

# SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Land Development Code Update – Briefing to the BCC

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Alice Gilmartin **EXT.** 7383

**Agenda Date** 02/22/05 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☒  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☐

## **MOTION/RECOMMENDATION:**

Seek direction from the Board of County Commissioners on items related to the Update to the Land Development Code. These are items that would be revised in the LDC per the recommendation of the consultant.

Countywide

Alice Gilmartin, Principal Coordinator

## **BACKGROUND:**

The Board of County Commissioners (BCC) authorized the updating of the Land Development Code in September of 2002 and in late 2003, Duncan and Associates of Austin, Texas were contracted to assist in this effort. Since that time, Staff has been working steadily with the consultant to make the revised Land Development Code easier to understand, avoid duplication or conflicting regulations, and to update regulations. The updated code will conform to the specifications of the County's SCI-NET project in digital access and linking.

The attached materials relate to topics that Staff wishes to revise in the LDC based on the consultant's recommendation. Staff and the LDC consultant's are available to discuss any questions that the BCC may have on these topics at the briefing. Should the BCC not object to these recommendations, Staff will proceed to revise the code in the manner as stated.

## **STAFF RECOMMENDATION:**

Provide direction to Staff regarding topics related to the Land Development Code Update.

Attachment: Update to the LDC

Reviewed by:

Co Atty:

DFS:

Other:

DCM:

CM:

File No. bddp01

## UPDATE TO THE LDC

The following is a list of topics related to the Update to the Land Development Code that Staff is bringing before the Board of County Commissioners at a briefing scheduled for February 22, 2005.

1. Increase level of administrative authority given to Staff in zoning or site plan regulations.
2. Overlay Design Standards for County Roadways
3. Lot Size Averaging
4. Accessory Dwelling Units - Revising the regulations to permit accessory dwelling units, i.e., granny flats, in more residential districts
5. Religious Institutions in Residential and Rural Districts - Create design standards for all non-residential structures permitted in residential districts
6. Home Occupations - Provide a common sense approach to home occupations in residential districts
7. Parking Lot Landscaping - Uniform design standards for landscaping in parking areas
8. Improve Consistency of Buffers - Use a performance standard approach for buffers
9. Reduce Monotony of Walls and Fences - Allow alternative wall or fence materials on a case-by-case basis
10. Create A Land Clearing Permit Process
11. Approach to Design Standards - Codify existing site design standards from corridor overlays and PDs into site design standards applicable countywide. Collapse overlays where applicable.
12. Improve Non-Conforming Provisions
13. Stormwater Pond Fencing
14. Water Conservation Issues from Environmental Services

## **1. Increased Administrative Authority**

### **A. Background**

It is common for ordinance provisions to allow for modest changes at the administrative level. Often the process allows for a specified set of numerical standards to be varied without requiring a more formal variance through the Board of Adjustment. This would commonly include lot area or width, parking standards, yard setbacks and other elements that often clog up the Board's agenda over variations of inches from the standard. In 2004, there were approximately 200 variances before the Board of Adjustment. Allowing staff the ability to approve minor modifications at the administrative level would substantially decrease the number of variances before the Board of Adjustment. Currently, the Planning and Development Director can approve administrative waivers to lot size and lot width within the RC-1, A-1, A-3, A-5, and A-10 districts (see Sec. 30.27.). Such waivers may not constitute more than three percent of the lot size or width, and only one such variance per lot is permitted.

Also, while site plan approval is within the authority of the Development Review Manager (in conjunction with the Development Review Committee), any waiver of the standards for site plans must be approved by the Board of County Commissioners. Some level of administrative authority is probably warranted for site plans.

Landscape plans are also subject to the same process and should be modified at the staff level as well. Such modification should be no greater than 10 percent, subject to criteria spelling out when such waivers are appropriate

Finally, revision of master plans for planned development (PUD/PCD) are permitted by the Board of County Commissioners except minor modifications. Some system allowing minor modifications by the Planning Manager should be further defined by the code. Minor modifications are those that do not affect the perimeter of the site, or substantially increase the impacts of development. Anything not expressly set forth as a minor modification would be considered a major modification, subject to review once again by the Board of County Commissioners.

Minor modifications might include:

- A change from the approved permitted use(s) to other permitted use(s);
- A change that does not impact the perimeter of the site, (for example, not within 50 feet of the project boundary);
- A change that will not increase density or intensity;
- Any decrease in density or intensity;
- Modification to internal parking, landscaping or stormwater; or
- Modification of configuration of outparcels.

### **B. Recommendation**

Allow the Planning Manager/Development Review Manager additional authority for the following decisions after applying specific criteria in the updated code:

- Limited lot size and width waivers in all districts (10 percent)
- Waiver of site plan and landscaping standards (up to 10 percent of numerical standards)
- Approval of minor modifications to planned developments as listed above

## 2. Overlay Design Standards for County Roadways

### A. Background

Multiple sets of overlay districts addressing corridor design standards are confusing and inconsistent. The existing regulations include five corridor overlays:

- Part 55: Scenic Corridor Overlay Zoning District
- Part 56: Lake Mary Boulevard Gateway Corridor Overlay Standards
- Part 59: Markham Road, Longwood–Markham Road and Lake Markham Road Scenic Roadway Corridor Overlays
- Part 62: State Road 46 Scenic Corridor Overlay District
- Part 63: State Road 46 Gateway Corridor Overlay Standards Zoning

It appears possible to apply a single set of design standards in the urban area that incorporate the elements from the existing overlays into standards that apply throughout the County. Unfortunately, the standards in the Wekiva and East Rural Area do not allow for any consolidation.

|                           | Scenic Corridor  | Lake Mary Blvd.   | Longwood–Markham Rd.              | SR 46 Scenic Corridor  | SR 46 Gateway Corridor  |
|---------------------------|--|---|-----------------------------------|--|---|
| Minimum Setback           | <b>Major Roadway:</b> 200 ft.<br><b>Minor Roadway:</b> 50 ft.<br>Measured from center of ROW   | 50 ft. measured from edge of ROW  | 40 feet measured from edge of ROW | 50 feet measured from edge of ROW  | 50 feet measured from edge of ROW   |
| Maximum Building Height   |  | 35 feet   |                                   |  | 35 feet; parcels part of PUD/PCD designated HIP may exceed this height  |
| Signage                   | <b>Residential Sign Area:</b> Max 1.5 sf.<br><b>Nonresidential Sign Area:</b> Max. 24 sf.<br><b>Materials:</b> Natural<br><b>Illumination:</b> External only | <b>Sign Area: Wall</b><br>Max. 1.5 sf. per foot of frontage not to exceed 100 sf. or 200 sf.<br><b>Sign Area: Ground</b><br>Max. 1.5 sf. per foot of frontage not to exceed 100 sf.<br><b>Sign Height:</b> Max. 15 ft.<br><b>Ground Signs Allowed:</b><br>Up to 400 ft = 1 sign<br>400 to 700 ft = 2 signs<br>More than 700 ft = 3 signs<br>No pole signs |                                   | <b>Residential Sign Area:</b><br>Max. 1.5 sf.<br><b>Nonresidential Sign Area:</b> One ground sign not more than 48 sf.<br><b>Ground Sign Height:</b> Max. 6 ft.<br><b>Materials:</b> Natural<br><b>Illumination:</b> External only, no illuminated signs 10pm-6am<br>No illuminated wall signs | <b>Sign Area: Wall</b><br>Max. 1.5 sf. per foot of frontage not to exceed 100 sf. or 200 sf.<br><b>Sign Area: Ground</b><br>Max. 100 sf.<br><b>Ground Sign Height:</b> Max. 15 ft.<br>No pole signs |
| Landscaping & Bufferyards | <b>Nonresidential/Residential Use Buffer:</b><br>Min. 200 ft. unplanted; or<br>Min. 100 ft. planted; or<br>Min. 50 ft. with additional plantings             | <b>Landscape Buffer:</b><br>Min. 15 ft. planted roadway buffer<br>One tree every 40 ft.   |                                   | <b>Landscape Buffer:</b><br>Min. 25 ft. planted roadway buffer   | <b>Landscape Buffer:</b><br>Min. 25 ft. planted roadway buffer, may reduced to 15 ft. for parcels less than 205 ft. deep<br>One tree every 50 ft.   |
| Parking Area              |  | <b>Perimeter Landscaping:</b><br>Required<br><b>Internal Landscaping:</b><br>Min. 10%<br><b>Parking Bays:</b><br>Max. 40 spaces   |                                   | <b>Internal Landscaping:</b><br>Terminal and interior islands  | <b>Perimeter Landscaping:</b><br>Required<br><b>Internal Landscaping:</b><br>Min. 10%<br><b>Parking Bays:</b><br>Max. 40 spaces   |
| Lighting                  |  | <b>Illumination:</b> Max. 0.5 fc<br><b>Fixtures:</b> Cut-off<br><b>Fixture Height:</b> Max. 25 ft.  |                                   |  | <b>Illumination:</b> Max. 0.5 fc<br><b>Fixtures:</b> Cut-off<br><b>Fixture Height:</b> Max. 25 ft. Min.<br><b>Fixture Setback:</b> Min. 20 ft.  |
| Utility Lines             |  | Underground   |                                   |  | Underground   |
| Policy Constraint         |  |   | Max. of two through lanes         | Includes all property within 300 feet measured from the edge of the ROW  | Includes all property within 320 feet measured from the center of the ROW   |

## **B. Recommendation**

Review development standards in overlays within the urban area as a basis for developing urban area roadway corridor standards that regulate such elements as setback, height, signage, utility placement and landscaping in place of various overlays. In all cases, sight distances must be maintained. Utilities (especially electrical lines) shall be placed underground for all commercial development along these key corridors. To the extent possible, create a uniform standard for ease of administration and enforcement of corridor standards in the urban area. Delete any unneeded overlay districts.

### 3. Lot Size Averaging

#### A. Background

Lot size averaging allows the developer additional flexibility in subdivision layout. The lot size assigned to the district becomes the average (instead of just the minimum). Lots are allowed to vary a certain percentage below the average (often 15 percent), which allows more flexible layout. The site overall must meet the “average” – the sum of all lots must be not less than the average times the total number of lots.

| Base District |               | Average of all Lots | Minimum Lot With Averaging |
|---------------|---------------|---------------------|----------------------------|
| R-1           | Single-Family | 8,400 sf            | 7,140 sf                   |

#### EXAMPLE: Sample 9 lot Subdivision in R-1 District

| Lot #        | Lot Size Using Existing Standards | Lot Size With Lot Averaging |
|--------------|-----------------------------------|-----------------------------|
| 1            | 8,400                             | 8,500                       |
| 2            | 8,400                             | 7,230                       |
| 3            | 8,400                             | 10,200                      |
| 4            | 8,400                             | 8,140                       |
| 5            | 8,400                             | 7,180                       |
| 6            | 8,400                             | 8,700                       |
| 7            | 8,400                             | 8,250                       |
| 8            | 8,400                             | 9,120                       |
| 9            | 8,400                             | 8,280                       |
| <b>TOTAL</b> | <b>75,600</b>                     | <b>75,600</b>               |

Each phase of a subdivision would have to average out to the minimum lot size for the district. Lot width may be averaged as long as setbacks are met. However, individual lots could be reduced up to 15 percent from the average. This flexibility to average lots can result in the preservation of additional trees and other natural amenities, and creates the possibility of a more varied streetscape and multiple price points within the same subdivision. However, fundamental district density and intensity remains unchanged overall for the subdivision. And if perimeter lots are required to match the district standard, there will be no inconsistency between developments.

**B. Recommendation**

Allow lot averaging in all single-family residential districts except the R-AH (Affordable Housing) district. Require perimeter lots to match the district standard. Require calculations identifying lot size with submittals.



## 4. Accessory Dwelling Units

### A. Background

Currently, accessory dwelling units (guesthouses or cottages) are only permitted by right in rural areas (with no standards regulating their use). Throughout the country, accessory dwelling units are becoming a common approach to providing more types and sizes of housing in each neighborhood. The units often serve as a way to keep older residents in the neighborhood by providing a smaller unit they can move to when they no longer require the room provided by the main house.

Standards for accessory units often require owner-occupancy of one of the units, and common restrictions include a maximum size, usually a percentage of the greater floor area of the principal unit, and sometimes they are restricted to sharing utilities with the principal unit. Accessory units can be attached or detached from the principal structure. Detached units are often required to be a certain distance from the primary unit and must meet all existing setback requirements.

Accessory units should always be architecturally compatible with the primary residence and on-site parking must be provided to serve additional residences.

Many communities regulate accessory dwelling units using the definition of a kitchen to determine whether or not two distinct units exist on the site. Seminole County currently allows guest houses without kitchens in rural areas.



### B. Recommendation

Allow small accessory dwelling units (perhaps up to 35 percent of the principal structure floor area not to exceed 1,250 SF) – with kitchens – in any district that allows single-family detached structures. Develop use standards for accessory units to ensure compatibility, and permit them in all districts that allow single-family detached structures, except R-AH (Affordable Housing), including multifamily districts that allow single-family detached structures. Require that they not be subdivided or allowed to create a lot split at any time in the future and some restrictions on renting.

## **5. Religious Institutions in Residential and Rural Districts**

### **A. Background**

In many communities (including Seminole County), religious institutions are permitted in all districts. This often creates issues within single-family residential districts as churches that are significantly larger than surrounding residential structures are built. In addition, expansion of once-modest religious institutions also occurs, creating the same scale problem. One way to handle this is to provide limits on the scale of all nonresidential structures in residential districts to ensure that religious institutions (and schools and other non-residential structures) are built in scale with the neighborhood. Some communities define an appropriate size institution for residential districts, with a floor area or lot area restriction to ensure compatibility with the surrounding neighborhood. This same restriction must be placed on all institutions (including schools, for example) allowed in that district, not just discriminate against religious institutions. This requirement is based on federal law (RLUIPA), which protects the place of worship from discrimination in zoning.

An alternative way to handle this issue is to create design standards for all nonresidential structures in residential districts. Design standards could include more substantial structure and parking setbacks, and appropriate treatments for parking areas. [Note that religious institutions in districts other than single-family districts do not usually create the scale problems cited here – this issue is about large institutions within residential neighborhoods.]

Many modern religious institutions also include a wide spectrum of other uses in a campus setting. These may include a family life center, gymnasium, church-related school, day care and many other facilities. While the religious institutions as a center of worship may be scaled appropriately for the neighborhood, adding these accessory uses can also create problems. Certain uses may not belong in residential neighborhoods, or may be proposed at too high an intensity for the neighborhood. The County should consider specifying which accessory uses are permitted in conjunction with religious institutions in residential areas, and especially in the Rural Area.

None of the restrictions described above would prohibit the development of a large religious institution with a wide variety of accessory uses in a more intense district such as a commercial district.

### **B. Recommendation**

Limits on the scale of all nonresidential structures in residential and rural districts should be created. Nonresidential design standards should also be created, and should apply to all nonresidential structures allowed in residential districts. Appropriate accessory uses should be listed in the use standards.

## **6. Home Occupations**

### **A. Background**

Home occupations are a commercial accessory use in a residential structure. The County's current home occupation standards are similar to those in use across the country, although they differentiate home office and home occupation. Some consideration should be given to updating the types of customary home occupations deemed acceptable.

A differentiation between acceptable rural home occupations (often more intense due to the larger rural lots) versus urban home occupations should also be considered.

One common approach to home occupations is to set up two types of such uses. The first category would be those uses that do not generate external traffic or other impacts (an accountant working at home, for example). This category is similar to the County's current requirements.

The second category (often called "home-based business") would include uses that need to be reviewed to ensure that associated impacts do not exceed what is acceptable in a residential neighborhood. Some communities allow additional employees, limited retail sales, single-chair hair and nail salons, piano and dance teachers, and similar uses that generate traffic at modest levels that may be acceptable in a specific setting in this second category. These more intense home-based businesses would require a public hearing before approval.

### **B. Recommendation**

Continue to allow home occupations by right as under the current ordinance. Replace the existing listed uses with performance measures to ensure compatibility. Create an option for more intense home occupations appropriate in rural areas. Allow home-based businesses after a public hearing through the special exception process (Board of Adjustment). Delete the existing provisions for Home Office.

## 7. Parking Lot Landscaping

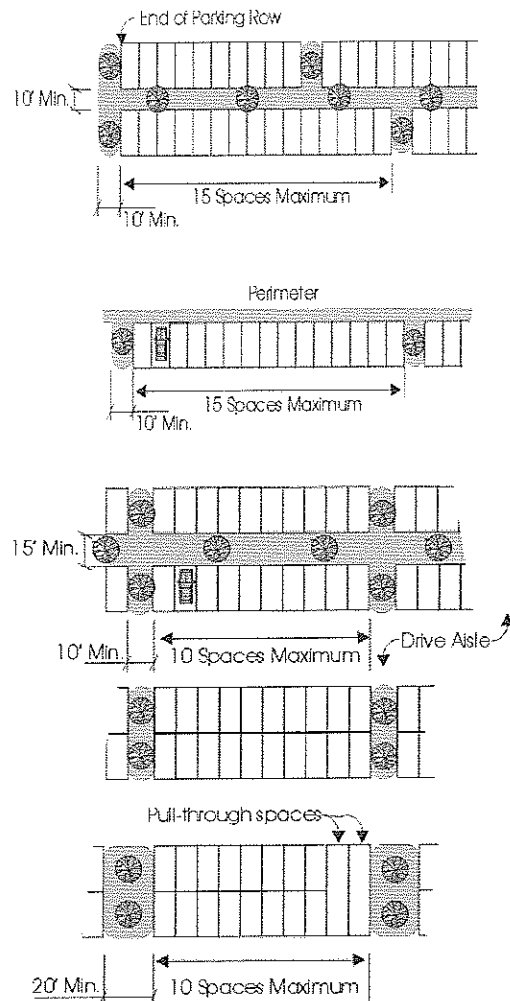
### A. Background

The County's current requirements do not clearly specify what constitutes "sufficient internal landscaping to provide visual and climatic relief from broad expanses of pavement..." -- leaving the decision to the site-by-site discretion of the planning manager. A variety of options are in place in communities throughout Florida. The following ideas should be evaluated:

- A required landscaped percentage of the parking area;
- A required percentage of tree canopy coverage over the parking area;
- A maximum distance to a canopy tree from each parking space;
- A required landscape median per parking row; or
- A ratio of islands of a specified size per number of required/proposed parking spaces

When using parking lot islands and medians, it is important to ensure proper preparation of the soil in order to keep from stunting any trees and shrubs planted there. FDOT has excellent standards for soil preparation, and they should be applied in Seminole County. The County should also consider limiting the acceptable depth of tree wells (used where a change in grade occurs to save an existing tree). The use of tree wells should be limited, and their maximum depth specified.

The County should also require a vegetative hedge, berm, or low wall around the perimeter of all parking areas. This concept would mesh well with eliminating the corridor overlay districts by placing their standards into the code county-wide.



### B. Recommendation





Investigate the various options and create a uniform standard that requires landscaping within parking areas. Require median and island planting areas to have soils prepared that meet FDOT standards. Limit the depth and use of tree wells. Require a perimeter treatment around all parking lots.

## 8. Improve Consistency of Buffers

### A. Background

The LDC currently requires increasing buffer widths for increasing building heights. There are other factors of use that warrant specific buffer standards to achieve the intended performance of the buffer. For example, truck loading and waste areas associated with commercial uses need greater buffers than building height would require. Buffers currently apply only to separation of residential and nonresidential uses and require a wall or fence. With the buffer variations, this would allow for a variety of wall or fence types, i.e., mix with wrought iron, to be included.

A more rigorous bufferyard approach using opacity (the degree to which there is visibility through a specific buffer) as the measure of a bufferyard's effectiveness should be required. The County should use the opacity approach in concert with a spreadsheet model. The model would be programmed with a mix of plant materials, such as canopy trees, pine trees, palm trees, understory trees, and shrubs. The model not only evaluates the effectiveness of a proposed buffer width, planting, and structure (i.e. fence or wall, combination); it also calculates the amount and type of plant material to be provided.

| Type B Buffer – Trees and Shrubs, More Intense |  |                      |
|--|--|----------------------|
| 10 ft  |    | 4 trees<br>12 shrubs |
| 15 ft  |    | 4 trees<br>8 shrubs  |
| 20 ft  |   | 3 trees<br>8 shrubs  |
| 25 ft  |  | 3 trees<br>6 shrubs  |

| Subject Property<br>Zoning District<br>↓ | ← Adjacent Property Zoning District → |     |               |                 |                    |        |        |
|--|---------------------------------------|-----|---------------|-----------------|--------------------|--------|--------|
|  | FR, RE                                | RSF | R-TH,<br>R-TF | RMF,<br>RMH, BP | OF, CN,<br>CR, CDB | CG, CI | IL, IH |
| FR, RE                                   | --                                    | A   | B             | B               | B                  | C      | C      |
| RSF                                      | A                                     | --  | B             | B               | B                  | C      | C      |
| R-TH, R-TF                               | B                                     | B   | --            | A               | B                  | C      | C      |
| RMF, RMH, BP                             | B                                     | B   | A             | --              | B                  | C      | C      |
| OF, CN, CR, CBD                          | B                                     | B   | B             | B               | --                 | B      | B      |
| CG, CI                                   | C                                     | C   | C             | C               | B                  | --     | A      |
| IL, IH                                   | C                                     | C   | C             | C               | B                  | A      | --     |

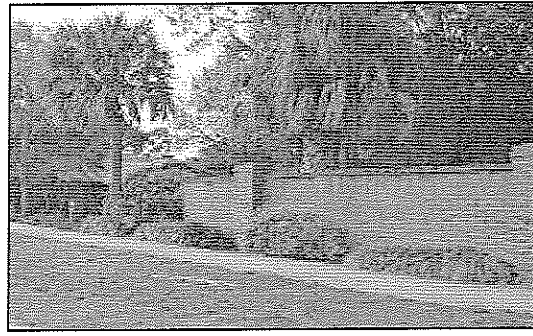
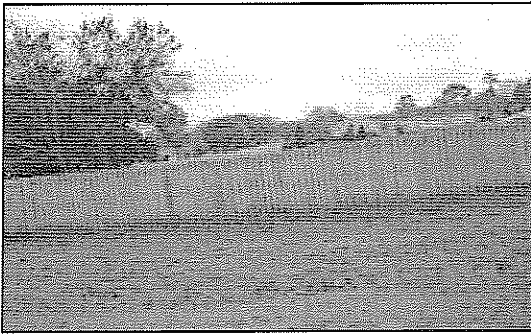
### B. Recommendation

Develop a series of required buffers based on opacity. Employ a spreadsheet model to allow implementation flexibility while ensuring consistent administration.

## **9. Reduce Monotony of Walls and Fences**

### **A. Background**

The updated LDC should establish standards for the relief and articulation of fences and walls to avoid visual monotony along roadway corridors. This could be accomplished with the required placement of vertical columns, vegetation or other design elements every 25 or 30 feet.



- The County should also allow alternative wall materials on a case-by-case basis through review by the BCC. Allowing the use of wood or styrofoam (EIFS) walls as an alternative to brick or masonry is not recommended.

### **B. Recommendation**

Revise existing standards to eliminate monotony of walls and fences. Allow case-by-case review of selected alternative wall materials by the BCC.

## 10. Create a Land Clearing Permit (for use in the East Rural Area)

### A. Background

The arbor ordinance requires the erection of protective barriers prior to any land clearing or construction of any structures, roads, utility service, or other improvements. To preserve existing native plants and material, there should be provisions (consistent with Florida Statutes) requiring a land use permit prior to commencement of clearing, grading, excavation, or any activity precedent to development of open, vacant, or unimproved land for any use. The permit would allow a mechanism for monitoring land clearing activities. Subsequent requests for rezoning of cleared sites could be subjected to additional requirements, such as re-establishing native plant communities or a mandatory waiting period before an application for a zoning change may be submitted.



The County's current **Rural Lands Study** is reviewing the issue of logging (which is protected by the state under the Right to Farm Act). If the site activity is deemed to be agricultural, it is exempt from restrictions and permits. However, Sarasota County imposes a requirement for an "after-the-fact" permit where it is evident that tree removal or clearing is in advance of development (as designated by the submission of a non-agricultural permit or rezoning application) within six years of the tree clearing. Sarasota County also restricts altering of the topography (grading) for agricultural and silviculture operations.

### B. Recommendation

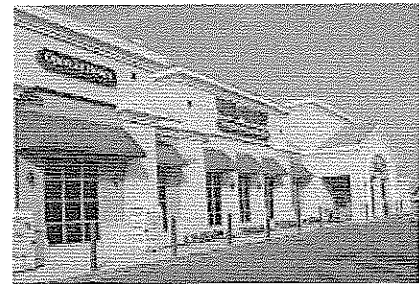
Create a land clearing permit process to allow restriction of site clearing in advance of development, with appropriate exemptions for agriculture and silviculture as required by state law. This regulation would be applied in the East Rural Area.

## 11. Approach to Design Standards

### A. Background

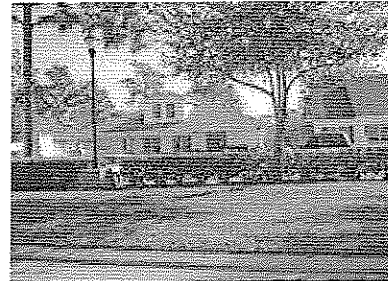
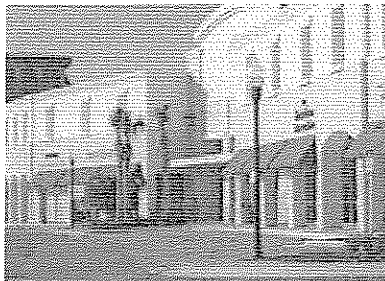
The County's best examples of good building and site design have been through the implementation of overlay and planned districts. The County currently has several overlay and planned development districts that successfully regulate elements such as building placement, building height, building orientation, landscaping, parking location, lighting and signage. As the County reduces its dependence on overlay and planned development districts, it will become important to codify some basic design standards applicable to all commercial development.

While county-wide architectural standards may not be appropriate, special areas lend themselves to a set of comprehensive architectural standards that regulate such elements as building material, building articulation, building façade treatment, roof design, window and door placement and pedestrian awnings. Currently, Chuluota has the only set of standards that regulates architecture. The County should adopt architectural standards only where significant planning and discussion of architectural design has occurred. The Fern Park portion of US 17/92, having received extensive public input on this issue, could benefit from a set of standards to improve the architectural quality of buildings along the corridor.



### B. Recommendation

Codify existing site design standards from corridor overlays and planned developments into site design standards applicable county-wide. Review similar standards from adjacent communities for consistency. As part of future special area plans, develop site-specific design standards (including architectural standards, where appropriate).





## **12. Improve Nonconforming Provisions**

### **A. Background**

The County's current nonconforming provisions regulate repair, expansion and reconstruction of both nonconforming uses and structures. Most communities do not allow nonconforming uses to expand; however, many communities are quite lenient about nonconforming structure expansion. One example would be a residential or commercial structure located several inches over the side yard setback line. The current regulations do not allow such a structure to expand. Where expansions are kept within the setback, height and other district restrictions, they should be allowed.

The LDC should clearly state the basis for improvements following destruction. Nonconforming structures should be allowed to be improved if they are less than 50 percent destroyed, and this should be based on the fair market (appraised) value, not the assessed value, of the structure.

The County should also consider provisions for changes in nonconforming uses. Most communities allow changes to uses that conform better than the existing use. This allows nonconforming uses to gradually come into compliance – rather than all at once (a requirement that often leads to blighted, unused sites).

### **B. Recommendation**

Allow nonconforming structures to be expanded, provided the expansion occurs within the requirements for the district. Allow reconstruction if damaged less than 50 percent of appraised value of construction. Create a process for approving nonconforming use changes to less intensive uses as a special exception.

For any single family zoning district or agricultural district where single family dwellings are permitted, any single lot of record, not of continuous frontage with other lots in the same ownership, may develop even though the lot fails to meet the requirements for area or width, or both, provided that yard setbacks conform to the regulations for the district.

### 13. Stormwater Pond Fencing

#### A. Background

Stormwater ponds are required as part of the state and county requirements for flood control and water quality treatment for all new development and road construction. Traditionally fencing has allowed for a reduction in the pond area thereby maximizing the site use for building and parking. These current rules allow for aesthetically unappealing facilities specifically related to the chain link fence requirements

The current Land Development Code describes conditions as related to stormwater retention pond design. The two types of ponds identified in the code are dry bottom ponds, those ponds that are normally dry, with grassed bottom which contain standing water immediately following a rainstorm event, wet bottom ponds (typically referred to as lakes), this type of pond has a permanent pool of water 6-12' deep and generally cover a larger land area.

For safety reasons pond slopes and depth are required to meet maximum side slope requirements in order to allow for escape from the pond.

The following are the **current code** conditions where fencing is required:

#### **Dry Bottom:**

Residential: Where side slopes are steeper than 6:1 and the design high water elevation exceeds 2 feet.

Commercial: Where design high water elevation exceeds 2 feet and/or where side slopes are steeper than 4:1.

#### **Wet Bottom:**

Residential and commercial, where side slopes are steeper than 6:1 fencing is required.

The following are the state regulatory agencies unfenced pond design requirements:

St. Johns River Water Management District (SJRWMD) 40C-42.025 Design and Performance Criteria for Stormwater management Systems, Section 3(a) wet or dry bottom ponds with side slopes no greater than 4:1 do not require fencing.

Florida Department of Transportation (FDOT), Drainage Manual, Chapter 5, Section 5.3.4.2.4 allows pond side slopes of 4:1 or less to be unfenced.

**B. Recommendations:**

Staff is seeking Board direction on pond fencing criteria for new developments. The following recommendations are offered for consideration:

1. Amend land development code to be consistent with FDOT and SJRWMD pond design criteria; specifically, 4:1 side slopes for both wet and dry ponds.
2. New development will meet the current Code requirements for ponds without fencing, unless directed by the Development Review Manager.
3. Alternatively, allow for decorative fencing (aluminum/wrought iron, PVC, masonry or wood) which would meet the Code, as approved by the Development Review Manager.

#### **14. Water Conservation Issues**

The following at the direction of Environmental Services Staff and Ms. Sally Sherman are to be added to the Landscaping Section of the LDC for Policy Direction.

##### **Requirement for Irrigating 100% of Landscaped Area**

- A. Changing language to allow flexibility to irrigate less than 100% of landscaping is a condition of the Northwest Service Area Consumptive Use Permit.
- B. Recommend changing language as prepared.

##### **Water Use Zone Requirements for Plants**

- A. Currently, code requires a minimum of 20% low water use plants and a maximum of 40% high water use plants (generally turf grass) for non-residential development. Irrigation is the primary discretionary use of water. Adjusting these percentage requirements will allow additional conservation of irrigation water.
- B. Recommend requiring a minimum of 30% low water use plants and a maximum of 30% high water use plants.

##### **Update Approved Plant List**

- A. The current Approved Plant List contains a number of plants on the Florida Exotic Pest Plant Council 2003 Invasive Plant List that should be removed. Additionally, expanding the list with native and low water use plants would be desirable.
- B. Recommend revising the Approved Plant List as indicated.