

**CITY OF HOLMES BEACH
ORDINANCE 22-24**

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY ARTICLE I, GENERAL, SECTION 1.4, DEFINITIONS BY ADDING A DEFINITION FOR “ARTIFICIAL TURF”; AMENDING ARTICLE VIII, GENERAL SITE DESIGN STANDARDS, DIVISION 7 - LANDSCAPING, ADDING A NEW SECTION 8.25 ARTIFICIAL TURF, ESTABLISHING REGULATIONS TO GOVERN THE USE OF ARTIFICIAL TURF AS A SURFACE COVER OPTION FOR ALL TYPES OF DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202 (1), Florida Statutes, requires that the City of Holmes Beach adopt or amend and enforce land development regulations that are consistent with and implement the City’s Comprehensive Plan; and

WHEREAS, Section 163.3202 (3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code; and

WHEREAS, from time to time, amendments and revisions to the City’s adopted Comprehensive Plan, progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the City’s land development regulations; and

WHEREAS, on June 14, 2022, the City of Holmes Beach Board of Commissioners adopted amendments to its Comprehensive Plan that included changes to the Future Land Use Category, including Policy 1.1.1 which provides that the City “shall continue to enforce land development regulations which recognize the limitations of development on a barrier island” and “such regulations shall, at a minimum, contain provisions which ... discourage the use of invasive vegetation, trees with poor wind tolerance, and artificial turf or similar surface areas”; and

WHEREAS, the City of Holmes Beach’s Code of Ordinances and Land Development Code do not presently regulate the use of artificial turf; and

WHEREAS, the City of Holmes Beach Board of Commissioners recognizes the desire of private property owners to incorporate artificial landscape materials into their on-site landscaping in an effort to reduce maintenance and water usage; and

WHEREAS, the City of Holmes Beach recognizes that the use of artificial turf as a part of landscaping for residential and nonresidential development needs to be regulated in a sensible manner to ensure not only the protection and preservation of the overall character of the community, but also protecting the limited amount of environmentally sensitive natural resources found in the community, while reducing maintenance and irrigation demands on property owners, and maintaining consistency with the City’s Comprehensive Plan; and

WHEREAS, City staff has recommended that the City adopt such regulations regarding artificial turf to implement the policies and objectives in the City's Comprehensive Plan.

NOW THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida as follows:

Section 1. Findings of Fact. The above whereas clauses are adopted and incorporated herein as findings of fact.

Section 2. The City's Land Development Code, Article I, General, Section 1.4, Definitions, shall be amended as follows:

1.4 – Definitions.

...

Unless the context shall clearly require otherwise, the following terms shall have the following meanings for the purpose of this ordinance:

...

Arterial road: A roadway providing service that is relatively continuous or of relatively high traffic volume, long trip length and high operating speed. In addition, every United States numbered highway is an arterial road.

Artificial or Synthetic Turf: An artificial grass mat manufactured with manmade materials such as polypro-pylene, polyethylene, or other like materials, which is used to replicate the appearance of natural grass.

Automobile wash: A structure or portion thereof containing facilities for washing motor vehicles, using production line, automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical device.

...

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant or prevents infiltration by water. It includes roofed areas and surfaces such as compacted sand, limerock, or clay, as well as all recreational water features and conventionally surfaced streets, sidewalks, driveways, parking lots, or other similar surfaces. Artificial turf shall also be considered an impervious coverage unless specifically designed in accordance with Article VIII, Division 7, Section 8.25.

DIVISION 7 – ARTIFICIAL TURF

Section 3. Article VIII, General Site Design Standards, Division 7, Section 8.25 - Artificial Turf, the City's Land Development Code shall be created and shall read as follows:

8.25- Artificial Turf.

- A. Permit Required. The use of artificial turf is accepted subject to obtaining a permit and subsequent in-progress and final inspections in compliance with the provisions of this Section. All permits shall be in accordance with Section 8.24 stormwater management requirements. Material specifications and plans shall be provided with a permit application to the city for review and approval prior to the installation of artificial turf. The permit submittal shall include:
1. A site plan or survey showing the area and dimensions of artificial turf, location of seawalls and waterbodies and separation between these areas. The site plan shall also show the location of drip line(s) (if applicable).
 2. Pervious area calculation.
 3. A dimensioned cross section of proposed materials and installation details, including subgrade, drainage, base or leveling layer, and infill.
 4. Material description and specifications, including manufacturer warranty and assembly information.
 5. Total Content Leach Protocol (TCLP) test documentation.
 6. Such other information as the building official may reasonably require.
- B. Minimum material standards. All artificial turf, also referred to as synthetic grass, shall comply with the following minimum standards:
1. Artificial turf shall consist of green lifelike individual blades of grass that simulate the appearance of live turf, organic turf, grass, sod or lawn, as approved by the Planning and Zoning Administrator;
 2. Artificial turf shall be lead free and flame retardant;
 3. Artificial turf installations shall have a minimum permeability of 30 inches per hour per square yard;
 4. All artificial turf shall have a minimum eight-year manufacturer's warranty that protects against color fading and decreases in pile height;
 5. All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any US landfill station (Total Content Leach Protocol (TCLP) test); and
 6. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.

- C. Location. The installation of artificial turf is permitted on residential, private parks and schools, commercial sites and limited to play areas of public parks and institutions subject to the requirements of this Section.
1. The following requirements shall apply to all properties:
 - a. Artificial turf may not be installed within 50 feet of the erosion control line at any riparian coastal location on the Gulf of Mexico.
 - b. Artificial turf is prohibited in public rights-of-way.
 - c. Artificial turf installation is prohibited within retention and detention areas and below the drip lines of existing trees and palms.
 - d. Artificial turf shall not be used as screening or buffering material where screening or buffering is required by code nor shall it be used to satisfy the minimum landscaping requirements.
 2. R-1AA, R-1, R-2, R-3, R-4 & A-1 districts. The minimum requirements for installation of artificial turf in these residential districts is as follows:
 - a. Artificial turf is allowed in rear and side yards, but not to exceed 10% of the total pervious surface area of the lot.
 - b. Artificial turf shall not be allowed in any front yard areas unless confined to parking and driveway areas and placed in between paver blocks or similar items in a manner where the area for the artificial turf does not exceed four (4) inches in width.
 - c. A minimum of 5-ft setback must be provided between any waterbody or seawall and edge of the artificial turf.
 3. C-1, C-2, & C-3, districts. The minimum requirements for installation of artificial turf in these commercial districts is as follows:
 - a. Artificial turf is allowed in rear and side yards, but not to exceed 10% of the total pervious surface area of the lot.
 - b. Artificial turf shall not be allowed in any front yard areas unless confined to parking and driveway areas and placed in between paver blocks or similar items in a manner where the area for the artificial turf does not exceed four (4) inches in width.
 - c. A minimum of 5-ft setback must be provided between any waterbody or seawall and edge of the artificial turf.
 4. PSP, POS & REC districts. The minimum requirements for installation of artificial turf in these districts is as follows:
 - a. Artificial turf shall not exceed 25% of the total pervious surface area of the lot.
 5. CON & PRES districts. The installation of artificial turf is prohibited in these districts.
- D. Installation. Installation of artificial turf shall be considered pervious if, at a minimum, the following standards are met:
1. All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications. Where the manufacturer's installation specifications are in conflict with city standards, city standards shall apply.
 2. Artificial turf shall not be installed above existing grade.
 3. Artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded, porous crushed rock aggregate material consisting

- of granite, limestone, dolomite, or other naturally occurring materials of that is a minimum of four inches in depth. Aggregate base shall consist of #89 stone with 3/8" to 1/2" top size and no more than eighty percent (80%) compaction. Prior to the in-progress inspection, a compaction test must be provided prior to the installation of turf.
4. The use of crushed concrete as a base material for putting greens, decorative grass strips, pool decks, etc. shall be considered an impervious surface.
 5. No compaction of the underlying soil shall be allowed.
 6. Infill material shall only consist of silica sand to be brushed into the fibers. Rubber crumb fill shall be prohibited.
 7. All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
 8. Precautions for installation around existing trees shall be monitored and installation is restricted below the tree drip line to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.
 9. Artificial turf shall be considered pervious if all the above standards of installation are met. If above standards are not met, the artificial turf shall be subject to the impervious surface coverage requirements of the applicable zoning district.
- E. Maintenance and Repair. Maintenance and repair of artificial turf shall include, but not be limited to, the following elements.
1. All artificial turf shall be maintained in a fadeless condition and shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and impressions.
 2. Artificial turf shall be cleaned, brushed, cleared of debris, repaired to eliminate depressions and ruts to maintain a visually-level surface. Artificial turf maintenance shall also eliminate odors, flat or matted areas, weeds, and evasive roots.
 3. All edges of the artificial turf shall not be loose and must be secured and maintained with appropriate edging or stakes.
 4. Artificial turf must be replaced if it falls into disrepair (e.g., fading, holes, loose areas, etc.) Replacement and repairs shall be done with like materials and done so in a manner that results in a repair that blends in with the existing artificial turf.
 5. The city or other public entity or utility company may remove artificial turf at any time and for any reason, including but not limited to, to provide underground access for utility work. The property owner shall bear and pay any and all costs to replace or reinstall the artificial turf.
- F. Existing artificial turf. For those properties where artificial turf is currently installed that is not in compliance with this section, when the existing artificial turf is replaced or repaired, in an amount exceeding 50%, then compliance with this section shall be required.

Section 4. Severability. If any word, portion, clause, or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

Section 5. Effective Date. This ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 24th day of January, 2023.

First Reading: 12-13-22

Publication Date: 1-15-23

Second Reading and Public Hearing Date: 1-24-23



Carol Soustek



Dan Diggins



Greg Kerchner



Terry W. Schaefer




Pat Morton

APPROVED BY ME THIS 25th DAY OF January, 2023



Judy Titsworth, Mayor

ATTEST: 

Stacey Johnston, MMC, City Clerk