

## ORDINANCE 3267-23

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-95 "DEFINITIONS" AND ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 1, "STORMWATER MANAGEMENT" ADDING REGULATIONS GOVERNING ARTIFICIAL TURF INSTALLATIONS AND MAINTENANCE OF ARTIFICIAL TURF, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Land Development Code currently limits the amount of impervious surface that may be utilized in residential and commercial development; and

**WHEREAS**, the City wishes to clarify that artificial turf, which is a grass mat manufactured with man-made materials used to replicate natural grass, can constitute an impervious surface subject to the relevant City regulations; and

**WHEREAS**, the City further wishes to clarify and enact regulations governing the installation of artificial turf; and

**WHEREAS**, the City finds that this Ordinance advances the interests of the public health, safety, and welfare.

**NOW THEREFORE, BE IT ENACTED** by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

**SECTION 1.** Amendment of City Code. Section 58-95 of Chapter 58, Article III of the City Code of Ordinances is hereby amended as shown below, all as follows (words that are stricken out are deletions; underlined are additions; stars \* \* \* \* \* indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

#### **Sec. 58-95. - Definitions.**

For the purposes of this article, certain terms or words used herein shall be interpreted as follows:

\* \* \* \*

Artificial turf or synthetic grass means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass.

\* \* \* \*

Impervious coverage means the percentage of the lot land area that is covered with impervious materials such as building, swimming pools (including pool water and pool decks), decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces. Artificial turf shall also be considered an impervious coverage. Land located across a street and separated from the building site shall not be included in the available land area calculation.

\* \* \* \*

**SECTION 2.** That Chapter 58 "Land Development Code", Article V "Environmental Protection Regulations, Article I "Stormwater Management of the City of Winter Park Land Development Code is hereby amended by amending Division 1 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

**DIVISION 1. - STORMWATER MANAGEMENT**

**Sec. 58-171. – Artificial Turf Installation.**

- (a) The following requirements shall govern the installation of artificial turf.
- (1) A permit shall be required to install artificial turf. At a minimum, artificial turf must be installed according to the manufacturer's specifications and may be subject to further City stormwater requirements.
  - (2) Artificial turf must replicate a common species of natural grass utilized in the Central Florida area such as St. Augustine, Bahia, or Bermuda grass in color and appearance.
  - (3) New total impervious area coverage to include the artificial turf shall be submitted with the permit application.
  - (4) The first one inch of stormwater runoff from the artificial turf must be retained on site in accordance with Sec. 58-163.
  - (5) Installations are not allowed under tree canopies, or within the drip line of any existing tree canopy.
  - (6) Installations are not permitted within five (5) feet of any side or rear property line.
  - (7) Installations are not permitted within ten (10) feet from the front property line or within ten (10) feet of any side street property line.
  - (8) Installation of artificial turf within public and private rights-of-way is prohibited.
  - (9) Artificial turf may not be installed within fifty (50) feet of any artificial or natural water body.
  - (10) Artificial turf is prohibited within drainage features (e.g. retention ponds, swales, and etc.)
- (b) Maintenance of artificial turf. The property owner shall routinely maintain artificial turf, including cleaning, brushing, debris removal, repairing and replacement. Such maintenance activities shall ensure that artificial turf continues to function as designed and permitted. The aforesaid requirements of this subsection (b) apply to all artificial turf installed within the city limits whether such: (i) was installed prior or after the adoption of this subsection, or (ii) was not required to obtain a permit or

enter into an agreement required by this section at the time of its installation. All artificial turf must be replaced if it falls into disrepair with fading, holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf. The property owner's failure to maintain, repair and/or replace artificial turf in compliance with this section or any agreement entered into with the City as required herein shall constitute a violation of this subsection.

**SECTION 2. CODIFICATION.** Section 1 and 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

**SECTION 3. SEVERABILITY.** The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

**SECTION 4. CONFLICTS.** In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida (the "Effective Date"), and shall apply to all applications for permits received on or after the Effective Date.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 8th day of March, 2023.

By: \_\_\_\_\_  
Mayor Phil Anderson

ATTEST:

By: \_\_\_\_\_  
Rene Cranis, City Clerk