

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

CHAPTER 40C-24, F.A.C.

XERISCAPE LANDSCAPING INCENTIVE PROGRAM

November 11, 2003



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XERISCAPE LANDSCAPING INCENTIVE PROGRAM

40C-24.001	Policy and Purpose
40C-24.010	Definitions
40C-24.020	Incentive Program
40C-24.030	Incentive Program – Qualifying

40C-24.001 Policy and Purpose.

(1) The Governing Board finds that water conservation is critical to ensure an adequate water supply for the citizens of the District. The Governing Board further finds that the implementation and use of xeriscape, as defined in Section 373.185, F.S., significantly contributes to the conservation of water. The Governing Board supports adoption of local government xeriscape landscaping ordinances as a significant means of achieving water conservation through xeriscape landscaping.

(2) The Governing Board intends for the program created by this chapter to encourage all local governments within the District to adopt new ordinances or codes, or amend existing ordinances or codes, as expeditiously as possible, to require xeriscape landscaping for development permitted by the local government after the effective date of the new ordinance, code or amendment.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History–New 11-30-92.

40C-24.010 Definitions.

As used throughout this chapter:

(1) “Local government” means any county or municipality of the state whose seat of government is located within District boundaries.

(2) “Xeriscape landscaping” means landscaping that maximizes the conservation of water by the use of site appropriate plants and an efficient watering system. The principles of xeriscaping landscaping include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost as a soil amendment, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance.

(3) “Xeriscape landscape ordinance” means any new ordinance or code, or any amendment to an existing ordinance or code, that requires all development permitted after the effective date of the new ordinance, code or amendment to use xeriscape landscaping.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History–New 11-30-92.

40C-24.020 Incentive Program.

(1) Any local government within the District which is considering adopting a xeriscape landscape ordinance is eligible for the District’s Xeriscape Landscaping Incentive Program.

(2) The District’s Xeriscape Landscaping Incentive Program consists of the following:

(a) Providing information on the merits of xeriscape landscaping – The District shall provide to each local government that qualifies for the District’s Xeriscape Landscaping Incentive Program information on the merits of xeriscape landscaping. This information shall explain the principles of xeriscape landscaping which include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost as a soil amendment, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. This

information shall include one or more of the following: brochures, demonstrations, memoranda, technical publications, oral communication with District staff, or training programs or workshops involving District staff which explain the implementation and execution of xeriscape landscaping. To the greatest extent possible, this information shall be tailored to the specific problems and environmental conditions of the local government.

(b) Cost-benefit analysis – Sections 125.568 and 166.048, F.S., require the governing body of every local government to consider enacting a xeriscape landscape ordinance by October 1, 1992. If the governing body of a local government within the District determines that the benefits of adopting a xeriscape landscape ordinance outweigh the costs, Sections 125.568 and 166.048, F.S., require that governing body to adopt a xeriscape landscape ordinance. For each local government that qualifies for the District's Xeriscape Landscaping Incentive Program, the District will assist that local government in determining whether the benefits of requiring xeriscape landscaping outweigh the costs within that local government's jurisdiction. The District's assistance to the local government shall consist of either technical information on the costs and benefits of xeriscape landscaping, or referrals to other agencies that can provide information the local government may need to perform its cost-benefit determination.

(c) The amount, type and form of the information on the merits of xeriscape landscaping and the cost-benefit analysis assistance the District provides to the local government shall be determined by the Executive Director based upon the needs of the local government and the availability of District resources.

(d) For those local governments which own or operate water supply utilities, or otherwise are required to obtain a consumptive use permit, the District will allow these local governments to include adoption of a xeriscape landscape ordinance as part of their Water Conservation Plan which is required pursuant to Rule 40C-2.301, F.A.C., and Section 12.2.5.1 of the Applicant's Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History–New 11-30-92, Amended 11-11-03.

40C-24.030 Incentive Program - Qualifying.

(1) To qualify for the District's Xeriscape Landscaping Incentive Program, a local government must submit to the District an application letter from an authorized member of that local government's governing body stating that the local government is considering adopting a xeriscape landscape ordinance and request that the local government be qualified for the District's Xeriscape Landscaping Incentive Program. When the local government submits its application letter, the District will presume that the local government will use the District's model ordinance as the draft xeriscape landscape ordinance needed to qualify the local government for the District's Xeriscape Landscaping Incentive Program pursuant to Section 373.185, F.S. However, a local government may submit another draft xeriscape landscape ordinance if it so desires.

(2) If the local government submits another draft xeriscape landscape ordinance to the District to qualify for the District's Xeriscape Landscaping Incentive Program, that ordinance must include, at a minimum, the following:

(a) Landscape design, installation, and maintenance standards that result in water conservation. Such standards shall address the use of site specific plants based upon adaptability to the site's climate, soils, geology, and topography; the use of plant groupings based on watering needs; soil analysis including promotion of the use of solid waste compost as a soil

amendment; efficient irrigation systems or methods; mulching where compatible with plants and soil type; and other water-conserving practices.

(b) Identification of prohibited invasion plant species.

(c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.

(d) A provision specifying the maximum percentage of turf and the maximum percentage of impervious surfaces allowed in a xeriscape landscaped area, and addressing the practical selection, installation and irrigation of turf.

(e) A program to encourage the preferential use of pervious surfaces and drought resistant turf grass over impervious surfaces and traditional turf grass.

(f) Specific standards for land clearing and requirements for the preservation of existing native vegetation.

(g) A provision to use plants native to the geographic area in which they naturally occur and in soil types most similar to their natural habitat.

(h) A monitoring program for ordinance implementation and compliance.

(3) The Governing Board adopts by reference the document entitled “St. Johns River Water Management District Model Xeriscape Landscape Ordinance 11-30-92.” The District’s Model Ordinance is structured to offer flexibility to local governments based upon their administrative and financial capabilities. A copy of this document may be obtained upon request from: Office of Communication and Governmental Affairs, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529. A draft xeriscape landscape ordinance submitted by a local government which contains substantially the same requirements as the District’s Model Xeriscape Landscape Ordinance shall be presumed to satisfy the requirements of subsection 40C-24.030(2), F.A.C., and qualify the local government for the District’s Xeriscape Landscaping Incentive Program.

(4) The Executive Director shall determine whether the letter submitted by the local government satisfies the requirements of subsection 40C-24.030(1), F.A.C., and whether a draft xeriscape landscape ordinance submitted by the local government complies with subsection 40C-24.030(2), F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History—New 11-30-92.