

ORDINANCE NO. 2012-6
GLADES COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, ADDING REGULATIONS FOR BUFFERING REQUIREMENTS TO THE GLADES COUNTY LAND DEVELOPMENT REGULATIONS/LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL/CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Glades County, Florida as follows:

SECTION 1. AMENDMENT OF LAND DEVELOPMENT CODE.

The Glades County Land Development Code is hereby amended by adding a new Section 125-217, which shall be entitled "General Buffer Requirements", a copy of which is attached hereto and made a part hereof as Exhibit A, which is hereby adopted in its entirety.

SECTION 2. AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 3. CODIFICATION.

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 4. SCRIVENER'S ERRORS.

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

SECTION 5. CONFLICT.

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

SECTION 6. LIBERAL CONSTRUCTION.

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 7. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.

The foregoing Ordinance was offered by Commissioner ECHOLS, who moved its adoption. The motion was seconded by Commissioner BECK, and being put to a vote, the vote was as follows:

ROBERT L. GIESLER	<u>NOT PRESENT</u>
KENNETH S. JONES	<u>YES</u>
DONNA STORTER LONG	<u>YES</u>
PAUL S. BECK	<u>YES</u>
RUSSELL ECHOLS	<u>YES</u>

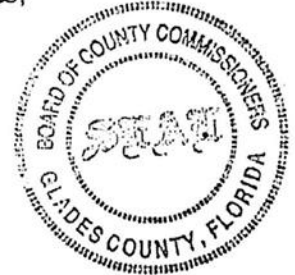
This Ordinance was duly passed and adopted this 22ND day of OCTOBER, 2012.

GLADES COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: Kenneth S. Jones
Kenneth S. Jones,
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Richard W. Pringle
Richard W. Pringle,
County Attorney



ATTEST:

Joe Flint by Sandra H Brown
Joe Flint, Clerk of Courts Sr. Deputy Clerk

EXHIBIT A

Sec. 125-217 General Buffer Requirements

- (1) These buffer requirements will apply for approved development that requires a development order.
- (2) The existing use of the abutting property will determine the type of buffering area required. Where the adjacent properties are vacant, the existing use will be deemed as agricultural, unless future development is approved via a local development order.
- (3) Use categories. In interpreting and applying the provisions of this section, development is classified into the following use categories:

AG	Agricultural Uses
SF	Single-family, duplex or two-family attached, and mobile homes situated on individual lots
MF	Residential structures containing three (3) or more dwelling units on a single parcel or tract, including townhomes.
COM	Light and general commercial uses, public facilities, schools and recreational vehicle parks
IND	Heavy commercial or industrial uses
PUB	Institutional uses such as places of worship and/or public assembly or other civic uses
ROW	Public right of ways or roadway easements

- (4) *Buffer requirements.* The following table provides the required buffer type when a proposed use is abutting an existing use or, in the absence of an existing use, an approved or pending Development Order application that authorizes development of the property.

Existing or Permitted Uses		AG	SF	MF	COM	IND	PUB	ROW
Proposed Use	AG	----	----	----	---	----	----	----
	SF	---	----	----	----	----	----	----
	MF	---	B	---	A	A	A	D
	COM	----	B	B	A	A	A	D
	IND	---	C/E	C/E	B	----	C/E	D
	PUB	---	B	B	A	A	A	D

- (5) *Buffer types.* The following table provides five (5) different buffer types. Each buffer type, identified by a letter, provides the minimum number of trees and shrubs per one hundred (100) linear foot segment of buffering area and indicates whether or not a wall or hedge is required.

Buffer Type	A	B	C	D	E
Minimum Width (measured from property line)	5 ft.	10 ft.	15 ft.	15 ft.	30 ft.
Minimum # of Trees ⁽¹⁾	4	5	5	5	10
Minimum # of Shrubs	---	Hedge ⁽³⁾	18	Hedge ⁽³⁾	Hedge ⁽³⁾
Wall Required ⁽²⁾	No	No	Yes	No	No

(1) Trees within a ROW buffer must be appropriately sized in their mature form so that conflicts with overhead utilities, lighting and signs are avoided.

(2) Where a wall is required in the chart above, the wall can be a solid wall, berm, or wall and berm combination, not less than eight (8) feet in height measured from the adjacent grade. All trees and shrubs required in the buffer must be placed on the exterior side of the wall. Walls must be constructed to ensure that historic flow patterns are accommodated, and all stormwater from the site is directed to on-site detention/retention areas in accordance with SFWMD requirements.

(3) Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high continuous visual screen within one (1) year after time of planting. Type E buffers must be forty-eight (48) inches at installation and must be maintained at sixty (60) inches high to form a continuous visual screen within one (1) year after time of planting.

(6) Uses or activities that generate noise, dust, odor, heat, glare or other similar impacts, must provide either a type C or E buffer, as determined by the community development department director based upon the impact that the proposed development will have on adjacent property.

(7) Walls, berms and buffer plantings must not be placed so they interfere with vehicle visibility.

(8) All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a type D buffer along all perimeters that abut right of ways, and a type C buffer along all perimeters that abut single-family or multiple-family residential uses or zoning.

(9) *Use of buffer areas.* Required buffers may be used for open space and passive recreation such as pedestrian, bike, or equestrian trails, provided that:

- a. No required trees or shrubs are eliminated;
- b. Not more than twenty (20) percent of the width of the buffer is impervious surface;
- c. The total width of the buffer area is maintained; and
- d. All other requirements of this section are met.

(10) *Right of ways and Utilities.* All trees of species whose roots are known to cause damage to public roadways, sidewalks and other public works/utilities shall be planted so as to be no closer than twenty (20) feet to the public works/utilities. Utility or drainage easements may overlap required buffers; however, no buffer trees or shrubs may be located in any utility drainage or street easement or right of way. To avoid conflicts with overhead utility lines, only trees less than twenty (20) feet in height at maturity may be used directly adjacent to an overhead line. No required buffers can be located in public or private road right of ways. No required buffers or landscaping can be located in utility easements without the written approval of the utility.

(11) *Plant material standards.*

- a. Quality. Plant materials used to meet the requirements of this division must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended).
- b. Native plantings. At least seventy-five (75) percent of the trees and shrubs used to fulfill

these requirements must be native Florida species (South Florida Water Management District xeriscape approved trees and shrubs qualify).

c. Other buffer plantings requirements.

- i. Buffer plantings must be a minimum of twenty-four (24) inches in height at time of planting. Type E Buffer plantings must be forty-eight (48) inches in height at the time of planting.
- ii. Buffer plantings must be a minimum three-gallon container size and be spaced eighteen (18) to thirty-six (36) inches on center.
- iii. Buffer plantings must be at least thirty-six (36) inches in height within one (1) year of the time of planting and maintained in perpetuity at a height of no less than thirty-six (36) inches above the final grade level or the adjacent pavement required to be buffered or screened, whichever is higher, except for visibility at intersections and where pedestrian access is provided.
- iv. Type E Buffer plantings must be at least sixty (60) inches in height within one (1) year of the time of planting and maintained at sixty (60) inches for perpetuity above the final grade level or the adjacent pavement required to be buffered or screened, whichever is higher, except for visibility at intersections and where pedestrian access is provided.
- v. Required hedges must be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within one (1) year after time of planting.

d. Mulch requirements. A two-inch minimum layer, after watering-in, of mulch, rock or other recycled materials must be placed and maintained around all newly installed trees, shrubs, and ground cover plantings. Each tree must have a ring of mulch no less than twenty-four (24) inches beyond its trunk in all directions. The use of cypress mulch is strongly discouraged.

e. Ground cover plantings are encouraged as a supplement to the other buffer requirements described herein.

(12) *Timing of Installation.* Required plantings must be installed prior to the issuance of a certificate of occupancy within the project.

(13) *Installation Requirements.* Plant materials must be installed in soil conditions that are conducive to the proper growth of the plant material. Soils unsuitable for plantings must be replaced with growing quality soil before planting. A plant's growth habit must be considered in advance of conflicts that might be created (e.g. views, signage, overhead power lines, lighting, and circulation). Trees may not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they will require frequent pruning in order to avoid interference with overhead power lines. All landscape materials must be installed in a recognized horticultural correct manner. At a minimum, the following installation requirements must be met:

- a. All landscape areas must be mulched unless vegetative cover is already established.

b. Trees and shrubs used in buffers must be planted in a minimum width area equal to one-half ($\frac{1}{2}$) the required width of the buffer; however, in no case may the planting area be less than five (5) feet in width.

c. Required plants used in buffers and landscaping must, to the maximum extent possible, be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, ground cover, mulching, and the reduction of turf areas. Landscaping must have sufficient establishment of water to survive.

d. Safe sight distance triangles at intersections and vehicle connections must be maintained.

(13) *Maintenance Requirements.* Owner is responsible for maintaining the required landscaping in a healthy condition at all times. Landscaping and buffers shall be maintained as follows:

a. Dead or diseased vegetation/trees shall be removed and replaced with healthy vegetation or trees immediately.

b. Debris (trash, etc.) shall be removed as needed to avoid any accumulation.

c. Tree and palm staking must be removed within twelve (12) months after installation.

d. Ongoing maintenance to prohibit the establishment of prohibited invasive exotic species is mandatory.