

Alachua County
Board of County Commissioners

ORDINANCE 2016-_____

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

WHEREAS Section 403.9337, F.S. mandates that those local governments within certain watershed ordinance adopt an ordinance on Florida-Friendly fertilizer use; and

WHEREAS, the Florida Watershed Restoration Act (403.067 F.S.) and the NPDES municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters; and

WHEREAS, Alachua County recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscaping™ practices; and

WHEREAS, Florida-Friendly Landscaping promotes the conservation of water by the use of site adapted plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs; and

WHEREAS, Florida-Friendly Landscaping™ practices and designs may save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA:

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

SECTION 2. Chapter 79, Article II, of the Alachua County Code is hereby created to read:

Article II – Homeowner Association Florida Friendly Landscaping Design Standards

Sec. 79.26. 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. 79.27. Territorial Jurisdiction.

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

Sec. 79.28. Definitions.

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

Sec. 79.29. Deed Restrictions and Covenants.

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 79, or any other provision, of the Alachua County Code.

Sec. 79.30. 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 3. 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

<u>Code or Ordinance</u>	<u>Section</u>	<u>Section this Volume</u>	<u>Description</u>	<u>Class</u>	<u>Penalty</u>
<u>16-</u>	<u>2</u>	<u>79.29</u>	<u>Failure to comply with Deed</u>	<u>IV</u>	<u>\$200</u>

			<u>Restrictions</u> <u>and</u> <u>Covenants</u> <u>Requirements</u>		
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SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5. 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 6. 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 7. 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 may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.