



**Hillsborough
County Florida**

LDC TEXT AMENDMENT

24-0342

- **INTENT STATEMENT**
- **PROPOSED TEXT CHANGE**


LDC 24-0342
Setbacks form Environmentally Sensitive Areas—Wetlands and Natural Water Bodies

INTENT STATEMENT

The proposed amendment to the Land Development Code regarding wetland setbacks refines the instances where wetland setbacks would provide functional protection to adjacent wetlands.

The proposed amendment does the following:

1. Removes the requirement for a wetland setback when wetlands are approved to be impacted creating a new wetland line and site changes would not have water flowing through the otherwise-applicable setback area to the wetland
2. Allows fences that do not impede the flow of stormwater to be located within wetland setback areas
3. Allows pool screen enclosures to be located in portions of wetland setback areas where pools are currently allowed

LDC 24-0342	Division Director Sign-off	 Brian Grady ed Feb 21 2024 16:42:07
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Setbacks from Environmentally Sensitive Areas—Wetlands and Natural Water Bodies

Sec. 4.01.07. Environmentally Sensitive Areas—Wetlands and Natural Water Bodies

A. Activities Prohibited, Allowed

1. Land alteration activity which destroys, reduces, impairs or otherwise adversely impacts a wetland or natural body of water shall be prohibited unless specifically approved by the [Environmental Protection Commission of Hillsborough County \(EPC\)](#), in accordance with EPC Rule Chapter 1-11, or, in the case of seawalls, such other regulatory agencies as are empowered by law to authorize such activities.
2. Land alteration activity which destroys, reduces, impairs or otherwise adversely impacts a wetland within 500 feet of the Hillsborough River, Alafia River, or Little Manatee River shall be prohibited, regardless of any other regulatory agency authorization. The 500 feet shall be measured from the jurisdictional line established by the [Environmental Protection Commission of Hillsborough County \(EPC\)](#) for wetlands and natural waterbodies.
3. Wetlands and natural water bodies to be protected from development shall be designated Conservation Area or Preservation Area, as appropriate, on all development plans and plats. (See definition of environmentally sensitive areas.)

B. Setbacks

1. Setbacks shall be required from those Conservation and Preservation Areas listed as wetlands or natural water bodies in the definition of environmentally sensitive areas. Setbacks shall be a minimum of 30 feet for Conservation Areas and a minimum of 50 feet for Preservation Areas. Wider setbacks may be required by the [Environmental Protection Commission of Hillsborough County \(EPC\)](#) depending on the environmental sensitivity of the area and the intensity of the development proposed adjacent to the area. For example, a wider setback may be required for a large excavation proposed adjacent to a wetland in order to prevent dewatering of the wetland. Narrower setbacks may be allowed to preserve trees within the portion of the parcel to be developed, if specifically approved by the Administrator and the [Environmental Protection Commission of Hillsborough County \(EPC\)](#).
2. Notwithstanding Section 4.01.07 B.1., no setback shall be required landward of a seawall which is constructed pursuant to the approval of appropriate regulatory agencies (see definition of seawall), with the exception of a seawall permitted along a lake. Pursuant to the description of a lake, as defined by this Code, setbacks shall be required in accordance with Section 4.01.07.B.1.
3. Removal of native vegetation within a required setback is discouraged and may be restricted or prohibited by the [Environmental Protection Commission of Hillsborough County \(EPC\)](#) to protect the wetland or water body. The [Environmental Protection Commission of Hillsborough County \(EPC\)](#) may require that all or a portion of the vegetation within a setback be retained to provide natural filtration of surface water runoff or to prevent soil erosion and downstream sedimentation. For example, the retention of the vegetation along the bank of an incised stream or river may be required.
4. No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a road essential for access, wetland recreation access no greater than 20 feet wide, construction of a stormwater retention or detention basin or other stormwater-related structure including fences that do not impede the flow of water based on elevation or design of the fence, construction of a boardwalk or other stilted structure, grade finishing to provide a gradual slope between the setback line and the environmentally sensitive area, the limited use of semi-pervious paving material, construction of a retaining wall, recreational trail, or golf cart path; or except as specifically approved for construction of a swimming pool and pool screen

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- enclosure, provided there is no encroachment within 15 feet of a Conservation Area and 25 feet of a Preservation Area.
5. In the event that a wetland is impacted and reduced as authorized by the Environmental Protection Commission of Hillsborough County (EPC) or other agency with jurisdiction to do so, and a new wetland line is established, the setbacks required by this Section shall apply unless the new wetland line will not have any untreated stormwater flowing to it due to stormwater attenuation, new topography or improvements such as a retaining wall, in which case a setback will not be required ~~from the new wetland line~~ only at the portion of the line established as a result of the approved impact.

(Ord. No. 04-27, § 2, 6-10-04)

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