater than one-half acre but less than one acre  
21 and one additional boring for each additional acre of pond);  
22

23 (c) Substantiate percolation rates by providing stabilized double ring  
24 percolation tests, or other tests approved by the County  
25 Administrator or designee, located one foot below the proposed  
26 pond bottom and in each soil strata indicating low permeability  
27 (one test if pond is less than one-half acre, two tests if pond is  
28 greater than one-half acre but less than one acre and one additional  
29 test for each additional acre of pond).  
30

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

35 1. The saturated soil infiltration rate below the retention  
36 facility;

37 2. Whether confining layers exist below the proposed  
38 retention facility that will restrict infiltration;

39 3. Whether groundwater mounding is likely to occur in the  
40 retention facility;

41 4. The recommended design infiltration rate to be used for the  
42 design of the proposed retention facility. The  
43 recommended design infiltration rate shall consider impacts  
44 from construction operations, groundwater mounding and  
45 long term operation of the retention facility to the  
46 satisfaction of the County Administrator or designee.  
47

1           (e) Site specific conditions may dictate stormwater facility testing, as  
2           determined by the County Administrator or designee, to  
3           demonstrate that the design recovery rate is being met, prior to  
4           allowing development activity to proceed beyond the construction  
5           of the stormwater management facility.  
6

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

10           (16) *Minimum access stabilization requirements and permitting.* It is the intent  
11           of this subsection to provide stabilization of all new roadway accesses to  
12           prevent erosion, sedimentation and water quality problems in surface  
13           waters.  
14

15           (a) All new roadways and ingress/egress easements that serve three or  
16           more single-family residential parcels must be stabilized to prevent  
17           erosion, sedimentation and water quality problems in surface  
18           waters. This stabilization requirement applies as long as there are  
19           no conflicts with more stringent standards in the Code. If a conflict  
20           exists, the more stringent standard shall apply.  
21

22           (b) A short form permit will be required provided that the roadway or  
23           ingress/egress easement:  
24

25           1. Has an exposed sandy soil footprint of less than 5,000  
26           square feet, or an impervious area of less than 8,000 square  
27           feet, or a graveled area of less than 10,000 square feet.  
28

29           2. Has a width of ten feet or less and constructed on grade.  
30

31           3. Has a parallel downstream swale at least six feet in width  
32           and between 12 and 15 inches in depth, ditch blocked as  
33           necessary to retain at least one-half inch of runoff from the  
34           roadway, and directed to properly sized and stabilized  
35           conveyances if the swale provides a concentrated  
36           discharge.  
37

38           4. Provides no anticipated adverse impact on downstream  
39           property.  
40

41           (c) Roadways and ingress/egress easements meeting the requirements  
42           in subsection (18)a. and b. above shall not be required to obtain an  
43           operating permit and property owner's association as required in  
44           section 10-4.209.  
45

46           (17) *Pervious pavement for pre-existing unstabilized roads.* Pre-existing  
47

1 unstabilized roads which are proposed for stabilization with pervious  
2 surfacing treatments such as hard gravel, porous concrete, or Open Grade  
3 Cold Mix Asphalt shall be eligible for a permit if all of the following  
4 conditions are demonstrated by the applicant to the satisfaction of the  
5 county administrator or designee:  
6

- 7 (a) The road was in existence and had active use prior to February 20, 2001.  
8  
9 (b) The road is available without having to obtain the permission of  
10 any property owner or group of property owners to access or use  
11 the road.  
12  
13 (c) The road is a source of sediment or turbidity that discharges to  
14 water courses, water bodies, wetlands, or other offsite areas and  
15 such discharge results in environmental degradation.  
16  
17 (d) There is insufficient property or right-of-way associated with the  
18 road to construct water quality treatment facilities as required by  
19 code or it will not be possible to obtain such property or right-of-  
20 way.  
21  
22 (e) Engineering specifications and typical cross-sections for the  
23 proposed pervious surfacing treatment must be submitted and  
24 approved by the division of environmental compliance.  
25  
26 (f) The applicant provides assurance in an operating permit that periodic  
27 maintenance to retain the pervious nature of the surface treatment will be  
28 performed  
29  
30 (18) *Additional requirements for the Bradfordville Study Area.* For those  
31 properties within the Bradfordville Study Area, these provisions shall be  
32 supplemented by the more stringent standards set forth in Section 10-  
33 4.382.  
34  
35

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

38  
39 **Sec. 10-~~45~~.304. Stormwater easements.**

40 Except where otherwise provided for in this article, the following easement  
41 provisions shall apply:  
42

- 43  
44 (1) *Flood zone easements.* All areas subject to inundation post-development  
45 during storm events up to and including a 25-year storm shall be protected  
46 by an easement prohibiting the owner from making any alterations other  
47 than those associated with permitted infrastructure and vegetation

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

8  
9 (2) *Conveyance easements.*

10  
11 a. *On-site easements.* All new development shall include drainage  
12 easements as necessary to ensure that parcels adjacent and uphill  
13 have access to adequate stormwater conveyances. Such easements  
14 may be required to be dedicated to and maintained by the local  
15 governmental entity having primary jurisdiction over the site.

16  
17 b. *Off-site easements.* If a newly concentrated flow or increased  
18 concentration of stormwater is discharged off-site into any  
19 conveyance other than a public drainage conveyance, or an  
20 approved watercourse (having defined banks), wetland, or  
21 waterbody capable of sustaining the effects of such a discharge, an  
22 adequate easement shall be obtained for the off-site conveyance.  
23 The local governmental entity with primary jurisdiction over the  
24 site may require that such easements be dedicated to the public if  
25 the nature of the conveyance warrants its inclusion as a part of the  
26 government's master stormwater management system.

27  
28 c. *Acquisition of off-site stormwater easements.* If an acceptable  
29 outfall or easement as described in Subsection 10-4.301 is not  
30 available, and the nature of the discharge requires a conveyance  
31 which warrants its inclusion as part of a master stormwater  
32 management system, the applicant may petition the county to seek  
33 condemnation of an appropriate easement to a practical point of  
34 discharge. If the county elects to proceed with the requested  
35 condemnation, the applicant shall advance sufficient funds to cover  
36 twice its pro rata share of all costs associated therewith, including  
37 the estimated value of the property to be condemned. If the final  
38 costs of obtaining condemnation of the property result in the  
39 applicant having advanced funds in excess of his pro rata share,  
40 such excess funds shall be returned to applicant by the county  
41 within a reasonable time after the condemnation is completed.  
42 Easements acquired through this process shall become public  
43 easements, and conveyances located within them shall be a part of  
44 the master stormwater management system.

45  
46 (3) *Pass-through capability for stormwater run-off from uphill areas.* Upon  
47 adoption of a master stormwater management system plan, the county may require that

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

11  
12  
13 **SECTION 10: Section 10-4.321 of the Code of Laws of Leon County, Florida, is**  
14 **hereby amended to read as follows:**

15  
16 **Sec. 10-4.321. Prohibitions.**

17  
18 (a) *Vegetation and topographic changes.* No person shall change, or allow to  
19 be changed, the contour, topography, use, or vegetation cover of land unless the  
20 stormwater runoff and sedimentation generated thereby are permitted and controlled in  
21 accordance with this article and the rules and regulations adopted pursuant hereto, except  
22 that permits shall not be required for:

- 23  
24 (1) Activities related to accessory home gardening and customary routine  
25 landscape maintenance.  
26  
27 (2) Activities involving soil or ground cover disturbance in connection with  
28 permitted removal of an individual tree, in which case the disturbance  
29 shall be limited to that necessary to remove the stump.  
30  
31 (3) Projects consisting of additions of 1,000 square feet or less of impervious  
32 area to an existing structure, provided that no adverse environmental  
33 impacts will result and that all other requirements of this article are met by  
34 such development activity. A demonstration must first be made to the  
35 satisfaction of the County Administrator or designee that no adverse  
36 environmental impacts will result. A site can only use this exemption for  
37 a total of up to 1,000 square feet. Once the total additions exceed 1,000  
38 square feet, a permit is required.  
39  
40 (4) Structural reconstruction, restoration or renovation not constituting  
41 redevelopment or development as defined in sections 10-1.101 and 10-  
42 4.102.  
43  
44 (5) The construction of sidewalks and minor roadway improvements  
45 associated with health and safety projects as follows:

46  
47 All projects must ensure that the capacity of existing swales, ditches or

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

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

17  
18  
19 (b) *Compliance with standards.*

- 20  
21 1. *Permits issued January 15, 1990, and thereafter.* No development  
22 or redevelopment activity shall be permitted or undertaken  
23 subsequent to January 15, 1990, unless and until the county  
24 administrator or designee determines that plans and specifications  
25 for such activity indicate that all stormwater management  
26 requirements and standards of this division will be met for the  
27 entire site for new development activities, or for the particular  
28 parcel in the case of redevelopment activity with the allowances  
29 listed in section 10-173. However, where activities proposed for a  
30 parcel will be less extensive than that set out in the definition of  
31 redevelopment, the plans and specifications for such activity need  
32 only show that all requirements of this division will be met for the  
33 specific portions of the parcel subject to alteration, without  
34 requiring that the entire parcel be retrofitted.
- 35  
36 2. Permits issued prior to January 15, 1990. No development  
37 activities shall be undertaken by authority granted in any valid  
38 permit issued by the director prior to January 15, 1990, without  
39 compliance with provisions of this article relating to construction  
40 procedures, sediment and erosion controls, easements, notice of  
41 initiation of development activity, and general regulations of  
42 aspects other than technical design, notwithstanding any less  
43 stringent provisions which may have been in effect at the time of  
44 permit issuance.

45  
46 (c) *Stormwater and pollutant discharge.* No person shall discharge, or allow  
47 or cause to be discharged, or alter the discharge of, stormwater runoff, sedimentation, or

1 other pollution as defined in this chapter into rivers, streams or other watercourses, or  
2 water bodies, or the groundwater without the consent of the applicable governmental  
3 authorities.  
4

5 (d) *Off-site impacts.* No person shall engage in or allow any activity which  
6 causes changes in the pre-development rate, volume, quality, or direction of stormwater  
7 flow leaving the development site unless potentially significant off-site adverse impacts  
8 are managed by appropriate measures in accordance with the requirements of this article.  
9

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

13  
14 **Sec. 10-4.322. Wetlands.**  
15

16 (a) *Jurisdictional determination.* The beneficial functioning of wetlands as  
17 areas for the natural storage and filtration of surface water runoff shall be protected, and  
18 shall be enhanced where functional degradation has occurred. Final determination of a  
19 wetland area, if in question, shall be made by the county administrator or designee based  
20 on a site inspection and the documentation of findings pursuant to the definition of a  
21 wetland in Chapter 62-340, F.A.C.  
22

23 (b) *Boundary determination.* Determination of the actual extent of a wetland  
24 area on a development site shall be made by a qualified professional retained by the  
25 applicant, based on soils analysis, botanical review surveying, or other standard  
26 engineering or environmental analysis practices, and subject to review and approval by  
27 the county administrator or designee.  
28

29 (c) *Protection of topography and hydrocycle.* Existing natural topography  
30 shall be maintained within wetland areas. No alterations shall be made within a wetland  
31 area to the natural fluctuation of water levels or flows. Restoration shall only be allowed  
32 to wetlands which have been determined by the County Administrator or designee to be  
33 degraded to the extent that their ecological functions have been significantly and  
34 detrimentally degraded. Restoration of degraded wetlands may be allowed only if the  
35 wetlands are being designed to be brought back to a historical vegetated natural system.  
36 The applicant shall provide undisputable evidence to support this historical vegetated  
37 natural system to the satisfaction of the County Administrator or designee. The intent of  
38 the restoration is to create a wetland that will function as a natural system.  
39

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

1 minimizing the water elevation changes within 0.1 foot difference from the pre- and post-  
2 development conditions.  
3

4 (e) *Protection of vegetation.* No tree or vegetation located within a wetland or  
5 within 20 feet of the perimeter boundary of a wetland area shall be removed or damaged  
6 except as permitted in accordance with the provisions of this division. No natural  
7 vegetation shall be removed, except:  
8

9 (1) As necessary for routine trimming and pruning of trees; as necessary to  
10 construct approved ~~stormwater detention or retention systems, or approved~~  
11 utilities, roadways, or other structures, and in compliance with an approved  
12 environmental management permit and all requirements of this division; or  
13

14 (2) As necessary for trimming of wetland vegetation within 15 feet of each  
15 side of a dock or other accessory structure located on residentially zoned  
16 lots.  
17

18 (3) As necessary for the installation of temporary disced or mowed fire lanes  
19 as part of a vegetation management plan which is designed to enhance and  
20 maintain the ecological functions of the wetland or waterbody. The  
21 vegetation management plan must be submitted and approved by the  
22 county administrator or designee prior to any disturbance of wetland  
23 vegetation.  
24

25 (f) *Conservation easements required.* A conservation easement, or other  
26 suitable means of protection, in a form approved by the county attorney, shall be required  
27 for all on-site areas of a development which are within the jurisdictional limit of a  
28 wetland, water body, or natural watercourse, and for all areas which are within the  
29 perimeter of such a jurisdictional boundary plus any setback required by section 10-4.202  
30 for development activities to insure that such areas will be protected and preserved.  
31

32  
33 **SECTION 12: Section 10-4.323 of the Code of Laws of Leon County, Florida, is**  
34 **hereby amended to read as follows:**  
35

36 **Sec. 10-4.323 Special development standards for environmentally sensitive zones.**  
37

38 (a) *Special development standards designation.* The Board of County  
39 Commissioners may designate special development standards for environmentally  
40 sensitive zones adjacent to watercourses or receiving water bodies and in other  
41 environmentally sensitive areas within any watershed where additional or more stringent  
42 minimum design and development standards shall apply. Design and development  
43 standards shall be established to minimize the adverse environmental impacts associated  
44 with both the extent of development activity and the type of land uses permitted within or  
45 adjacent to sensitive environmental features such as watercourses, water bodies,  
46 wetlands, and areas subject to periodic flooding.  
47

1 (b) *Lake Jackson special development zone.* Special development zones  
2 adjacent to Lake Jackson are hereby designated within which the following minimum  
3 design and development standards shall apply, notwithstanding any less restrictive  
4 provisions in any state law or regulation or local ordinance:  
5

- 6 (1) *Zone A.* Wetland and floodplain ecotone, from elevation 89 feet NGVD or  
7 the water's edge, whichever provides the greater area of protection, to 100  
8 feet NGVD:  
9

10 A. *Development area limitations.*  
11

- 12 1. Clearing, soil disturbance, and building area shall not  
13 exceed the greater of 4,000 square feet or five percent of  
14 that part of the development site located within zone A  
15 above 89 feet NGVD, hereafter referred to as the base  
16 square footage. For purposes of calculating this base square  
17 footage, the septic tank and drainfield area shall not be  
18 included and gravel driveways kept on grade will be  
19 considered as 50 percent disturbed.  
20  
21 2. No cut and fill and no fill except as necessary and  
22 specifically authorized for permitted impervious areas.  
23  
24 3. No structures at or below elevation 96.5 feet NGVD, unless  
25 specifically approved based on compliance with the  
26 provisions of section 10-4.503, or unless approved for a  
27 previously platted lot or lot of record existing on January  
28 15, 1990, when used for single-family residential use.  
29 Single-family residential use includes accessory structures  
30 such as pools, tennis courts, storage sheds, and gazebos  
31 which are customarily incidental and subordinate to the  
32 single-family dwelling.  
33  
34 4. Reasonable minimum clearing for docks and access to  
35 these docks accessory to a single-family use may be  
36 permitted as an exception when constructed in accordance  
37 with state and local permit criteria.  
38

39 B. *On-site sewage disposal system standards* shall be in compliance  
40 with Chapter 18 of this Code.  
41

- 42 1. Minimum lot size of one acre, net usable land, exclusive of  
43 all paved areas, public rights-of-way, and prepared road  
44 beds within easements, and exclusive of streams, lakes,  
45 drainage ditches, marshes, or other such bodies of water,  
46 and wetlands as determined by the State Department of  
47 Environmental Protection or the county administrator or

1                   designee.

2  
3                   2.       No portion of any on-site sewage disposal system shall be  
4                   located within 75 feet upland of elevation 89 feet NGVD,  
5                   within 75 feet of any water body or watercourse or the  
6                   jurisdictional limit of a wetland as determined by the State  
7                   Department of Environmental Protection or the county  
8                   administrator or designee, or within any 100-year  
9                   floodplain area.

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

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

32  
33                  D.       *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
34                  buggies, or other wheeled motorized or tracked vehicles shall not  
35                  be allowed within any portion of zone A, including any portion of  
36                  lake bottom periodically exposed as a result of natural or artificial  
37                  drawdown, except as follows:

38  
39                  1.       Entry shall be allowed into those areas which must be  
40                  entered to provide reasonable access to structures, to  
41                  approved boat launching areas, to public parks, to approved  
42                  rights-of-way, or to public roadways.

43  
44                  2.       Lawn mowers shall be allowed in areas within zone A  
45                  which lie landward of the natural vegetation zone, and  
46                  within the latter zone if permitted pursuant to subsection  
47                  (b)(1)eC., unless otherwise prohibited by this article.

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- 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.
- (34) *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.



1 of the area.  
2

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

- 9 1. Entry shall be allowed into those areas which must be  
10 entered to provide reasonable access to structures, to  
11 approved boat launching areas, to public parks, to approved  
12 rights-of-way, or to public roadways.  
13  
14 2. Lawn mowers shall be allowed in areas within zone A  
15 which lie landward of the natural vegetation zone, and  
16 within the latter zone if permitted pursuant to subsection  
17 (c)(1)b., unless otherwise prohibited by this article.  
18  
19 3. Entry shall be allowed where associated with bona fide  
20 public uses, such as agency research, law enforcement, and  
21 approved lake restoration and management activities.  
22

23 (2) *Zone B.* Transitional ecotone, from elevation 40 feet NGVD to elevation  
24 60 feet NGVD:  
25

26 A. *Development area limitations.* A minimum of 50 percent of the  
27 area of each site within zone B shall remain natural and unaltered.  
28

29 (3) *Prohibited land uses.* See section 10-6.707.  
30

31 (d) *Fred George Basin special development zone.* A special development zone  
32 surrounding the Fred George Basin is hereby designated within which the following  
33 minimum design and development standards shall apply, notwithstanding any less  
34 restrictive provisions in any state law or regulation or local ordinance:  
35

36 (1) *Development area limitations.* A minimum of 75 percent of the area at and  
37 below the elevation of 104 feet NGVD of each site within the zone shall  
38 remain natural and unaltered.  
39

40 (2) *Floor elevation.* No finished floor elevation shall be lower than 106 feet  
41 NGVD.  
42

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

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

4 (e) *Lake Iamonia special development zones.* Special development zones  
5 adjacent to Lake Iamonia are hereby designated within which the following minimum  
6 design and development standards shall apply, notwithstanding any less restrictive  
7 provisions in any state law or regulation or local ordinance:  
8

9 (1) *Zone A.* Wetland and floodplain ecotone, up through and including  
10 elevation 110 feet NGVD:  
11

- 12 A. *Development area limitations.* Clearing, soil disturbance, and  
13 building area shall not exceed the greater of 4,000 square feet or  
14 five percent of that part of the development site located in zone A,  
15 hereafter referred to as the base square footage. For purposes of  
16 calculating this base square footage, the septic tank and drainfield  
17 area shall not be included and gravel driveways kept on grade will  
18 be considered as 50 percent disturbed.  
19
- 20 B. *Floor elevation.* No finished floor at or below elevation 110 feet  
21 NGVD.  
22
- 23 C. *Natural vegetation protection zone.* All vegetation shall be  
24 protected in a natural state from the water's edge or the normal  
25 water line, whichever provides the greater area of protection, to a  
26 minimum distance of 50 feet upland, except that established lawns  
27 existing on developed single-family lots prior to January 15, 1990,  
28 may continue to be maintained. Annual (or less frequent) burning  
29 within the natural vegetation protection zone is allowed, as well as  
30 selective removal of species which are intrusive to the native  
31 species, so as to improve the environmental function of the area.  
32
- 33 D. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
34 buggies, or other wheeled motorized vehicles and tracked vehicles  
35 shall not be allowed within any portion of zone A, including any  
36 portion of lake bottom periodically exposed as a result of natural or  
37 artificial drawdown, except as follows:  
38
- 39 1. Entry shall be allowed into those areas which must be  
40 entered to provide reasonable access to structures, to  
41 approved boat launching areas, to public parks, to approved  
42 rights-of-way, or to public roadways.  
43
  - 44 2. Lawn mowers shall be allowed in areas within zone A  
45 which lie landward of the natural vegetation zone, and  
46 within the latter zone if permitted pursuant to subsection  
47 (e)(1)c., unless otherwise prohibited by this article.

1  
2 3. Entry shall be allowed where associated with bona fide  
3 public uses, such as agency research, law enforcement, and  
4 approved lake restoration and management activities.  
5

6 (2) *Zone B.* Transitional ecotone, from elevation 110 to elevation 120 NGVD:  
7

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

10  
11 (3) *Prohibited land uses.* See section 10-6.707.  
12

13 (f) *Lake McBride special development zone.* A special development zone  
14 adjacent to Lake McBride and its tributaries is hereby designated within which the  
15 following minimum design and development standards shall apply, notwithstanding any  
16 provisions in any state law or regulation or other local ordinance:  
17

18 (1) *Zone A.* The 100-year floodplain around the lake and its tributaries, plus a  
19 50-foot buffer adjacent to watercourses and water bodies, plus regions of  
20 greater than ten percent slope and soil erosion K factor greater than 0.2  
21 contiguous with and not extending more than 200 feet upland of the 100-  
22 year floodplain boundary.  
23

24 A. *Development area limitations.*

- 25  
26 1. Development, as defined by 10-1.101 and 10-4.102 is  
27 excluded from zone A, except as specifically permitted by  
28 section 10-4.323(f)(1)a.2., below.  
29  
30 2. For previously platted residential lots or residentially zoned  
31 lots of record entirely within, or where more than 25  
32 percent of the area of such lot is within, zone A, clearing,  
33 soil disturbance, and building area shall not exceed the  
34 greater of 4,000 square feet or five percent of that part of  
35 the development site located within zone A hereafter  
36 referred to as the base square footage. For purposes of  
37 calculating this base square footage, the septic tank and  
38 drainfield area shall not be included and only 50 percent of  
39 gravel driveways kept on grade will be included.  
40  
41 3. No cut and fill and no fill except as necessary and  
42 specifically authorized by a grading and filling permit for  
43 permitted impervious areas.  
44

45 B. *Natural vegetation protection zone.* All vegetation located in the  
46 following area shall be protected in a natural state: The area from  
47 the water's edge or the normal high water line, whichever provides

1 the greater area of protection, to a minimum distance of 50 feet  
2 upland or the full extent of the flood zone, whichever is greater,  
3 except that a single path with a maximum width of 30 feet, may be  
4 cleared and maintained to provide essential access to the water and  
5 any permitted dock. Noxious or invasive vegetation listed on the  
6 Florida Exotic Pest Plant Council's List of Invasive Species or its  
7 successor publication, may be removed pursuant to a vegetative  
8 management plan which is to be submitted to and approved by the  
9 county administrator or designee. Annual (or less frequent) cutting  
10 of woody plants, controlled burning, and planting of native species,  
11 such as to improve the environmental function of the area, is  
12 allowed pursuant to a vegetation management plan which is to be  
13 submitted to and approved by the county administrator or designee.  
14

15 C. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
16 buggies, or other wheeled motorized or tracked vehicles shall not  
17 be allowed within any portion of zone A, including any portion of  
18 lake bottom periodically exposed as a result of natural or artificial  
19 drawdown, except as follows:  
20

- 21 1. Controlled and limited entry shall be allowed into those  
22 areas which must be entered to provide reasonable access  
23 to permitted structures, to approved boat launching areas, to  
24 public parks, to approved rights-of-way, or to public  
25 roadways which shall be authorized by an environmental  
26 permit.  
27
- 28 2. Lawn mowers shall be allowed in areas within zone A  
29 which lie landward of the natural vegetation zone, unless  
30 otherwise prohibited by this article.  
31
- 32 3. Entry shall be allowed where associated with bona fide  
33 public uses, such as agency research, law enforcement, and  
34 approved lake restoration and management activities,  
35 pursuant to a special access permit.  
36

37 (2) Zone B. Transitional ecotone, from the upland boundary of the zone A  
38 boundary to a buffer extending 200 feet upland from the 100-year  
39 floodplain boundary:  
40

41 A. *Development area limitations.*  
42

- 43 1. Soil disturbance and building areas shall be limited to 50  
44 percent of the area of each site within zone B or 3/4 of an  
45 acre within zone B, whichever is less. Within this area, the  
46 25 ground cover may be managed, mowed or landscaped.  
47

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

3 (g) *Lake Lafayette special development zone.* Special development zones  
4 adjacent to Lake Lafayette are hereby designated. The following minimum design and  
5 development standards shall apply, notwithstanding any less restrictive provisions in any  
6 state law or regulation or local ordinance:  
7

8 (1) *Zone A.* Zone A includes the 100-year floodplain around Lake Lafayette.  
9

10 A. *Development area limitations.*

- 11 1. Clearing, soil disturbance, and building area shall not  
12 exceed the greater of 4,000 square feet or five percent of  
13 that part of the development site located within zone A. For  
14 purposes of calculating this base square footage, the septic  
15 tank and drainfield area shall not be included, and gravel  
16 driveways kept on grade will be considered as 50 percent  
17 disturbed.  
18
- 19 2. No cut and fill and no fill except as necessary and  
20 specifically authorized for permitted impervious  
21 areas.  
22
- 23 3. Reasonable minimum clearing for docks and access to  
24 these docks accessory to a single family use may be  
25 permitted as an exception when constructed in  
26 accordance with state and local permit criteria.  
27

28  
29 B. *Natural vegetation protection zone.* All vegetation located in the  
30 following area shall be protected in a natural state; the area from  
31 the water's edge or the normal high water line, whichever provides  
32 the greater area of protection, to a minimum distance of 50 feet  
33 upland or the full extent of the flood zone, whichever is greater,  
34 except that a single path with a maximum width of 30 feet, may be  
35 cleared and maintained to provide essential access to the water and  
36 any permitted dock. Noxious or invasive vegetation listed on the  
37 Florida Exotic Pest Plant Council's List of Invasive Species or its  
38 successor publication, may be removed pursuant to a vegetation  
39 management plan which is to be submitted to and approved by the  
40 county administrator or designee. Annual (or less frequent) cutting  
41 of woody plants, controlled burning, and planting of native species,  
42 such as to improve the environmental function of the area, is  
43 allowed pursuant to a vegetation management plan which is to be  
44 submitted to and approved by the county administrator or designee.  
45

46 C. *Motor vehicle prohibition.* Automobiles, motorcycles, dune  
47 buggies, or other wheeled motorized or tracked vehicles shall not

1 be allowed within any portion of zone A, including any portion of  
2 lake bottom periodically exposed as a result of natural or artificial  
3 drawdown, except as follows:  
4

- 5 1. Entry shall be allowed into those areas which must be  
6 entered to provide reasonable access to structures, to  
7 approved boat launching areas, to public parks, to approved  
8 rights-of-way, or to public roadways.  
9
- 10 2. Lawn mowers shall be allowed in areas within zone A  
11 which lie landward of the natural vegetation zone, unless  
12 otherwise prohibited by this article.  
13
- 14 3. Entry shall be allowed where associated with bona fide  
15 public uses, such as agency research, law enforcement, and  
16 approved lake restoration and management activities.  
17

18 (2) *Zone B.* Zone B includes a distance extending 200 feet upland from the  
19 100-year floodplain boundary of Lake Lafayette.  
20

21 A. Development area limitations.  
22

- 23 1. Clearing, soil disturbance, and building area shall not  
24 exceed the greater of 4,000 square feet or 25 percent of that  
25 part of the development site located within zone B. For  
26 purposes of calculating this base square footage, the septic  
27 tank and drainfield area shall not be included, and gravel  
28 driveways kept on grade will be considered as 50 percent  
29 disturbed. For a lot that has both zone A and zone B, the  
30 4,000 square foot minimum shall only be applicable once  
31 per lot.  
32
- 33 2. If more than 25 percent of the area within zone B is  
34 proposed to be altered, water quality treatment shall be  
35 provided by taking 3/4 of an inch over the total drainage  
36 area discharging to the stormwater facility and retaining it  
37 in an off-line retention facility. The full treatment volume  
38 shall again be available within 72 hours following a storm  
39 event. Appropriate on-site soils tests shall be submitted to  
40 verify the recovery rate.  
41

42 B. Established lawns existing on developed lots prior to the adoption  
43 of this code may continue to be maintained.  
44

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

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

3  
4 A. Criteria. Applications for variances under this subsection may only  
5 be approved when:

6  
7 1. The disturbance is limited to Zone B upland from Zone A,  
8 and

9  
10 2. Technical evidence based on slopes, soil erodability,  
11 isolation from the regional drainage system or other  
12 scientific data reasonably supports the conclusion that no  
13 significant adverse environmental impacts will result from  
14 the granting of the variance, and

15  
16 3. Literal enforcement of the requirements would result in an  
17 unnecessary and undue hardship not resulting from the  
18 actions of the property owners, and

19  
20 4. Granting of the variance will not impair the attainment of  
21 the objectives of this article.

22  
23 B. There shall be no variance fee for single family residential lot  
24 variance requests under this section.

25  
26 C. Any applicant may request further review by the board of  
27 adjustment and appeals any decision made on the variance request  
28 by the county administrator or designee. Said further review shall  
29 be a de novo proceeding.

30  
31 D. Variances for non-single family residential lots shall follow the  
32 criteria in section 10-4.323 (g)(3)a. above and the procedures in  
33 section 10-4.503, Variances.

34  
35 (4) The natural area requirements are defined in section 10-4.345.

36  
37 (5) The provisions in section 10-4.323 (g)(1)(zone A) and (2) (zone B) shall  
38 not apply to expansions of pre-existing public roads if the applicant  
39 satisfactorily demonstrates that all practical alternatives have been  
40 evaluated and the road expansion cannot practically be completed due to  
41 these provisions.

42  
43 (6) The provisions in section 10-4.323 (g)(1) (zone A) and (2) (zone B) shall  
44 not apply to those portions of a parcel where activities such as farming and  
45 silviculture have been ongoing at the time that these provisions were  
46 adopted, provided that the land parcel possessed a bonafide agricultural  
47 exemption as substantiated by the records of the tax appraiser's office.

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

4 (h) *Transfer of development intensity and density.* Unless otherwise specified  
5 for a particular zone, development density for building areas, in terms of permitted  
6 coverage with impervious surfaces and multifamily density, as specified for special  
7 development zones, may be transferred from any lower to any higher elevations within  
8 the same property or contiguous to the same property and within the same ownership,  
9 provided such development is a cluster plan development, PUD or site and development  
10 plan development and is approved through the appropriate review process established by  
11 this Code.  
12

13 (i) *Special development zones maps.* Maps generally depicting special  
14 development zones are on file in the Tallahassee-Leon County Planning Department and  
15 the County Community Development Department and are by reference made a part  
16 hereof. Should any discrepancy or dispute arise with regard to the location of any parcel  
17 or any existing or proposed improvements thereon, relative to special development zones  
18 as mapped, the applicant may provide a survey performed by a registered land surveyor  
19 to clarify the exact location of his parcel and any existing or proposed improvements  
20 relative to the special development zone. Such discrepancy shall be resolved by the  
21 county administrator or the administrator's designee.  
22  
23

24 **SECTION 13: Section 10-4.325 of the Code of Laws of Leon County, Florida, is**  
25 **hereby amended to read as follows:**  
26

27 **Sec. 10-4.325. Active karst feature requirements.**  
28

29 Discharge of stormwater runoff into any active karst feature shall conform to the  
30 following:  
31

- 32 (1) Runoff to be discharged directly into the active karst feature shall be  
33 treated to comply with F.A.C. 62-520.420 prior to discharge. For  
34 purposes of this subsection, “discharged directly” shall mean stormwater  
35 discharging from a development site into an active karst feature without  
36 first mixing and attenuating in a wetland, water body, floodplain, or other  
37 surface water feature, independent of the karst feature, whereby additional  
38 natural treatment can further reduce pollutant loading.  
39  
40 (2) Discharge rates and volumes into the active karst features shall not exceed  
41 pre-development rates and volumes.  
42  
43 (3) A minimum buffer width of 35 feet from the uppermost contiguous  
44 contour or slope break of any active karst feature, as specified in the  
45 permit and determined by standard geotechnical evidence in consideration  
46 of soil types, slope, vegetation, topography, and geologic features, shall  
47 remain in a natural and unaltered state.

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- (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.

1  
2 Slaughterhouses.

3  
4 Transportation activities, freight handling.

5  
6 Warehousing including enclosed, open, and tank storage.

7  
8 Welding and machine shops.

9  
10 Wholesale activities.

11  
12 Any other nonresidential use which uses, produces, or generates as waste  
13 any listed Resource Conservation and Recovery Act material or  
14 listed Environmental Protection Agency priority pollutant.

15  
16 Any other use which the county administrator or designee determines may  
17 reasonably be expected to produce stormwater pollutants similar to  
18 those specifically listed above and sought to be eliminated by this  
19 subsection.

20  
21 Manufacture or processing of the following:

22  
23 Apparel and accessories.

24  
25 Chemicals and allied products.

26  
27 Lumber, wood, furniture, and fixtures.

28  
29 Metals and allied products.

30  
31 Paper and allied products.

32  
33 Rubber, plastic, and allied products.

34  
35 Stone, clay, and glass products.

36  
37 Textile and textile products.

38  
39  
40 **SECTION 14: Section 10-4.327 of the Code of Laws of Leon County, Florida, is**  
41 **hereby amended to read as follows:**

42  
43 **Sec. 10-4.327. Topographic alterations.**

44  
45 All projects involving alteration of the contour, topography, use or vegetation  
46 cover of land, shall comply with the following minimum standards:  
47

1           (1)    *Sedimentation and erosion controls.*  
2

3           a.     Installation of controls. No clearing, grading, cutting, or filling  
4               shall commence until erosion and sedimentation control devices  
5               have been properly installed, in accordance with an approved plan,  
6               between the area to be disturbed and adjacent property, water  
7               bodies, watercourses (including inlets and culverts), and wetlands.  
8               Clearing and excavation required for installation of erosion and  
9               sedimentation control devices is allowed provided no activity  
10              occurs ~~beyond~~ more than five feet from the location of control  
11              devices as specified in an approved plan.  
12

13          b.     Methods of controls. Erosion shall be minimized and sediment  
14               retained on the site of development through the application of best  
15               management practices approved as part of the environmental  
16               management permit. Methods of control shall be suitable for site  
17               size, vegetative cover, soil type, slope, design features and  
18               proposed construction sequence and activities. Allowable methods  
19               include:  
20

- 21           1.     Limiting the amount of clearing necessary.
- 22
- 23           2.     Staging clearing activities to minimize the length of time  
24               any area is left unstabilized and to minimize the total area  
25               cleared at any one time.
- 26
- 27           3.     Temporary gravel construction entrances.
- 28
- 29           4.     Straw bale barriers.
- 30
- 31           5.     Silt fences.
- 32
- 33           6.     Storm drain inlet protections.
- 34
- 35           7.     Temporary diversion dikes.
- 36
- 37           8.     Temporary sediment traps.
- 38
- 39           9.     Temporary sediment basins.
- 40
- 41           10.    Temporary stream crossings.
- 42
- 43           11.    Seeding so as to establish an appropriate vegetative ground  
44               cover.
- 45
- 46           12.    Sodding.
- 47

1 13. Erosion control and seeding mats.  
2

3 14. Other suitable methods as approved by the county  
4 administrator or designee.  
5

6 c. Maintenance of controls. Once properly installed, erosion and  
7 sediment controls shall be maintained pursuant to section 10-  
8 4.210~~4~~ until a permanent vegetative ground cover is established.  
9 Any site or portion thereof where work is not being performed as  
10 part of the current phase of development, and which remains  
11 cleared for over 30 days, shall be stabilized through the  
12 establishment of appropriate ground cover. All disturbed areas  
13 shall be permanently stabilized through the establishment of  
14 appropriate vegetative ground cover upon completion of  
15 development activities on the site.  
16

17 (2) *Grade change limitations.* It is the intent of this article to minimize  
18 alterations of the natural topography of land within the county.  
19

20 a. The type, intensity, and structural design of each proposed  
21 development project shall be consistent with and compatible with  
22 natural pre-development topography and characteristics of the  
23 proposed site.  
24

25 b. Alterations of natural topography shall not exceed the absolute  
26 minimum necessary to develop a site safely. Design criteria will  
27 emphasize site designs that fit the topography, not change the  
28 topography to fit the design. Any development proposed for a site  
29 shall be appropriate to the existing natural topographical  
30 characteristics of the site, while recognizing that minimal grade  
31 changes are essential to site development.  
32

33 c. The intent of protecting sloped areas of ten percent and above is to  
34 maintain local topography, prevent erosion, protect water quality,  
35 and maintain existing vegetation. Man made slopes shall not be  
36 regulated. Development in sloped areas of ten percent and above  
37 shall be permitted as follows:  
38

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

45 2. A minimum of 50% of significant (ten percent to 20 percent  
46 slope) grade areas must be left undisturbed or have an  
47 approved vegetation management plan and shall be placed so

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

5 3. Severe grade areas (greater than 20 percent slope) shall remain  
6 undisturbed. Small areas (1/4 acre or less) of severe grade  
7 areas located within significant grades may be regulated using  
8 the criteria for significant grades.

9 4. All significant and severe grades required to be undisturbed  
10 shall be preserved in their pre-development state by  
11 conservation easement.

12 5. Urban service area only: All isolated significant slopes that are  
13 0.25 acres or less in size shall not be protected. All other  
14 significant slopes may be disturbed more than 50% provided  
15 the following criteria are met:

16 (a) The disturbance is necessary to encourage urban infill in  
17 the urban core or to create new, high wage employment.

18 (b) If a non-residential site is less than or equal to three acres in  
19 size with no other preservation features present on the site.

20 (c) All residential development qualifies for the additional  
21 disturbance.

22 (d) Stormwater treatment shall be off-line retention equal to the  
23 first 1/2 inch of runoff with full recovery within 72 hours. If  
24 it can be demonstrated that retention is not achievable due  
25 to soil and site characteristics, wet detention, in accordance  
26 with Section 10-4.301(2)(b)(i) and FDEP regulations, will  
27 be allowed. If wet detention is not achievable due to site  
28 characteristics, the County Administrator or designee may  
29 allow other treatment alternatives if it can be satisfactorily  
30 demonstrated that the alternative provides a pollutant  
31 removal efficiency of 80% or greater.

32  
33 d. The county administrator or designee may allow limited exemption  
34 from these grade change limitations for approved roadway  
35 projects, provided that the permit application related to such  
36 project includes:

37  
38 1. Appropriate restrictive limits of areas as to clearing and  
39 topographic alteration.

40 2. Approved erosion and sediment control plans.

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

43  
44  
45 (3) *Flood zone grade change restrictions.* The wetland protection provisions  
46 of Article IV shall first be complied with prior to considering the  
47

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

10 a. No fill or other alteration shall be made to the topography or  
11 vegetative cover in any floodplain. An exception to this provision  
12 is to allow up to a maximum of five percent disturbance to the  
13 unaltered floodplain located on-site, if the applicant demonstrates,  
14 to the satisfaction of the county administrator or designee, that  
15 there is no reasonable alternative. The following provisions apply  
16 to altered floodplains and to unaltered floodplains qualifying for  
17 the five percent disturbance:  
18

19 1. Minimum fill or alteration in a floodplain may be allowed  
20 for an approved road right-of-way, driveway, water  
21 management area, or septic tank, provided that all other  
22 applicable state and local standards are met and that the  
23 applicant demonstrates, to the satisfaction of the county  
24 administrator or designee, that there is no reasonable  
25 alternative to intruding into the floodplain and that the  
26 activities will not increase water stages (for the same event)  
27 on offsite properties, increase water stages onsite to an  
28 extent that this could cause degradation of onsite wetland  
29 vegetation, or increase flow velocities more than ten  
30 percent in unhardened stream beds adjacent to the area of  
31 the alteration.  
32

33 For newly permitted roads within the floodplain under this  
34 subsection, which could be either public road rights-of-way  
35 or those that will be accepted by Leon County for public  
36 dedication, the applicant shall demonstrate that at full basin  
37 buildout, upstream backwater stages will be raised no more  
38 than one-half foot for a ten-year flood event, no more than  
39 one foot for a 100-year flood event, and no higher than one  
40 foot below the finished floor elevations of existing  
41 upstream occupied structures during a 100-year flood  
42 event. If flow velocities are increased to an extent that  
43 erosion of the streambed can result, the streambed shall be  
44 lined or energy dissipation devices shall be installed to  
45 lower flow velocities.  
46

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

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

7  
8 3. There shall be a prohibition against the placement of fill  
9 within FEMA designated floodways, except for the  
10 placement of piles, piers, or abutments as required for  
11 bridge construction and such construction shall comply  
12 with the provisions of subsection 1.

13  
14 4. Where fill is to be placed within a 100-year floodplain, as  
15 deemed necessary by the county administrator or designee  
16 based on technical criteria, compliance with the provisions  
17 of Standards for Flood Hazard Reduction, Subsections 10-  
18 1736(f)(1) through (6) shall be demonstrated.

19  
20 b. Fill for single-family home foundations located within the 100-  
21 year floodplain will be allowed as long as it is in full compliance  
22 with the technical policy as set forth by the county administrator or  
23 designee, "Policy Concerning the Placement of Fill in the  
24 Floodplain on Single-family Residential Lots" or its successor.  
25 This policy only applies to previously platted nonconforming lots  
26 where there is no reasonable alternative to the limited placement of  
27 foundation fill. This subsection or policy shall not be interpreted to  
28 facilitate in any way whatsoever the creation of new lots of record  
29 that would cause a single-family home to be constructed within the  
30 100-year floodplain.

31  
32 (4) *Minimum natural area*. All development activity shall provide a minimum  
33 of 25 percent natural area pursuant to section 10-4.345 or an equivalent  
34 area as approved pursuant to site design alternative criteria set forth in  
35 section 10-4.346.

36  
37  
38 **SECTION 15: Section 10-4.342 of the Code of Laws of Leon County, Florida, is**  
39 **hereby amended to read as follows:**

40  
41 **Sec. 10-4.342. General applicability.**

42  
43 (a) Landscaping information shall be provided in a landscape development  
44 plan as part of the environmental management permit application, for all new  
45 development and redevelopment in the county except as specified in subsection (b). The  
46 following requirements and standards for landscaping shall apply:  
47

- 1 (1) Minimum landscaped areas in all developed land use areas, including  
2 towers and telecommunication projects, additions of 1,000 square feet or  
3 more of impervious area, or where redevelopment requires additional  
4 parking, in accordance with sections 10-173, 10-4.344, 10-4.347 through  
5 10-4.355, including section 10-6.812 for towers and telecommunication  
6 projects.  
7
- 8 (2) A reforestation program, in accordance with sections 10-4.347, 10-4.349,  
9 10-4.350, and 10-4.353.  
10
- 11 (3) Landscaped areas in off-street parking facilities and other vehicular use  
12 areas, in accordance with sections 10-4.347, 10-4.348, 10-4.350 and 10-  
13 4.351.  
14
- 15 (4) Minimum natural area, site design alternative, or other environmentally  
16 sensitive areas, in accordance with sections 10-4.345, 10-4.345.1, 10-  
17 4.346, and 10-4.202.  
18
- 19 (5) Landscape buffer requirements for uncomplimentary land use conflicts  
20 applicable to all development identified in the zoning and site plan review  
21 code, section 10-7.522.  
22
- 23 (6) Vegetation management plan. A vegetation maintenance plan for pre-  
24 development vegetation in accordance with subsections 10-4.345 (c) and  
25 10-4.209 (c)(2), (f)(1)h. and (g)(7).  
26
- 27 (7) Bradfordville. Additional landscape requirements for the Bradfordville  
28 Study area are set forth in section 10-4.386, 10-4.673(10), 10-4.674(10),  
29 10-4.675(10), and 10-4.676(10).  
30
- 31 (b) Exemptions. The following activities are exempt to the degree specified  
32 herein from the landscaping requirements of this division:  
33
- 34 (1) Individual mobile homes, individual detached single-family dwelling  
35 units, individual two-family dwelling units, triplex and quadraplex units,  
36 or bona fide agricultural uses.  
37
- 38 (2) All public roadway construction and reconstruction projects shall be  
39 exempt from the provisions of sections 10-4.344 through 10-4.347.  
40 Arterial roadway projects shall conform to the visual screen requirements  
41 in sections 10-4.348 (a)(2), in addition to any other requirements that may  
42 apply to such projects.  
43  
44

45 **SECTION 16: Section 10-4.343 of the Code of Laws of Leon County,**  
46 **Florida, is hereby amended to read as follows:**  
47

1 **Section 10-4.343. Landscape design standards generally.**

2 Whenever a landscape plan is required as part of the environmental management permit  
3 application, the design and installation of required landscaping shall be consistent with  
4 the minimum standards in this subdivision. Where an applicant can demonstrate, to the  
5 satisfaction of the county administrator or designee, that an alternative landscape  
6 development plan will exceed the objectives of this ~~division~~ Article, as set out in Section  
7 10-4.104, strict application of the specific requirements for landscaping may be waived  
8 by the county administrator or designee.

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

11 **Sec. 10-4.345. Natural area requirements.**

12  
13 (a) Minimum natural area. All development activity shall preserve a minimum  
14 of 25 percent of the total area of the development site in a natural condition, unless the  
15 site design alternative criteria of section 10-4.346 are met. In either case, all natural areas  
16 designated in the permit to be preserved shall be recorded as a conservation easement.  
17 The development activity shall preserve at least ten percent of the total number of  
18 protected trees located on the site. If there are no environmental constraints or forested  
19 areas onsite, no conservation easement is required, but the area must be delineated as a  
20 conservation area on the site plan.

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

- 25
- 26 (1) Encompasses tree clusters including high quality successional forest,  
27 native forest, protected trees, or urban forest with native understory that  
28 have been protected from development impact; or
  - 29
  - 30 (2) Is located so as to protect the downhill sides of severe or significant grade  
31 areas; or,
  - 32
  - 33 (3) Constitutes a minimum 20 foot wide perimeter buffer on at least three  
34 sides of the site; or,
  - 35
  - 36 (4) Encompasses all significant on-site environmental constraints; or,
  - 37
  - 38 (5) Provides a forested buffer along any roadway; or,
  - 39
  - 40 (6) Includes other environmentally sensitive considerations as determined to  
41 be consistent with the intent of this subdivision by the county  
42 administrator or designee; or,
  - 43

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

3  
4 (8) Is located adjacent to an environmentally sensitive land feature.

5  
6 (c) Maintenance of natural areas. A management plan submitted as part of the  
7 environmental management permit application is required for all pre-development  
8 vegetation located on the site. Vegetation management shall be allowed for the purpose  
9 of integrating pre-development vegetation both visually and physically into the site's  
10 master landscape plan. Maintenance guidelines shall be required and provisions made for  
11 any supplemental planting, if additional plantings are desired. Approved maintenance  
12 activities include pruning of dead and hazardous tree limbs, planting, mulching,  
13 fertilization, pest control. Mechanical methods which compact the earth or impair root  
14 systems, or the pruning of limbs greater than 10 percent of the green mass of a tree are  
15 prohibited, unless otherwise allowed in an approved plan. Activities that would result in a  
16 change in the vegetative composition of the forest community including removal of  
17 native species and replacement by invasive/exotics, or the removal of understory and  
18 ground cover are prohibited.

19  
20  
21 **SECTION 18. Section 10-4.346, Site design alternative, is amended as**  
22 **follows:**

23  
24 **Sec. 10-4.346, Site design alternative.**

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

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

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

1 comply with the following alternative landscape and natural area requirements:

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

- 6 1. Perimeter and interior landscape requirements in Section 10-4.347
- 7 2. Uncomplimentary land use buffers in Section 10-4.348
- 8 3. Stormwater management facility landscaping requirements in Section 10-  
9 4.350
- 10 4. Planting standards for all landscape areas in Section 10-4.351
- 11 5. Canopy coverage requirements in Section 10-4.351(e)(4)
- 12 6. Any explicit requirements regarding landscaping or vegetation that may be  
13 established in any particular zoning district.
- 14 7. The quantity of landscape area requirements that may be met offsite through  
15 the conveyance of flood-prone property shall be in accordance with the  
16 following schedule of exchange:

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

- 21 R-3, Single- and Two-Family Residential zoning district,
- 22 R-4, Single-, Two-Family and Multi-Family Residential zoning district,
- 23 BC-1, Bradfordville Commercial zoning district,
- 24 BC-2, Bradfordville Commercial zoning district,
- 25 BCS, Bradfordville Commercial Services zoning district, and,
- 26 BOR, Bradfordville Office Residential Districts zoning district,

27  
28 In the following zoning districts, 50% of the landscaping area requirement may be  
29 met off-site through the provision of vested flood prone properties, at a ratio of no  
30 less than two acres of flood-prone property conveyed per every acre of landscaping  
31 area otherwise required to be provided on site:

- 32 C-1, Neighborhood Commercial zoning district,
- 33 CP, Commercial Parkway zoning district,
- 34 OR-1, Office Residential zoning district,
- 35 OR-2, Office Residential zoning district,
- 36 NBO, Neighborhood Boundary Office zoning district,

1           MRC, Mahan Residential Corridor zoning district, and  
2           MRCN, Mahan Residential Corridor Node zoning district  
3

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

8           MR-1, Medium Density Residential zoning district,  
9           OR-3, Office Residential zoning district  
10          OA-1, Airport Vicinity zoning district,  
11          C-2, Neighborhood Commercial zoning district,  
12          CM, Medical Arts Commercial, UP-1 Urban Pedestrian zoning district,  
13          UP-2, Urban Pedestrian zoning district,  
14          M-1, Light Industrial zoning district,  
15          PD, Planned Development zoning district,  
16          PUD, Planned Unit Development zoning district,  
17          DRI, Development of Regional Impact zoning district, and,  
18          IC, Interchange Commercial zoning district  
19

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

24          I, Industrial zoning district, and  
25          AC, Activity Center zoning district.  
26

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

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

37          C-1, Neighborhood Commercial zoning district,  
38          CP, Commercial Parkway zoning district,  
39          OR-1, Office Residential zoning district,  
40          OR-2, Office Residential zoning district,  
41          NBO, Neighborhood Boundary Office zoning district,  
42          MRC, Mahan Residential Corridor zoning district, and

1            MRCN, Mahan Residential Corridor Node zoning district

2  
3            In the following zoning districts, 90% of the natural area requirement may be met off-  
4            site through the provision of vested flood prone properties, at a ratio of no less than  
5            two acres of flood-prone property conveyed per every acre of natural area otherwise  
6            required to be provided on site:

7            MR-1, Medium Density Residential zoning district,  
8            OR-3, Office Residential zoning district,  
9            OA-1, Airport Vicinity zoning district,  
10           C-2, Neighborhood Commercial zoning district,  
11           CM, Medical Arts Commercial zoning district,  
12           UP-1, Urban Pedestrian zoning district,  
13           PD, Planned Development zoning district,  
14           PUD, Planned Unit Development zoning district,  
15           DRI, Development of Regional Impact zoning district, and  
16           IC, Interchange Commercial zoning district,

17  
18           And, in the following zoning districts, 100% of the natural area requirement may be  
19           met off-site through the provision of vested flood prone properties, at a ratio of no  
20           less than two acres of flood-prone property conveyed per every acre of natural area  
21           otherwise required to be provided on site:

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

26  
27           (c) If there are structures on the property that Leon County determines must be  
28           removed, all demolition must be performed prior to closing at no cost to Leon  
29           County. All closing and real estate transaction costs must be paid by the developer.  
30           The management and use of any and all such flood-prone properties conveyed to  
31           Leon County shall be in accordance with Leon County Board of County  
32           Commissioners Policy 05-5, Flooded Property Acquisition and Management  
33           Program, or as that Policy may be amended or superseded, including, but not limited  
34           to, the use of restrictive covenants to prohibit any use of such properties other than in  
35           accordance with Policy 05-5 or as otherwise directed by the Board.

36  
37           **SECTION 19: Section 10-4.349 of the Code of Laws of Leon County, Florida, is**  
38           **hereby amended to read as follows:**

39  
40           **Sec. 10-4.349. Reforestation requirements.**

41  
42           (a) *Tree count.* All sites shall include, upon completion of development  
43           activities, a minimum number of trees determined by using the ratio of 40 trees for each

1 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

1 credit can be given toward the 25 percent landscape area requirements of section 10-  
2 4.344 when stormwater wet-detention or retention facilities meet section 10-4.303 and  
3 are landscaped in accordance with the minimum standards set forth in subsection 10-  
4 4.351 (e)(6), provided:

- 5  
6 (1) Wet detention ponds.  
7  
8 a. Side slopes are 6:1 or flatter;  
9  
10 b. Appropriate wetland tree and aquatic plant species are used.  
11  
12 c. Pond must be curvilinear in shape.  
13  
14 (2) Dry retention ponds.  
15  
16 a. Side slopes are 4:1 or flatter;  
17  
18 b. Appropriate tree and plant species are used.  
19  
20 c. Pond must be curvilinear in shape.  
21  
22 (3) Water quality treatment is provided by wet-detention or dry retention, as  
23 specified in section 10-4.301 (1); and,  
24  
25 (4) Landscaping functions to visually integrate the stormwater management  
26 system into the overall landscape design of the site.  
27  
28 (5) The pond is landscaped in accordance with the minimum standards set  
29 forth in section 10-4.351. The pond area allowable for landscape credit shall be defined  
30 as the area encompassed by the pond's contour line at the spillway elevation.  
31  
32

33 **SECTION 21: Section 10-4.351 of the Code of Laws of Leon County, Florida, is**  
34 **hereby amended to read as follows:**  
35

36 **Sec. 10-4.351. Planting standards for all landscape areas.**  
37

38 (a) *Applicability.* The following requirements and standards for landscaping  
39 shall apply, and landscaping information shall be provided in a landscape plan as part of  
40 the Environmental Management Permit application, for all new development and  
41 redevelopment in accordance with sections 10-173, 10-4.342, 10-4.344 and 10-4.345 of  
42 this division.  
43

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

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

3  
4 (c) *Landscape area credit for preserved natural areas.* Natural and vegetated  
5 portions of a site which are left in a healthy state and which qualify as high quality  
6 successional, native or urban forest areas, or which occur within the critical protection  
7 zone of any patriarch tree or exceptional specimen tree, or which include identified  
8 habitat area for endangered, threatened, or special concern species of plants or animals,  
9 shall be eligible for credit toward the 25 percent landscape area or natural area  
10 requirement of this division.

11  
12 (d) *General landscape standards.*

13  
14 (1) Plant standards. All plants used as a part of any landscape plan shall be  
15 healthy, well-proportioned, disease-free and pest-free, and hardy for the  
16 North Florida Region. Unless otherwise provided herein, only Florida No.  
17 1 or better plant material as described in "Grades and Standards for  
18 Nursery Plants," part I, 1998, and part II, State Department of Agriculture,  
19 Tallahassee, or their successors, shall be credited toward the landscape  
20 area requirements of this division. No plants may be used that are on the  
21 Florida Exotic Pest Plant Council's annual list of invasive species, or its  
22 successor publication.

23  
24 (2) Tree standards. Trees required by this division shall meet the following  
25 criteria:

26  
27 a. *Species.* Species of trees shall be selected based on their overall  
28 characteristics, site conditions, and purpose of placement and  
29 shown to grow well in the Tallahassee area. Sources of reference  
30 include the "Environmental Design Guide," published by the City  
31 of Tallahassee, Growth Management Department, Trees of North  
32 Florida, Kurz & Godfrey, 1993, University Press of Florida as  
33 being suitable for use in an ecosystem similar to North Florida, or  
34 their successors.

35  
36 b. *Size.* Trees shall have a minimum diameter of two-inches caliper at  
37 the time of planting, except that whenever three or fewer trees are  
38 required to be planted on a site, such trees shall have a minimum  
39 height of 12 feet and a minimum diameter of three-inches caliper  
40 at the time of planting. Canopy tree species shall reach a height of  
41 greater than 40 feet, and shall create the upper story of the tree  
42 line. Understory trees shall be a species that reach a height of less  
43 than 40 feet, and shall prefer a cover of larger trees.

44  
45 c. *Crown spread.* Planted trees must be a species with an average  
46 mature crown spread of at least 30 feet for canopy trees and 20 feet  
47 for understory trees, or they must be grouped so as to create a

1 crown spread meeting this criteria.  
2

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

11 e. *Utility considerations.* Tree species and placement shall be  
12 selected so as to minimize conflicts with existing or proposed  
13 utilities. To prevent conflict with overhead utilities, trees shall be  
14 selected from a list of trees recommended for use under utility  
15 lines and shall be planted within the affected portion of the interior  
16 landscape area to fulfill the tree requirement of this section. Where  
17 conflicts with underground utilities exist, tree placement shall be a  
18 minimum of ten feet from the underground utility.  
19

20  
21 (3) Shrubs and hedges. Shrubs and hedges required by this division shall meet  
22 the following criteria except where a greater requirement is otherwise  
23 specified:  
24

25 a. *Height and spread.* Shrubs shall be a minimum height of 18 inches  
26 and have a minimum spread of 15 inches at the time of planting.  
27

28 b. *Placement and opacity conformance.* Shrubs with 15 to 23 inches  
29 of spread shall be planted on maximum three-foot centers. Shrubs  
30 with greater than 23 inches of spread shall be planted on maximum  
31 five-foot centers. In no event shall spacing exceed five feet on  
32 center, nor shall plants be closer than two feet to the edge of any  
33 pavement.  
34

35 (4) Ground cover. Grass or other ground cover shall be planted on all areas  
36 within all landscape areas not occupied by other landscape material or  
37 permitted access ways.  
38

39 (5) Other materials. Vines, ground cover, lawn grasses, synthetic plant  
40 material, and architectural planters shall meet the following criteria:  
41

42 a. *Vines.* Vines shall be a minimum of 30 inches in length within one  
43 calendar year from the time of planting.  
44

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

1 planting.

2  
3 c. *Lawn grasses.*

4  
5 1. Lawn grasses planted for credit toward landscaping  
6 requirements shall be perennial species capable of thriving  
7 in the county.

8  
9 2. Lawn grasses shall be planted so as to achieve complete  
10 coverage within two calendar years from the time of  
11 planting.

12  
13 3. Grasses may be sodded, sprigged, plugged or seeded,  
14 except that solid sod is required in swales and other areas  
15 subject to erosion.

16  
17 d. *Synthetic plant material.* No landscape area credit shall be granted  
18 for areas using artificial plant material.

19  
20 e. *Nonliving material.* At installation, mulches shall be applied at a  
21 minimum compacted depth of two inches for all planting areas.  
22 The use of cypress tree bark for mulch is prohibited. No visible  
23 plastic surface covers shall be used.

24  
25 (6) Landscaping for forest creation. For projects which require creation of a  
26 forest community due to requirements of Sec. 10-4.346, the following  
27 standards shall apply:

28  
29 a. A plan must be prepared by a qualified professional and must  
30 include details pertaining to site preparation methods of weed  
31 control during establishment, methods of planting, irrigation,  
32 justification for species and quantities proposed.

33  
34 b. Plant species selected must be appropriate to the site. The Soil  
35 Survey of Leon County, published by the United States  
36 Department of Agriculture's Soil Conservation Service, which  
37 describes native trees and understory plants for each soil  
38 association, may be used as a guide.

39  
40 c. The tree size standards of Sec. 10-4.351(d)(2)b may be reduced to  
41 8 to 10 inch diameter pots with plants at least three feet in height,  
42 except that bareroot pine seedlings may be allowed.

43  
44 c. Shrubs shall be planted at half the number of required trees.  
45 Shrubs shall meet the specifications of Sec. 10-4.351(d)(3).

46  
47 d. Groundcover shall be planted to obtain 80 percent cover of the area

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

3  
4                    (e)    *General site design criteria:*

5  
6                    (1)    Certification. For sites larger than one acre, the landscape development  
7                                    plan shall be prepared and submitted by a registered landscape architect,  
8                                    architect, engineer, or other person qualified in accordance with Chapter  
9                                    481, Part II, Florida Statutes. For sites one acre or less, the landscape  
10                                    development plan shall conform to the minimum design standards set forth  
11                                    in this section.

12  
13                    (2)    The site is designed to assure that the overall appearance and function of  
14                                    the proposed project is compatible and harmonious with other properties  
15                                    in the immediate area; is demonstrably responsive to the environmental  
16                                    attributes of soil, slope, hydrology, and vegetative communities unique to  
17                                    the site; and is consistent with sound planning and site design principles.  
18                                    The determination as to whether the foregoing design requirements are  
19                                    met shall be based on the county administrator or designee's determination  
20                                    of satisfaction of the following criteria:

21  
22                    a.       Structures and other improvements are designed so as to utilize  
23                                    existing site characteristics of topography, existing vegetative  
24                                    communities, and any unique environmental factors.

25  
26                    b.       Conflicts between vehicular and pedestrian circulation are avoided,  
27                                    while utilizing the existing site characteristics and considering safe  
28                                    functional location of support services facilities.

29  
30                    c.       Planting plans indicate a diversity of plant species in the categories  
31                                    of ground covers, shrubs, and trees.

32  
33                    d.       Integration of proposed and existing vegetation is demonstrated in  
34                                    the plans, with an emphasis on maintaining forested buffers and  
35                                    corridors, preserving or restoring forest community types, and  
36                                    providing for the natural ecological function of each type by using  
37                                    such techniques as preserving a diversity of upper, mid, and  
38                                    understory constituents.

39  
40                    e.       Plant schedules contain botanical and common names, sizes of  
41                                    materials by dimension and container size, location by dimension,  
42                                    and notation describing species diversity.

43  
44                    f.       Planting specifications and species selected for the site are suitable  
45                                    for individual site environmental characteristics of soil, slope,  
46                                    aspect, wetness and microclimate.

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- 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. If power lines cannot be avoided, low growing tree species will be allowed for the 75 percent shade tree requirement.
- 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.

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- (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

1 used under any circumstances.

2  
3 (b) Total tree, shrub, and ground cover requirements  
4 within the stormwater management facility area  
5 shall be determined using the planting specifications  
6 in the "Environmental Design Guide," published by  
7 the City of Tallahassee, Growth Management  
8 Department, or its successor.

9  
10 (c) Pond perimeter. Recommended aquatic plants shall  
11 be planted so as to provide a continuous planting  
12 along 80 percent of the perimeter defining the  
13 pond's mean high water level within three years of  
14 planting.

15  
16 (d) Creative design and spacing of trees, shrubs and  
17 ground covers is encouraged.

18  
19 2. Retention facilities.

20  
21 (a) Retention stormwater management facilities to be  
22 used as landscape credit shall be landscaped with  
23 the same planting density requirements as wet  
24 detention ponds.

25  
26 (b) Plant material. No aquatic plants or plants which are  
27 classified as those requiring water on a continual  
28 basis for survival shall be permitted. Since dry  
29 retention ponds typically possess significantly  
30 fluctuation hydro periods, with the potential for  
31 extended dry periods, plants must be chosen which  
32 are adaptable to either dry or wet conditions, but  
33 capable of surviving and growing in either extended  
34 periods of inundation or extended periods of  
35 drought as referenced in the "Environmental Design  
36 Guide," published by the City of Tallahassee,  
37 Growth Management Department, or its successor.  
38 Other species may be used in dry retention ponds if  
39 there is scientific evidence of their adaptability.  
40 Creative design and spacing of trees, shrubs and  
41 ground covers is encouraged.

42  
43 3. Swales and berms. All swales and berms shall be sodded.

44  
45  
46 **SECTION 22: Section 10-4.362 of the Code of Laws of Leon County, Florida, is**  
47 **hereby amended to read as follows:**

1  
2 **Sec. 10-4.362. Protected trees.**  
3

4 (a) *Intent.* It is the intent of this division to facilitate a holistic approach to  
5 development which incorporates trees suitable for integration into urban development,  
6 regardless of size, and which utilizes urban forest areas. It is also the intent to protect and  
7 maintain wildlife habitat areas and the forested character of the community through  
8 management of development impact and reforestation requirements.  
9

10 (b) *Scope and applicability.* The following trees are protected and shall not be  
11 removed or damaged without permit approval pursuant to sections 10-4.364 and 10-  
12 4.206:  
13

- 14 (1) Any tree having a diameter of 18 inches DBH or greater.  
15
- 16 (2) Any tree with a DBH of four inches or greater which is located in the lot  
17 perimeter zone of any development site except for sites being developed  
18 for detached single-family residential use. The lot perimeter zone is the  
19 area of a development site which falls between a property line and the  
20 minimum building setback corresponding to that property line as required  
21 by Article VI (Zoning).  
22
- 23 (3) Any tree within a canopy road tree protection zone.  
24
- 25 (4) Any tree planted to meet the replanting, reforestation, or landscaping  
26 requirements of this chapter.  
27
- 28 (5) Any tree located within a special development zone, conservation or  
29 preservation area as described in section 10-4.202.  
30
- 31 (6) Any dogwood (*Cornus florida*) tree of four inches DBH or greater.  
32

33 (c) *Exemptions.* The following shall be exempt from subsection (b) and the  
34 tree removal permit requirements of this division:  
35

- 36 1. Removal of trees which are less than 36 inches DBH on lots upon  
37 which there is an existing, lawfully occupied, single-family  
38 detached dwelling (or mobile home), provided that such trees  
39 proposed for removal:
  - 40 a. Are not located within a wetland or floodplain area;  
41
  - 42 b. Are not located within a canopy road tree protection zone;  
43 and  
44
  - 45 c. Are not located within a required buffer, preservation,  
46 conservation, or easement area.  
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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.
  - e. 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.
67. 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

1 direction of the state's department of state, provided that a plan for  
2 mitigating the impact upon affected trees is submitted with the  
3 exemption application and approved by the county administrator or  
4 designee.  
5

6  
7 **SECTION 23: Section 10-4.364 of the Code of Laws of Leon County, Florida, is**  
8 **hereby amended to read as follows:**  
9

10 **Sec. 10-4.364. Removal of protected trees.**  
11

12 (a) *Criteria for protected tree removal.* The eCounty aAdministrator or  
13 designee shall approve a permit or exemption for removal of a protected tree, as defined  
14 in Sec. 10-1.101 and 10-4.362, if the applicant demonstrates the presence of one or more  
15 of the following conditions:  
16

- 17 (1) *Safety hazard.* Necessity to remove a tree which poses a safety hazard to  
18 pedestrians or other persons, buildings or other property, or vehicular  
19 traffic, or which threatens to cause disruption of public services.  
20
- 21 (2) *Diseased or pest infested trees.* Necessity to remove a diseased or pest  
22 infested tree to prevent the spread of the disease or pests. The need to  
23 remove trees because of disease or pest-infestation must be determined by  
24 a forester with a B.S. degree or higher from a Society of American  
25 Foresters accredited college or by an arborist certified by the International  
26 Society of Arboriculture.  
27
- 28 (3) *Good forestry practices.* Necessity to reduce competition between trees or  
29 to remove exotic species and replace them with native species.  
30
- 31 (4) *Reasonable and permissible use of property.* Tree removal which is  
32 essential for reasonable and permissible use of property, or necessary for  
33 construction of essential improvements, resulting from:  
34
- 35 a. Need for access immediately around the proposed structure for  
36 essential construction equipment, limited to a maximum width of  
37 20 feet from the structure.  
38
  - 39 b. Limited access to the building site essential for reasonable use of  
40 construction equipment.  
41
  - 42 c. Essential grade changes. Essential grade changes are those grade  
43 changes needed to implement safety standards common to standard  
44 engineering or architectural practices, and reference to a text where  
45 such standards are found shall be required.  
46
  - 47 d. Location of driveways, buildings or other permanent

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

3  
4 (5) *Compliance with other ordinances or codes.* Necessity for compliance  
5 with county codes, such as building, zoning and site and development  
6 plan, subdivision regulations, health provisions, and other environmental  
7 ordinances.

8  
9 (b) *Tree replanting requirements.*

10  
11 (1) *Replanting schedule.* As a condition of the issuance of a permit for  
12 removal of a protected tree, a satisfactory plan shall be presented by the applicant for the  
13 successful replacement of trees to be removed. Two options are available for  
14 replacement of trees as follows:

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

22  
23 b. The second option for replacement of trees to be removed shall be  
24 based on the following schedule:

25

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

26  
27 \*Tree trunk diameter shall be rounded off to the nearest inch.

28  
29 1. If protected trees are removed without permit or otherwise  
30 in violation of this article, this second option must be used and the  
31 number of required replacement tree credits in the schedule shall  
32 be doubled.

33  
34  
35 (2) *Enhanced credit availability for replanting with trees exceeding minimum*  
36 *size requirement.* In order to promote planting of larger size replacement trees, the

1 number of two-inch diameter trees (tree credits) that must be replanted as determined by  
2 the table above may be reduced when replanted trees are of a larger size than two-inch  
3 DBH, according to the following table:  
4

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

5  
6 (3) *Off-site replanting agreements.* If the total number of trees to be replanted  
7 based on the tree replanting schedule in subsection (b)(1) exceeds that  
8 which may be reasonably planted on the development site, the applicant  
9 may enter into an agreement with the county, as approved by the county  
10 administrator or his designee, to plant the excess trees on an approved  
11 public site or to provide the monetary equivalent to the county for use in  
12 public landscaping projects and which may, upon proper application be  
13 provided for organizations for the purpose of wildlife protection and  
14 preservation, however, in no event shall greater than 50 percent of the  
15 funds received after the effective date of this section be allocated to  
16 organizations for the purpose of wildlife protection and preservation.  
17 Further, monies collected prior to the effective date of this section, may  
18 only be used in public landscaping projects.  
19

20 (4) *Minimum guarantee for trees for which credit given.* If any tree for which  
21 credit was given under this section or subsection 10-4.349 (b) in relation  
22 to a project other than a single-family residential project is not alive and  
23 growing three years after all associated development activity on the  
24 property is completed, it shall be removed and replaced by the permittee  
25 with trees of at least the size which originally would have been required to  
26 be planted if such credit had not been allowed.  
27

28  
29 **SECTION 24. Section 10-4.503 of the Code of Laws of Leon County, Florida, is**  
30 **hereby amended to read as follows:**

31  
32 **Sec. 10-4.503. Variances.**

33  
34 (a) *Authorized.* To the extent that a variance, if granted, would not be  
35 inconsistent with the provision of the Comprehensive Plan, the Leon  
36 County Board of Adjustment and Appeals is hereby authorized to grant  
37 variances to the specific stormwater management, landscape, and tree  
38 protection requirements of division 3, except for the requirements of  
39 division 3 as they apply within any wetland, water body, watercourse,  
40 floodplain, or floodway, upon filing of a written ~~request~~ petition with the  
41 Leon County ~~Community Development~~ Department of Growth and  
42 Environmental Management by the property owner for whose land the

1 variance is sought, and payment of a fee for same. The board of  
2 adjustment and appeals shall consider such a request at a public hearing.  
3 The procedures, criteria, and hearing requirements set forth for variances  
4 in article II shall govern applications for variances under this article. When  
5 all criteria for a variance have been met, based on the evidence presented,  
6 only the minimum variance necessary shall be granted.  
7

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

10  
11 (1) Literal enforcement of the requirements of this article would result in an  
12 unnecessary and undue hardship not resulting from the actions of the  
13 property owners, and

14  
15 (2) Granting of the variance will not impair the attainment of the objectives of  
16 this article, and

17  
18 (3) Technical evidence reasonably supports the conclusion that no significant  
19 adverse impacts will result from the granting of the variance, and

20  
21 (4) When an application for subdivision or site and development approval has  
22 been submitted.

23  
24 (c) *Wetlands, water bodies, watercourses, floodplains, or floodways.* To the  
25 extent that a variance, if granted, would not be inconsistent with the  
26 provision of the Comprehensive Plan, only the Board of County  
27 Commissioners may grant variances to the requirements of division 3 as  
28 they apply within any wetland, water body, watercourse, floodplain, or  
29 floodway, upon application of the property owner filed with the director  
30 and payment of a fee as established by the Board of County  
31 Commissioners, in the same manner, and pursuant to the same procedures  
32 and criteria, as set forth for variance requests in this section.

33  
34 (d) *Public sector linear infrastructure variances.*

35  
36 (1) *Standards and procedures.* Variances for public sector projects approved  
37 as provided herein are intended to comply with Policy 1.3.11[C] exempt  
38 from the restrictions in Policy 1.3.7 of the Comprehensive Plan  
39 Conservation Element, and are not limited to the maximum five percent  
40 threshold associated with by allowing a maximum 25 percent disturbance  
41 within conservation or preservation areas.

42  
43 a. *Development activity within a conservation or preservation*  
44 *overlay district, not to exceed 25 percent of the conservation or*  
45 *preservation areas of the site:* A governmental entity or a  
46 franchisee of a governmental entity serving a public purpose may  
47 petition for a public sector linear infrastructure variance pursuant

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

7  
8 b. *Public sector linear infrastructure systems:* Examples of public  
9 sector linear infrastructure systems include, but are not limited to  
10 transportation systems such as roads, sidewalks and bikeways,  
11 water and sewer distribution and collection systems, stormwater  
12 conveyance and impoundment systems, telecommunication lines,  
13 gas and electric distribution and transmission systems. Ancillary  
14 components or subsystems of linear infrastructure systems, which  
15 functionally must be located adjacent to or near the linear system  
16 may also request a variance under this subsection.

17  
18 c. Department of Growth and Environmental Management  
19 ~~Community development department~~ review: A petition for a  
20 variance under this subsection shall be made after the approval of a  
21 natural features inventory and after review of an environmental  
22 impact analysis by the Department of Growth and Environmental  
23 Management ~~community development department~~, as applicable.

24  
25 d. *Mitigation:* Evaluation of other feasible alternatives and  
26 determination of appropriate mitigation shall be explored during  
27 the environmental impact analysis.

28  
29 (2) *Criteria for granting a public sector linear infrastructure variance.* The  
30 ~~Board of County Commissioners may grant the petition~~ may be granted as  
31 follows: if it is determined that:

32  
33 a. Less than or equal to two acres of development activity. The  
34 County Administrator or designee may grant the petition prior to  
35 permit approval or denial of an existing or new public sector  
36 infrastructure project that contains no more than two acres of  
37 development activity in a conservation or preservation area and  
38 will become a component of a public sector linear infrastructure  
39 system.

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

46  
47 ca. 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

db. 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 14th day of July, 2009.



LEON COUNTY, FLORIDA

BY: [Signature]  
BRYAN DESLOGE, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

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

BY: [Signature]

APPROVED AS TO FORM:  
LEON COUNTY ATTORNEY'S OFFICE

BY: [Signature]  
HERBERT W. A. THIELE, ESQ.  
COUNTY ATTORNEY