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**Alachua County
Board of County Commissioners**

ORDINANCE 2019-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; AMENDING TITLE 7, HEALTH AND SAFETY, CHAPTER 77, WATER QUALITY STANDARDS AND MANAGEMENT PRACTICES, OF THE ALACHUA COUNTY CODE OF ORDINANCES RELATING TO LANDSCAPES AND STORMWATER: AMENDING SECTION 77.03, DEFINITIONS; AMENDING SEC 77.25 EXEMPTIONS, MODIFYING SEC 77.28 REQUIRED DOCUMENTS; MODIFYING SEC 77.35 TIMING OF FERTILIZER APPLICATION, MODIFYING SEC.77.38 FERTILIZER CONTENT AND APPLICATION RATES; CREATING ARTICLE V IRRIGATION CONSERVATION STANDARDS AND MANAGEMENT PRACTICES; EXPANDING SEC 77.48 APPLICABILITY; CLARIFYING SEC 77.49 LANDSCAPE IRRIGATION SCHEDULES; MODIFYING SEC 77.52 AUTOMATIC LAWN SPRINKLER SYSTEMS; CREATING ARTICLE VI LANDSCAPE IRRIGATION DESIGN AND MAINTENANCE STANDARDS; RENUMBERING SECS 79.01- 79.23 TO SEC 77.48 - 77.66; EXPANDING SEC 77.55 TERRITORIAL JURISDICTION; MODIFYING SEC 77.58 FLORIDA WATER STAR CERTIFICATION; MODIFYING SEC 77.59 IRRIGATION SYSTEM APPROVAL PROCESS; MODIFYING SEC 77.60 IRRIGATION SYSTEM INSPECTION; MODIFYING SEC 77.61 IRRIGATION DESIGN STANDARDS; MODIFYING SEC 77.62 COMPLETION OF INSTALLATION OR SUBSTANTIAL MODIFICATION; CREATING ARTICLE VII HOMEOWNER ASSOCIATION FLORIDA FRIENDLY LANDSCAPING DESIGN STANDARDS; AMENDING SEC 24.16 EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; ALLOWING FOR MODIFICATION OF THE LANGUAGE OF THE ORDINANCE DUE TO CONSIDERATIONS ARISING AT A PUBLIC HEARING; PROVIDING EFFECTIVE DATES.

WHEREAS, Article VIII, Section 1(g), Florida Constitution, provides that Charter Counties have all powers of local self-government not inconsistent with general law; and

WHEREAS, through the approval of the Alachua County Charter Amendment 1, on November 7, 2000, the voters of Alachua County, Florida elected to give the Board of County Commissioners of Alachua County, Florida the authority to establish countywide standards for protecting the environment by prohibiting or regulating air or water pollution; and

WHEREAS, the Florida Department of Environmental Protection has verified numerous water bodies in Alachua County as impaired by nutrients as outlined in The Florida Watershed Restoration Act, section 403.067, Florida Statutes and the Impaired Surface Waters Rule, Rule 62-303of the *Florida Administrative Code*; and

1 **WHEREAS**, the Basin Management Action Plans for the implementation of Total
2 Maximum Daily Loads adopted by Secretarial Order in the Orange Creek Basin and the
3 Santa Fe River Basin set goals for nutrient reductions; and
4

5 **WHEREAS**, located within the north Florida regional water supply planning area.
6 As the first-ever regional water supply plan for that area, the North Florida Regional Water
7 Supply Plan was approved in 2017 and was developed through a highly collaborative
8 process among the Suwannee River and St. Johns River water management districts, the
9 Florida Department of Environmental Protection, local governments, public supply
10 utilities, environmental advocates, and other stakeholders; and
11

12 **WHEREAS**, the North Florida Regional Water Supply Plan determined that fresh
13 groundwater alone cannot supply the projected increase in water demand for the north
14 Florida area through 2035; and; and
15

16 **WHEREAS**, section 373.228, Florida Statutes, recognizes landscape irrigation as
17 a significant source of water use and directs local governments to improve landscape
18 irrigation systems and design standards; and
19

20 **WHEREAS**, the significant amount of water used by irrigation systems throughout
21 Alachua County causes nutrient run-off to flow from the irrigated land and its surroundings
22 to the County's water resources, where the increased nutrients in the water have an
23 adverse effect on the environment and water quality; and
24

25 **WHEREAS**, protection of Florida's water supplies and resources is better
26 accomplished by prevention of contamination and environmental degradation, rather
27 than attempting to clean up contamination and restore degraded environments after the
28 fact; and
29

30 **WHEREAS**, it is the desire of the Alachua County Board of County Commissioners
31 to proactively reduce nutrient pollution resulting from fertilizer and water use within
32 Alachua County to protect and preserve water resources; and
33

34 **WHEREAS**, the use of Fertilizers containing nitrogen and/or phosphorus can
35 decrease water quality when used prior to rain events and rain events are more frequent
36 during the summer months; and
37

38 **WHEREAS**, Alachua County has considered relevant scientific information
39 including any input provided by FDEP, FDACS, and IFAS; and
40
41

1 **WHEREAS**, pursuant to Sections 125.568, 166.048, 373.185, 373.228, 373.62,
2 403.9336 and 403.9337 F.S., local governments should consider the adoption of
3 Florida-Friendly landscape ordinances; and
4

5 **WHEREAS**, Section 403.9337, F.S. mandates that those local governments
6 within the watershed of a waterbody that is listed as impaired by nutrients pursuant to
7 403.067 shall adopt an ordinance on Florida-Friendly fertilizer use; and
8
9

10 **WHEREAS**, Alachua County has implemented the following provisions of the
11 2009 “Florida Friendly Landscape Guidance Models for Ordinances, Covenants, and
12 Restrictions” in the indicated Alachua County Code locations:

- 13 • Landscape Design Standards- Part II Title 7 Chapter 79 Article II
14 (Landscape Irrigation Design and Maintenance Standards); Part III Title 40
15 Chapter 406 Article II (Trees and Native Vegetation); Part III Title 40
16 Chapter 407 Article IV (Landscaping),
- 17 • Site Planning and Design- Part II Title 7 Chapter 79 Article II (Landscape
18 Irrigation Design and Maintenance Standards); Part III Title 40 Chapter
19 406 Article VI (Surface Waters and Wetlands); Part III Title 40 Chapter
20 406 Article II (Trees and Native Vegetation); Part III Title 40 Chapter 407
21 Article IV (Open Space),
- 22 • Standards for Land Clearing and Preservation of Native Vegetation- Part
23 III Title 40 Chapter 406 Article II (Trees and Native Vegetation) and Part III
24 Title 40 Chapter 407 Article IV (Open Space),
- 25 • Appropriate Plant Selection, Location, and Arrangement - Part II Title 7
26 Chapter 79 Article II (Landscape Irrigation Design and Maintenance
27 Standards) and Part III Title 40 Chapter 407 Article IV (Landscaping),
- 28 • Efficient Irrigation- Part II Title 7 Chapter 79 Article II (Landscape Irrigation
29 Design and Maintenance Standards),
- 30 • Yard Waste Management, Composting, and Use of Mulches- Part II, Title
31 7, Chapter 77 (Water Quality Standards and Management Practices),
- 32 • Fertilizer Management- Part II Title 7 Chapter 78 (Fertilizer Standards and
33 Management Practices),
- 34 • Shoreline Considerations -Part III Title 40 Chapter 406 Article VI (Surface
35 Waters and Wetlands); and

36 **WHEREAS**, Alachua County implements an education and outreach program
37 which includes the promotion of Florida Friendly Landscaping and principles; and
38

39 **WHEREAS**, the Florida Friendly Landscaping program includes nine principles
40 that collectively lead to landscapes that are more protective of water quality and water
41 supply, while increasing habitat value; and

1
2 **WHEREAS**, the Alachua County Board of County Commissioners hereby finds
3 and declares that adoption of this ordinance is necessary, appropriate, and in the public
4 interest of citizens of this community.

5
6 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
7 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**
8

9 SECTION 1. The Board of County Commissioners finds and declares that all
10 statements in the preamble of the ordinance are true and correct.

11
12 SECTION 2. Section 77.03 of the Alachua County Code is amended to read:
13

14 Sec. 77.03. - Definitions.

15
16 Address means the house number of a physical location of a specific property.
17 This includes "rural route" numbers but excludes post office box numbers. If a lot
18 number in a mobile home park or similar community is used by the U.S. Postal Service
19 to determine a delivery location, the lot number shall be the property's address. An
20 "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the
21 letters A—M. An "odd numbered address" means an address ending in the numbers 1,
22 3, 5, 7, 9 or the letters N—Z.

23
24 *Alachua County Stormwater Treatment Manual* means the Alachua County
25 Stormwater Treatment Manual (2018).

26
27 *Alteration* means any dredging, filling, excavation, construction of new structures,
28 expansion of existing structures, installation of utilities, roads, personal wireless service
29 facilities, stormwater management systems, septic tanks, bulkheading, land clearing,
30 tree cutting, mechanized vegetation removal and the disposal of solid or liquid waste.

31
32 *Application* or *apply* means the actual physical deposit of fertilizer to turf or
33 landscape plants.

34
35 *Automatic irrigation system* means an irrigation system designed to operate
36 following a preset program entered into an automatic controller.

37
38 *Applicator* means any person who applies fertilizer on turf and/or landscape plants
39 in Alachua County.

40
41 *Best management practices (BMPs)*, for the purposes of Article III Stormwater
42 Treatment Code, means the non-structural and structural practices described in the
43 most recent edition of the Alachua County Stormwater Treatment Manual. Generally,
44 best management practices means structural and non-structural control techniques
45 used for a given set of site conditions that based on research, field-testing, and expert
46 review, have been determined to be effective and practicable for improving water

1 quality, preventing erosion and sedimentation, conserving water supplies and protecting
2 natural resources. Best management practices include, but are not limited to, site
3 planning, turf and landscape practices, structural stormwater management facilities,
4 maintenance procedures, prohibitions of practices, spill and leak control, and other good
5 housekeeping measures for pollution prevention. Best management practices may be
6 implemented individually or as a combination of practices such as a stormwater
7 treatment train.

8
9 Bubblers means water emission device that tends to bubble water directly to the
10 ground or that throws water a short distance, about one foot, (300 millimeters) before
11 water contacts the ground surface. Bubblers are typically used for establishing trees.
12

13 *Commercial fertilizer applicator*, except as provided in 482.1562(9) F.S., means any
14 person who applies fertilizer for payment or other consideration to property not owned
15 by the person or firm applying the fertilizer or the employer of the applicator.
16

17 Compost means a mixture of decaying organic matter, as from leaves and manure,
18 used as an amendment to improve soil structure and provide nutrients. The composting
19 process is largely the result of the activity of aerobic organisms. Compost reduces the
20 need to fertilize because nutrients are supplied in a slow-release manner. Compost
21 does not include material that have been modified by the addition of inorganic fertilizers.

22
23 Daylight Savings Time means the time during which clocks are set one hour ahead
24 of Eastern Standard Time.
25

26 *Department* means the Alachua County Environmental Protection Department.
27

28 Distribution equipment means the water emitters on irrigation systems, including but
29 not limited to sprinklers, rotors, spray heads and micro-irrigation devices.
30

31 Eastern Standard Time means the standard time in the eastern U.S.; not Daylight
32 Savings Time.
33

34 *Excavation* means the disturbance or removal of earth materials.
35

36 *Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf,
37 specialized turf, or landscape plant.
38

39 *Fertilizer* means any substance or mixture of substances that contains one or more
40 recognized plant nutrients and promotes plant growth, or controls soil acidity or
41 alkalinity, or provides other soil enrichment, or provides other corrective measures to
42 the soil.
43

1 Florida-Friendly Landscape means a quality landscape that conserves water,
2 protects the environment, is adaptable to local conditions, and is drought tolerant. The
3 principles of such landscaping include planting the right plant in the right place, efficient
4 watering, appropriate fertilization, mulching, attraction of wildlife, responsible
5 management of yard pests, recycling yard waste, reduction of stormwater runoff, and
6 waterfront protection. Additional components include practices such as landscape
7 planning and design, soil analysis, the appropriate use of solid waste compost,
8 minimizing the use of irrigation, and proper maintenance. [Ref. s373.185 (1) Fla.Stat.]

9
10 Florida Water StarSM means a program for new residential and commercial
11 construction that is intended to provide indoor and outdoor water efficient options and
12 help prevent leaks.

13
14 Florida Water Star Irrigation and Landscape Accredited Professional means a
15 landscape or irrigation professional who has successfully passed the Florida Water Star
16 Accredited Professional exams for landscaping and irrigation and is currently in good
17 standing with the program.

18
19 Groundwater means water in a saturated zone or stratum beneath the surface of
20 land or water, whether or not it is flowing through known and definite channels.

21
22 Hazardous materials means those materials listed in section 353.26, "Materials
23 regulated," of the Alachua County Hazardous Materials Management Code.

24
25 Head to head coverage means the spacing of sprinkler heads so that each sprinkler
26 throws water to the adjacent sprinkler. This spacing must occur in all directions that the
27 nozzle is throwing.

28
29 High volume irrigation means an irrigation system with a minimum flow rate per
30 emitter of more than 30 gallons per hour ("GPH") or higher than 0.5 gallons per minute
31 ("GPM"). High volume emitter flow rates are usually measured in GPM.

32
33 Institutional applicator means any person, other than a non-commercial or
34 commercial applicator (unless such definitions also apply under the circumstances), that
35 applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional
36 applicators shall include, but shall not be limited to, owners and managers of public lands,
37 schools, parks, religious institutions, utilities, industrial or business sites and any
38 residential properties maintained in condominium and/or common ownership.

39
40 Irrigation professional means any person installing or maintaining an irrigation
41 system in Alachua County for payment.

42
43 Irrigation system means a set of components that may include the water source,
44 water distribution network, control components, and other general irrigation equipment
45 which has been installed to provide irrigation.

1
2 Landscape irrigation means the outside watering of plants in a landscape such as
3 shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such
4 flora that are situated in such diverse locations as residential areas, public, commercial,
5 and industrial establishments, and public medians and rights-of-way. "Landscape
6 irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course
7 greens, tees, fairways, primary roughs, and vegetation associated with recreational
8 areas such as playgrounds, football, baseball and soccer fields.

9
10 *Landscape plant* means any native or exotic tree, shrub, or groundcover (excluding
11 turf).

12
13 Landscaped area means the entire parcel less the building footprint, driveways,
14 hardscapes such as decks and patios, and other non-planted areas. The County
15 encourages leaving natural vegetation, however this is not considered landscaped area.
16 Water features are included in the calculation of the landscaped area. Landscaped
17 area includes Florida-Friendly landscaped areas.

18
19 Licensed Irrigation Professional means Irrigation specialty contractors who obtain
20 the Irrigation Specialty License from The Florida Construction Industry Licensing Board
21 and maintain continuing education requirements.

22
23 *Litter* means any garbage, rubbish, trash, refuse, can, bottle, container, paper,
24 tobacco product, tire, appliance, mechanical equipment or part, building or construction
25 material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft,
26 farm machinery or equipment, sludge from a waste treatment facility, water supply
27 treatment plant, or air pollution control facility, or substance in any form resulting from
28 domestic, industrial, commercial, mining, agricultural, or governmental operations.

29
30 *Low Impact Design* means an approach to land development and stormwater
31 management that preserves and protects natural resource systems and water resources
32 using various site planning and stormwater management approaches and technologies
33 to simultaneously conserve and protect natural resource systems and to reduce the
34 average annual stormwater pollutant loading discharged off-site. The approach uses site
35 planning to minimize runoff and a suite of engineered small-scale hydrologic controls
36 distributed throughout the site and integrated as a BMP Treatment Train to replicate the
37 replicate the natural hydrologic functioning of the landscape through infiltrating, filtering,
38 storing, evaporating, and detaining runoff close to its source.

39
40 *Low maintenance zone* means an area a minimum of ten feet wide adjacent to water
41 courses which is planted and managed in order to minimize the need for fertilization,
42 watering, mowing, etc.

43
44 Low volume irrigation means any emitter or sprinkler that applies less than 30 GPH
45 or 0.5 GPM.

1 Matched precipitation means Irrigation in which all of the sprinklers in a particular
2 zone apply similar amounts of water to a given area.

3
4 Micro-irrigation means the frequent application of small quantities of water directly
5 on or below the soil surface or plant root zone, usually as discrete drops, tiny streams,
6 or miniature sprays through emitters placed along the water delivery pipes. Micro-
7 irrigation encompasses a number of methods or concepts, including drip, subsurface,
8 bubbler and micro-spray irrigation, previously known as trickle irrigation. Micro-irrigation
9 is typically a form of low volume irrigation.

10
11 *Minimal impact activity* is an activity that will have no significant adverse impact on
12 the resource. Such activities may include installation of navigational aids marked
13 consistent with the requirements of Section 327.40, Florida Statutes; construction and
14 maintenance of public or private nature trails not more than ten feet in width, and other
15 similar activities.

16
17 *Municipal separate storm sewer system* or *MS4* means a conveyance or system of
18 conveyances like roads with stormwater systems, municipal streets, catch basins,
19 curbs, gutters, ditches, constructed channels, or storm drains: (a) owned or operated by
20 the United States, a state, city, town, county, special district, association, or other public
21 body (created pursuant to state law) having jurisdiction over management and
22 discharge of stormwater and which discharges to surface waters of the state; (b)
23 designed or used for collecting or conveying stormwater; (c) which is not a combined
24 sewer; and (d) which is not part of a publicly owned treatment works (POTW). POTW
25 means any device or system used in the treatment of municipal sewage or industrial
26 wastes of liquid nature which is owned by a "state" or "municipality." This definition
27 includes sewers, pipes, or other conveyances only if they convey wastewater to a
28 POTW providing treatment.

29
30 Non-residential landscape irrigation means the irrigation of landscape not included
31 within the definition of "residential landscape irrigation," such as that associated with
32 public, commercial and industrial property, including commercial or transient housing
33 units, hotel and motel units, and public medians and rights-of-way.

34
35 *NPDES* means National Pollutant Discharge Elimination System (NPDES).

36
37 *Off-site Compensating Treatment Facilities* means off-site stormwater treatment
38 facilities used when on-site treatment is not sufficient to meet the required performance
39 standards. The off-site compensating treatment facilities may be established by the
40 private sector, the public sector, or as a private-public partnership.

41
42 *Pasture* means land used for livestock grazing that is managed to provide feed value.

43
44 *Person* means any and all persons, natural or artificial, including any individual, firm,
45 or association; any municipal or private corporation organized or existing under the laws

1 of Florida or any other state; any county of the state; and any governmental agency of
2 the state or the federal government.

3
4 *Pollutant* means any substance, contaminant, or manmade or man-induced
5 alteration of the chemical, physical, biological or radiological integrity of ground or
6 surface water in quantities or levels which are or may be potentially harmful or injurious
7 to human health or welfare, animal or plant life, or property, including outdoor
8 recreation.

9
10 *Post-Development* means land use, hydrologic conditions, and pollutant loading
11 existing after proposed development activities are completed.

12
13 *Pre-development* means land use, hydrologic conditions, and pollutant loading
14 existing prior to conducting proposed alteration or development activities.

15
16 *Prohibited application period* means the time period during which a flood watch or
17 warning, or a tropical storm watch or warning, or a hurricane watch or warning, is in effect
18 for any portion of Alachua County, issued by the National Weather Service, or if rainfall
19 greater than or equal to two inches in a 24-hour period is likely.

20
21 *Project Area* means the limits of a project parcel(s) or phase that is within the
22 Sensitive Karst Area excluding offsite areas, areas dedicated to LID techniques and
23 stormwater management facilities. Open space and common areas may be excluded
24 from the project area if they are maintained in a natural condition or in a condition that
25 requires no fertilization.

26
27 *Rapid Infiltration Retention Basin* means a constructed vertical drainage connection
28 between the retention basin and a more pervious underlying geological formation,
29 typically the Floridan aquifer. It typically incorporates removal and replacement of a
30 semi-confining or confining soil layer with a more permeable material. The vertical
31 drainage connection shall not meet the definition of an Underground Injection Control
32 Well as codified in 40 CFR 144.3.

33
34 *Redevelopment* means any construction or improvement performed on sites where
35 the existing site's impervious area exceeds 40 percent.

36
37 *Residential landscape irrigation* means the irrigation of landscape associated with
38 any housing unit having sanitary and kitchen facilities designed to accommodate one or
39 more residents, including multiple housing units and mobile homes.

40
41 *Retention* means a stormwater treatment system designed to prevent the
42 discharge of a given volume of stormwater runoff, such as the required treatment
43 volume, into surface waters by complete on-site storage of that volume.

44
45 *Rotors* means sprinkler heads in lawn areas that provide water as they rotate through
46 a set arc of operation.

1
2 *Saturated soil* means a soil in which the voids are filled with water. Saturation does
3 not require flow. For the purposes of this chapter, soils shall be considered saturated if
4 standing water is present or the pressure of a person standing on the soil causes the
5 release of free water.
6

7 *Sensitive Karst Areas (SKAs)* means the areas designated as “high vulnerability”
8 or “vulnerable” zones of the Floridan Aquifer as defined by the Alachua County
9 Stormwater Treatment Manual, and with soil types classified as “excessively drained”,
10 “somewhat excessively drained”, or “well drained” as defined by the U.S. Department of
11 Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey
12 Geographic (SSURGO) Database for Florida.
13

14 *Significant adverse impact* means the contamination, alteration, or destruction, or
15 that which contributes to the contamination, alteration, or destruction, of a natural
16 resource, or portion thereof, to the degree that its environmental benefits are or will be
17 eliminated, reduced, or impaired, such that the activity will cause long term negative
18 impacts on the natural resource.
19

20 *Sinkhole* means a depression in the land's surface which has been created by
21 dissolution of underlying limestone or other soluble rocks and the collapse of the
22 overlying surficial material into the underlying solution cavities.
23

24 *Slow or controlled release fertilizer* is a fertilizer containing a plant nutrient in a form
25 which delays its availability for plant uptake and use after application, or which extends
26 its availability to the plant significantly longer than a reference rapidly available nutrient
27 fertilizer.
28

29 *Sports turf* means non-agricultural land planted exclusively for golf courses, parks
30 and athletic fields.
31

32 *Spray heads* means irrigation heads that pop up with water pressure and provide a
33 continuous spray pattern throughout a given arc of operation.
34

35 *Soil Moisture Sensor* means a soil-based device that assesses the available plant
36 soil moisture to minimize the unnecessary use of water and optimize the effectiveness
37 of an irrigation system.
38

39 *Stormwater* means the flow of water which results from, and which occurs
40 immediately following, a rainfall event.
41

42 *Stormwater management system* means a system which is designed and
43 engineered ~~and constructed or implemented~~ to control discharges which are
44 necessitated by rainfall events, incorporating methods to collect, convey, store, absorb,
45 inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage,

1 environmental degradation, and water pollution or otherwise affect the quantity and
2 quality of discharges from the system.

3
4 *Substantial modification* means any modification to existing irrigation systems such
5 that 50% or more of the irrigation system (by area) is replaced or altered.

6
7 *Surface waters* means, but shall not be limited to, rivers, lakes, streams, springs,
8 ponds, intermittent water courses and associated wetlands, and all other waters or
9 bodies of water found on land surface.

10
11 *Temporary Establishment irrigation* means the temporary use of irrigation for the
12 establishment of new vegetation that shall be removed once the plants are established
13 or within two years, whichever occurs first.

14
15 *Total Maximum Daily Load (TMDL)* means the maximum allowable average annual
16 loading to an impaired water body that will allow the water body to meet its applicable
17 water quality standards. A TMDL is adopted by FDEP and represents the sum of the
18 individual wasteload allocations for point sources, the load allocations for nonpoint
19 sources, and natural background for an impaired water body or Water Body Identification
20 Number. A TMDL includes either an implicit or explicit margin of safety or a consideration
21 of seasonal variations. (Chapter 62-302.200, F.A.C).

22
23 *Turf* means a piece of grass-covered soil held together by the roots of the grass.

24
25 *Verified Impaired Water Body* means a water body or water body segment that does
26 not meet its applicable water quality standards as set forth in Chapters 62-302 and 62-4,
27 F.A.C., as determined by the methodology in Part IV of Chapter 62-303, F.A.C., due in
28 whole or in part to discharges of pollutants from point or nonpoint sources.

29
30 *Water Body Identification Number (WBID)* means a water body assessment unit
31 representing a relatively homogenous and hydrologically distinct segment of a major
32 surface water body. Each assessment unit is represented by a unique waterbody identifier
33 (WBID number) and is characterized by waterbody type (including rivers/streams, lakes,
34 estuaries, coastal waters, and beaches) and a waterbody class.

35
36 *Weather Based Controller* means a smart irrigation controller that uses weather
37 data to calculate evapotranspiration to adjust irrigation schedules to deliver only enough
38 water to meet the plant needs.

39
40 *Well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted,
41 or otherwise constructed when the intended use of such excavation is to conduct
42 groundwater from an aquifer or aquifer system to the surface by pumping or natural
43 flow, to conduct waters or other liquids from the surface into any area beneath the
44 surface of land or water by pumping or natural flow, or to monitor the characteristics of
45 groundwater within an aquifer system(s). For the purposes of this chapter, geotechnical
46 borings greater than 20 feet in depth shall be included in the definition of "well."

1 *Well not in use* means a well from which water has not been or cannot be withdrawn
2 for a period of one year. This definition does not include properly maintained monitoring
3 and backup publicly owned and operated supply wells.
4

5 *Wetlands* as defined in F.S. § 373.019(17), means those areas that are inundated
6 or saturated by surface water or ground water at a frequency and a duration sufficient to
7 support, and under normal circumstances do support, a prevalence of vegetation
8 typically adapted for life in saturated soils. Soils present in wetlands generally are
9 classified as hydric or alluvial, or possess characteristics that are associated with
10 reducing soil conditions. The prevalent vegetation in wetlands generally consists of
11 facultative or obligate hydrophytic macrophytes that are typically adapted to areas
12 having soil conditions described above. These species, due to morphological,
13 physiological, or reproductive adaptations, have the ability to grow, reproduce or persist
14 in aquatic environments or anaerobic soil conditions. Florida wetlands generally include
15 swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies,
16 riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove
17 swamps and other similar areas. Florida wetlands generally do not include longleaf or
18 slash pine flatwoods with an understory dominated by saw palmetto.
19

20 SECTION 3. [Continued to the April 23, 2019 Public Hearing]
21

22 SECTION 4. Article IV Fertilizer Standards and Management Practices of the Alachua
23 County Code is amended to read:
24

25 **Section 77.35 Timing of fertilizer application** 26

27 No applicator ~~may shall~~ apply fertilizers containing nitrogen and/or phosphorus to turf
28 and/or landscape plants during a prohibited application period, ~~the winter ban~~
29 ~~application period, during July through February every year,~~ or to saturated soils. The
30 ~~winter ban July through February application period~~ is not applicable to sports turf
31 facilities in compliance with section 77.38 of this Code. Fertilizer containing nitrogen or
32 phosphorus shall not be applied before seeding or sodding a site, and shall not be
33 applied for the first 30 days after seeding or sodding, except when hydro-seeding for
34 temporary or permanent erosion control in an emergency situation, or in accordance
35 with an adopted stormwater pollution prevention plan for that site.
36

37 **Sec. 77.38. - Fertilizer content and application rates.** 38

- 39 (a) Fertilizers applied to turf and/or landscape plants shall be formulated and applied
40 in accordance with directions provided by Rule 5E-1.003, Florida Administrative
41 Code, Labeling Requirements For Urban Turf Fertilizers.
42 (b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants
43 except as provided in (a) above for turf, or in UF/IFAS recommendations for
44 landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or
45 tissue deficiency has been verified by an approved test.

1 (c) No fertilizer containing phosphorus shall be applied to turf, sod, lawns, or
2 landscape plants unless a soil or plant tissue deficiency is verified by a testing
3 methodology approved by the University of Florida, Institute of Food and Agricultural
4 Sciences. If a deficiency is verified, the Application of Fertilizer containing phosphorous
5 must adhere to the rates and direction for the appropriate Region of Florida, as adopted
6 by the Florida Administrative Code Rule. This subsection (c) controls over any
7 inconsistent provisions in subsections (a) and (b) above regarding phosphorous.

8 (d) Fertilizers containing nitrogen applied to turf or landscaping plants must contain no
9 less than 50% slow release nitrogen per guaranteed analysis label. This subsection (d)
10 controls over any inconsistent provisions in subsections (a) and (b) regarding nitrogen.

11
12
13 SECTION 5. Chapter 77, Article V of the Alachua County Code is created and Chapter
14 79 of the Alachua County Code, Irrigation Conservation Standards and Management
15 Practices is renumbered as Chapter 77, Article V of the Alachua County Code, and shall
16 read:

17
18 **Article V Irrigation Conservation Standards and Management Practices**

19
20
21 **Sec.77.48 Applicability**

22
23 This article shall be applicable countywide within unincorporated and incorporated
24 Alachua County

25
26 **Sec. 77.49 Landscape Irrigation Schedules**

27
28 (a) When Daylight Savings Time is in effect (second Sunday in March to the first
29 Sunday in November), landscape irrigation shall occur only in accordance with the
30 following irrigation schedule:

31 (1) Residential landscape irrigation at odd numbered addresses or no address may
32 occur only on Wednesday and Saturday and shall not occur between 10:00
33 a.m. and 4:00 p.m.; and

34 (2) Residential landscape irrigation at even numbered addresses may occur only
35 on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00
36 p.m.; and

37 (3) Non-residential landscape irrigation may occur only on Tuesday and Friday and
38 shall not occur between 10:00 a.m. and 4:00 p.m.; and

39 (4) No more than three-fourths inch of water may be applied per irrigation zone on
40 each day that irrigation occurs, and in no event shall irrigation occur for more
41 than one hour per irrigation zone on each day that irrigation occurs.

1 (B) When Eastern Standard Time (the first Sunday in November to the second Sunday
2 in March) is in effect, landscape irrigation shall occur only in accordance with the
3 following irrigation schedule:

4 (1) Residential landscape irrigation at odd numbered addresses or no address may
5 occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.;
6 and

7 (2) Residential landscape irrigation at even numbered addresses may occur only
8 on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

9 (3) Non-residential landscape irrigation may occur only on Tuesday and shall not
10 occur between 10:00 a.m. and 4:00 p.m.; and

11 (4) No more than three-fourths inch of water may be applied per irrigation zone on
12 each day that irrigation occurs, and in no event shall irrigation occur for more
13 than one hour per irrigation zone on each day that irrigation occurs.

14 (C) All landscape irrigation shall be limited in amount to only that necessary to meet
15 landscape needs.

16 **Sec. 77.50 Exceptions to the landscape irrigation schedules**

17 Landscape irrigation shall be subject to the following irrigation schedule
18 exceptions:

19 (a) Micro-irrigation is allowed anytime.

20 (b) Irrigation of new landscape is allowed at any time of day on any day for the
21 initial 30 days and every other day for the next 30 days for a total of one 60-day
22 period, provided that the irrigation is limited to the minimum amount necessary
23 for such landscape establishment.

24 (c) Watering in of chemicals, including insecticides, pesticides, fertilizers,
25 fungicides, and herbicides, when required by law, the manufacturer, or best
26 management practices, is allowed at any time of day on any day within 24
27 hours of application. Watering in of chemicals shall not exceed one-fourth inch
28 of water per application except as otherwise required by law, the manufacturer,
29 or best management practices.

30 (d) Irrigation systems may be operated at any time of day on any day for
31 maintenance and repair purposes not to exceed 20 minutes per hour per zone.

32 (e) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is
33 allowed at any time of day on any day.

34 (f) Discharge of water from a water-to-air air-conditioning unit or other water-
35 dependent cooling system is not limited.

1 (g) The use of water from a reclaimed water system is allowed anytime. For the
2 purpose of this paragraph, a reclaimed water system includes systems in which
3 the primary source is reclaimed water, which may or may not be supplemented
4 from another source during peak demand periods.

5 (h) The use of recycled water from wet detention treatment ponds for irrigation is
6 allowed anytime provided the ponds are not augmented from any ground or off-
7 site surface water, or public supply sources.

8 **Sec. 77.51 Variance from specific day of the week limitations**

9 (a) A variance from day or days-of-the-week watering restrictions set forth in section
10 77.49 may be granted by the Director of the Alachua County Environmental
11 Protection Department if strict application of the scheduled day or days would lead to
12 unreasonable or unfair results in particular instances, provided that the applicant
13 demonstrates with particularity that compliance with the scheduled day or days will
14 result in a substantial economic, health or other hardship on the applicant or those
15 served by the applicant. Where a contiguous property is divided into different zones,
16 a variance may be granted hereunder so that each zone may be irrigated on a
17 different day or days than the other zones of the property. However, in no event shall
18 a variance allow a single zone to be irrigated more than two days per week during
19 Daylight Savings Time or more than one day per week during Eastern Standard
20 Time. Appeals of the variance decision by the director shall be filed with the
21 development review committee within 21 days of the director's decision.

22
23 (b) The appropriate water management district may grant a variance from the
24 specific days of the week restrictions contained herein to persons conducting irrigation
25 activities subject to this chapter who install a soil moisture sensor control system in
26 accordance with Section 373.62, Florida Statutes.

27 **Sec. 77.52 Automatic lawn sprinkler systems**

28 (a) An irrigation professional responsible for maintaining an irrigation system
29 shall provide the property owner with a maintenance checklist affixed to or near the
30 controller and accompanied by a recommended maintenance schedule, proper irrigation
31 system settings according to season, recommendations for checking technology that
32 inhibits or interrupts operation of the system during periods of sufficient moisture, filter
33 cleaning recommendations, if applicable, and information on the current landscape
34 irrigation restrictions.

35
36 (b) A property owner shall ensure that irrigation systems on their property are
37 inspected at least annually for leaks, overspray, maladjusted heads, and heads that
38 may be capped due to changes in the landscape, such as maturity or changes in plants.
39 Technology that inhibits or interrupts operation of the system during periods of sufficient
40 moisture may need to be replaced every few years and must be correctly functioning to
41 be in compliance with this Article. Irrigation systems with known leaks may not be
42 operated until the leaks are repaired, except for testing purposes.

1 **Sec. 77.53 Enforcement**

2 Violation of any provision of this Article shall be subject to penalties as provided
3 in Chapter 24, Alachua County Code or any other penalty available at law or equity.
4

5 SECTION 6. Chapter 77, Article VI of the Alachua County Code is created and Chapter
6 79, Article II of the Alachua County Code, entitled "Landscape Irrigation Design and
7 Maintenance Standards" is renumbered as Chapter 77, Article VI of the Alachua County
8 Code, and shall read:
9

10 **Article VI Landscape Irrigation Design and Maintenance Standards**

11 **Sec. 77.54 intent and purpose**

12 It is the intent and purpose of this Article to promote increased water
13 conservation and improve water quality throughout Alachua County by increasing
14 irrigation efficiency and limiting harmful nutrient run-off.
15

16 **Sec. 77.55. Territorial Jurisdiction**

17 The Alachua County Environmental Protection Department (hereinafter "the
18 Department") shall administer the provisions of this Article in unincorporated and
19 incorporated Alachua County.

20 **Sec. 77.56. Applicability**

21 The provisions of this Article shall apply to all new residential and commercial
22 irrigation systems, whether operated automatically or manually, and substantial
23 modification of existing irrigation systems. This Article applies to irrigation systems
24 regardless of whether the irrigation systems were installed by property owners, irrigation
25 professionals or any other person. This Article applies to all irrigation systems using water
26 sources, including, but not limited to: reclaimed water, municipal water, well water,
27 surface water, stormwater, gray water, and rainwater. This Article applies to irrigation
28 systems installed in common areas and open space within residential and commercial
29 developments, as well as individual landscaped areas. The standards in this Article do
30 not apply to temporary establishment irrigation used for new vegetation.
31

32 **Sec. 77.57. Irrigation Professional Registration**

33 All irrigation professionals installing or maintaining landscape irrigation systems
34 within Alachua County must complete the Alachua County Irrigation Professional
35 Notification Form, as provided by the Department, for their business prior to working on
36 irrigation systems within Alachua County. This section requires registration of
37 businesses but does not require irrigation professionals to obtain certifications or
38 training. Property owners installing or maintaining irrigation systems on their own
39 property do not have to register with the County, but shall comply with the other
40 provisions of this Article.

1
2 **Sec. 77.58 Florida Water StarSM Certification**

3 The Florida Water Star Certification program is a voluntary statewide water
4 conservation certification program for new and existing homes and commercial
5 developments. Residential and commercial properties obtaining Florida Water Star
6 Certification will exceed the requirements of this Article. During the pendency of a Florida
7 Water Star application, applicants must submit the Alachua County Application Review
8 Form as outlined in Sec. 77.59 The irrigation system sketch, application review fee,
9 inspection, and inspection fee required under this Article are temporarily waived during
10 the pendency of the Florida Water Star Certification application and permanently waived
11 if Florida Water Star Certification is granted. Applicants who do not receive Florida Water
12 Star Certification must comply with all provisions of this Article within 90 calendar days of
13 receiving notice that their application for Florida Water Star Certification was denied.
14 Applicants who do not pursue or apply for Florida Water Star Certification must comply
15 with all provisions of this Article, as set forth herein.

16
17 **Sec. 77.59. Irrigation System Approval Process**

18 (a) Prior to the installation of or substantial modification to an irrigation system, the
19 proposed system must be approved by the Department through the Irrigation System
20 Approval Process. As part of the approval process, an applicant proposing a new
21 irrigation system or a substantial modification to an existing system must provide the
22 Department with the following:

- 23 1. The Application Review Form, as provided by the Department;
24 2. Irrigation system sketch;
25 3. Application review fee; and
26 4. Inspection fee. The inspection fee is waived for irrigation systems that are self-
27 inspected by a licensed irrigation professional or a Florida Water Star
28 Accredited Irrigation and Landscape Professional, as described in section
29 77.60.

30
31 (b) The irrigation system sketch shall:

- 32 1. Indicate existing and proposed buildings, driveways, and other impervious
33 surfaces.
34 2. Delineate existing and proposed vegetated groupings such as turf grass, shrubs,
35 and trees.
36 3. Identify the location of the soil moisture sensor or weather based controller, the
37 irrigation controller, sprinkler zone valves, wells, backflow prevention devices, rotor
38 heads, spray heads, bubblers, low volume irrigation areas, irrigation zones,
39 temporary irrigation areas, and high volume irrigation areas.
40 4. Include the estimated area of the total landscaped area and areas with high volume
41 irrigation.

42
43 (c) The Department shall take action on any complete application within 15 calendar days
44 of submittal. Installation approval is valid for a period of twenty-four months from the date
45 of its issuance. The Department may, at its discretion, extend this time limit for any
46 reasonable period of time not to exceed an additional twelve months.

1 **Sec. 77.60. Irrigation System Inspection**

2 (a) New or substantially modified irrigation systems shall be inspected by the
3 Department within thirty calendar days of installation of or modification to the irrigation
4 system or through the self-inspection process as outlined below. The Department may
5 review a sub-set of self-inspection sites to evaluate compliance rates and to determine if
6 licensed irrigation professionals and Florida Water Star Accredited Professionals will be
7 permitted to continue to self- inspect systems.

- 8 1. Irrigation professionals who submit proof of a current Florida Irrigation Specialty
9 Contractor license or proof of current Florida Water Star Accredited Irrigation and
10 Landscape Professional accreditation may obtain authorization from the
11 Department to conduct self-inspections of irrigation systems which they install.
12 The Department may revoke an irrigation professional's authorization for self-
13 inspection for failure to comply with this Article, material misstatement or
14 misrepresentation, or failure to pay required approval fees. A licensed irrigation
15 professional or Florida Water Star Accredited Irrigation and Landscape
16 Professional shall complete the self-inspection process by completing a self-
17 inspection checklist, as provided by the Department.

18
19 **Sec. 77.61. Irrigation Design Standards**

20
21 (a) Irrigation systems shall be designed as follows:

- 22
23 1. The maximum total irrigated area on residential lots, regardless of lot size, shall
24 not exceed 0.5 acres. This provision does not apply to temporary irrigation such
25 as portable hoses and sprinklers.
26
27 High volume irrigation area shall not exceed 60% of the landscaped area. This
28 standard is applicable on residential lots over 1/8 acre and commercial lots over
29 1/8 acre. This standard applies to common areas and open space in
30 developments. This standard excludes vegetable gardens and fruit or nut trees
31 on individual lots or community gardens.
32
33 3. Narrow areas, four feet wide or less, shall not be irrigated unless correctly installed
34 low volume irrigation is used.
35
36 4. High volume irrigation shall not be used for trees, shrubs, or groundcover beds,
37 with the exception of bubblers used for the temporary establishment of trees.
38 Permanent low volume irrigation may be used in these areas. The County
39 encourages the use of temporary establishment irrigation.
40
41 5. Irrigation zones shall be divided according to vegetated groupings (e.g., turfgrass,
42 shrubs, native plants, trees) and the water requirements of the plants. Turf grass
43 and landscaped beds, such as trees, shrubs, and groundcover beds, shall not be
44 irrigated in the same zone as each other, with the exception of bubblers used for
45 the temporary establishment of trees
46

6. Sprinkler head types, such as spray heads and rotors, shall not be mixed in the same zone. Bubblers used for the establishment of trees may be on a zone with sprays or rotors if they are adjustable and will be turned off once the tree is established.
7. Distribution equipment in a given zone shall have matched precipitation rates.
8. Rotors and spray sprinkler heads in turfgrass areas shall be spaced to provide head to head coverage. Areas of turf that are between 4-8 feet may have single row spacing. Common examples of such include narrow side yards graded for drainage and right-of-ways between the sidewalk and street.
9. A minimum separation of four inches shall be required between distribution equipment and pavement.
10. A minimum separation of 24 inches shall be required between distribution equipment and buildings and other vertical structures, except fences. Structures that apply to this requirement are any conditioned space and enclosed structures such as garages. Porches and patios are exempt from this design standard.
11. A functioning soil moisture sensor based controller or weather based controller that inhibits or interrupts operation of the system during periods of sufficient moisture shall be required on all irrigation systems installed after October 1, 2019 to avoid irrigation during periods of sufficient rainfall. Irrigation systems installed prior to October 1, 2019 must have technology that inhibits or interrupts operation of the system during periods of sufficient moisture.
12. Permanent irrigation systems shall be equipped with an automatic control system to provide the following minimum capabilities:
 - a. Ability to be programmed in minutes, by day of week, season, and time of day;
 - b. Ability to accommodate multiple start times and programs;
 - c. Automatic shut off after adequate rainfall;
 - d. Ability to maintain time during power outages; and
 - e. Operational flexibility to meet applicable year round water conservation requirements.
13. Check valves which are capable of holding a minimum of a five foot head shall be used in low-lying areas to prevent head drainage.
14. Irrigation system equipment shall be installed in accordance with manufacturer's specifications.
15. No direct spray shall be allowed onto walkways, buildings, roadways and drives.

- 1 16. Pipelines shall be designed to provide the system with the appropriate pressure
2 required for maximum irrigation uniformity.
3
4 17. All sprinkler heads with spray nozzles (non-rotary) shall be pressure-regulated at
5 the head and/or valve. Adequate pressure, per the manufacturer's specifications,
6 must be achieved throughout an entire zone.
7
8 18. All irrigation system underground piping shall have minimum soil cover of six
9 inches.

10
11 (b) Compliance with this Article shall not exempt an individual from any other local,
12 state, or federal requirements.
13

14 **Sec. 77.62. Completion of Installation or Substantial Modification**

15
16 (a) A property owner or irrigation professional who installs an irrigation system
17 shall conduct final testing and adjustments to achieve design specifications prior to
18 completion of the system. A property owner or irrigation professional who installs or
19 performs work on an automatic irrigation system shall test for the correct operation of
20 each technology that inhibits or interrupts operation of the system during periods of
21 sufficient moisture. If such devices or switches are not installed in the system or are not
22 in proper operating condition, the property owner or irrigation professional shall install
23 new ones or repair the existing ones and confirm that each device or switch is in proper
24 operating condition before completing other work on the system.
25

26 (b) Upon completion of the irrigation system, an irrigation professional shall
27 provide the property owner with a copy of the site irrigation sketch, modified to illustrate
28 how the system was actually installed, and self-inspection checklist, if applicable, the
29 date installed, the number of zones, the recommended run times post establishment,
30 the installer's names, and the manual for the irrigation controller.
31

32 **Sec. 77.63. Maintenance of Irrigation Systems**

33
34 (a) An irrigation professional responsible for installing or substantially modifying
35 an irrigation system shall provide the property owner with a maintenance checklist
36 affixed to or near the controller and accompanied by a recommended maintenance
37 schedule, proper irrigation system settings according to season, recommendations for
38 checking technology that inhibits or interrupts operation of the system during periods of
39 sufficient moisture, filter cleaning recommendations, if applicable, and information on
40 the current water restrictions.
41

42 (b) A property owner shall ensure that irrigation systems on their property are
43 inspected at least annually for leaks, overspray, maladjusted heads, and heads that
44 may be capped due to changes in the landscape, such as maturity or changes in plants.
45 Technology that inhibits or interrupts operation of the system during periods of sufficient
46 moisture may need to be replaced every few years and shall be correctly functioning to

1 be in compliance with this Article. Irrigation systems with known leaks shall not be
2 operated until the leaks are repaired, except for testing purposes.

3 (c) Within 60 calendar days after installation, the property owner shall ensure that
4 the irrigation controller is adjusted to operate according to normal, established
5 landscape conditions or irrigation restrictions, if the irrigation system is installed as part
6 of newly established landscaping.

7 **Sec. 77.64. Exemptions**

8 (a) The following are exempted from the provisions of this Article, but should follow
9 applicable Florida Friendly Best Management Practices for Protection of Water
10 Resources by the Green Industries:

- 11 1. Bona fide agricultural activities;
- 12 2. Vegetable gardens and fruit and nut trees;
- 13 3. Athletic fields;
- 14 4. Golf course play areas;
- 15 5. Cemeteries; and
- 16 6. Nurseries.
- 17 7. Temporary Establishment Irrigation (as defined in Sec.77.03)

18 **Sec. 77.65 Alternative Compliance**

19 (a) An applicant may submit a proposal that varies from the strict application of
20 the requirements of this Article (also known as “alternative compliance”) in order to
21 accommodate unique site features or characteristics, utilize innovative design, prevent
22 extraordinary hardship, or to promote the overriding public interest or general public
23 welfare. Diminished value of property or inconvenience is not considered extraordinary
24 hardship.

25 (b) An applicant seeking authorization for alternative compliance shall have the
26 burden of demonstrating to the Department that the reasons why the strict application of
27 the requirements of this Article should not apply.

28 (c) Requests for alternative compliance shall be submitted as part of the Irrigation
29 System Approval Process.

30 (d) The Department may approve an alternative compliance plan upon finding
31 that the alternative compliance plan fulfills the purpose and intent of this Article at least
32 as well as a plan that strictly adhered to the requirements of this Article.

33 (e) The Department may require a site inspection and corresponding site
34 inspection fee for systems which are installed according to a Department-approved
35 alternative compliance plan.

36 **Sec. 77.66. Enforcement**

37 Violation of any provision of this Article shall be subject to penalties as provided
38 in Chapter 24, Alachua County Code or any other penalty available at law or equity.
39
40
41

SECTION 7. Chapter 77, Article VII of the Alachua County Code is created and shall read:

Article VII Homeowner Association Florida Friendly Landscaping Design Standards

Sec. 77.67. Intent and Purpose

It is the intent and purpose of this Article to promote increased water conservation and improve water quality throughout Alachua County by promoting Florida Friendly Landscaping™.

Sec. 77.68. Territorial Jurisdiction

This Article shall apply countywide within Alachua County. The Alachua County Environmental Protection Department (hereinafter “the Department”) shall administer the provisions of this Article.

Sec. 77.69. Deed Restrictions and Covenants

(a) A deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land or create any requirement or limitation in conflict with any provision of Title 7, Chapter 77, any provision of part II of Chapter 373, Florida Statutes, or any other provision, of the Alachua County Code.

(b) A deed restriction or covenant recorded after October 1, 2019 may not require a property owner to have a permanent irrigation system on his or her land.

Sec. 77.70. Enforcement.

Violation of any provision of this Article shall be subject to penalties as provided in Chapter 24, Alachua County Code or any other remedy available at law or equity.

SECTION 8. Section 24.16 Exhibit A, Alachua County Code, is hereby amended to add the following to the schedule of codes and ordinances administered by the County’s Environmental Protection Department and accompanying penalties for uncontested violations:

Section 24.16 Exhibit A

Environmental Protection Department

| Code or Ordinance | Section | Section this Volume | Description | Class | Penalty |
|-------------------|---------|---------------------|--|------------|---------------|
| <u>18-05</u> | | <u>77.18</u> | <u>Failure to comply with prohibitions</u> | <u>III</u> | <u>125.00</u> |

| | | | | | |
|----------------------------------|---|----------------------------------|--|----------------------------|-----------------------------------|
| 09-06 <u>18-24</u> | | 78.04 <u>77.35</u> | Failure to comply with timing requirements | I <u>III</u> | 50.00 <u>125.00</u> |
| 09-06 <u>18-24</u> | | 78.05 <u>77.36</u> | Failure to comply with free zone requirements | III | 125.00 |
| 09-06 <u>18-24</u> | | 78.07 <u>77.38</u> | Failure to comply with content and rate requirements | I | 50.00 |
| 09-06 <u>18-24</u> | | 78.08 <u>77.39</u> | Failure to comply with application requirements | III | 125.00 |
| 09-06 <u>18-24</u> | | 78.09 <u>77.40</u> | Failure to comply with grass clipping requirements | III | 125.00 |
| 16-08 <u>18-24</u> | 2 | 78.10 <u>77.41</u> | Failure to comply with storage requirements | I | 50.00 |
| <u>18-24</u> | | <u>77.42</u> | <u>Failure to comply with notice to consumers</u> | <u>III</u> | <u>125.00</u> |
| 09-06 <u>18-24</u> | | 78.12 <u>77.44</u> | Failure to comply with training requirements | II | 75.00 |
| 09-06 <u>18-24</u> | | 78.13 <u>77.45</u> | Failure to comply with licensing requirements | II | 75.00 |
| 09-08 | | 79.04 <u>77.49</u> | Failure to comply with landscape irrigation schedules | I | 50.00 |
| 09-08 | | 79.07 <u>77.52</u> | Failure to comply with automatic lawn sprinkler system requirement | II | 75.00 |

| | | | | | |
|--------------|----------|----------------------------------|---|-----------|--------------|
| 15-11 | 2 | 79.14 <u>77.58</u> | Failure to comply with registration process | I | \$50.00 |
| 15-11 | 2 | 79.16 <u>77.60</u> | Failure to comply with irrigation system approval process | III | \$125.00 |
| 15-11 | 2 | 79.18 <u>77.62</u> | Failure to comply with design standards | III | \$125.00 |
| 15-11 | 2 | 79.19 <u>77.63</u> | Failure to comply with completion of installation or substantial modification | II | \$75.00 |
| 15-11 | 2 | 79.20 <u>77.64</u> | Failure to comply with maintenance requirements | II | \$75.00 |
| <u>19-XX</u> | <u>6</u> | <u>77.70</u> | <u>Failure to comply with deed restrictions and covenants requirements</u> | <u>IV</u> | <u>\$200</u> |

SECTION 9. Severability. It is the declared intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, word or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance and, to this end, the provisions of this ordinance are declared severable.

SECTION 10. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua County, Florida; that the Code may be renumbered or relettered to accomplish this intent and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 11. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that

1 may arise during public hearings. Such modifications shall be incorporated into the final
2 version of the ordinance adopted by the Board and filed by the Clerk to the Board.

3
4 SECTION 12. Effective Date. A certified copy of this ordinance shall be filed with the
5 Department of State by the Clerk of the Board of County Commissioners within ten days
6 after enactment by the Board of County Commissioners, and shall take effect per the
7 implementation schedule below:

8
9 Article VI Landscape Irrigation Design and Maintenance Standards expansion of
10 territorial jurisdiction to incorporated Alachua County and takes effect October 1,
11 2019.

12
13 Article IV Fertilizer Standards and Management Practices Section 77.35 Timing of
14 fertilizer application and Section 77.38 Fertilizer content and application rates take
15 effect October 1, 2019.

16
17 All other sections take effect immediately.

18
19
20
21 DULY ADOPTED in regular session, this _____ day of _____, 2019.

22
23
24
25 BOARD OF COUNTY COMMISSIONERS OF
26 ALACHUA COUNTY, FLORIDA

27
28 ATTEST:

29
30 BY: _____
31 Charles S. Chestnut, IV Commission Chair

32
33 _____
34 J.K. "Jess" Irby, Esq.

35
36 APPROVED AS TO FORM

37 (SEAL)

38 _____
39 County Attorney