

**HILLSBOROUGH COUNTY
PLANNING & GROWTH MANAGEMENT AND ENVIRONMENTAL PROTECTION COMMISSION
WETLAND SETBACK ENCROACHMENT VEGETATIVE COMPENSATION GUIDELINES**

BACKGROUND

The Land Development Code (LDC) defines wetlands and natural water bodies as environmentally sensitive areas. Land alterations which propose impacts to or would otherwise adversely affect such areas are prohibited unless specifically approved by the Environmental Protection Commission (EPC) in accordance with EPC Rule Chapter 1-11. Additionally, these areas are to be depicted on all development plans as either a Wetland Conservation Area or a Wetland Preservation Area.

In order to minimize the primary and secondary impacts of development to these environmentally sensitive areas, setbacks of 30 feet for Conservation Areas and 50 feet for Preservation Areas are required as prescribed within LDC Section 4.01.07. Depending on the environmental sensitivity of the protected area or the intensity of a proposed development, a wider setback as determined by the EPC may be required. No filling, excavating or placement of permanent structures or other impervious surfaces are allowed within the setback except for those activities identified in LDC Section 4.01.07.B that are approved either administratively or through a variance. As identified in LDC Section 4.01.07.B.3, native vegetation within a wetland setback is recognized to provide natural filtration of surface water runoff or prevent soil erosion and downstream sedimentation to a wetland area. Therefore, to address these environmental benefits, LDC Section 4.01.07.B.3 prescribes the removal of native vegetation within a required setback is discouraged and may be restricted or prohibited by the EPC to protect the integrity of the wetland or water body.

PURPOSE

In consideration of the background discussion, the intent of these guidelines is to provide a clear, concise and uniform format to determine when and how vegetative compensation requirements for wetland setback encroachments will be administered by Hillsborough County. These guidelines are not intended to supplant current LDC regulations or add further regulations to what is currently provided by the LDC, but to provide a procedure creating consistency among staff when making decisions to administer vegetative compensation plantings for permitted wetland setback encroachments. These guidelines are also intended to assist the applicant with the planning and design components of a development application by providing a written instrument describing expected administrative procedures.

EXCEPTIONS

Wetland setback encroachment compensation plantings shall not be required for wetland setback encroachments resulting from:

- A road or drive essential for access into the property.
- Wetland mitigation areas as required by the pertinent regulatory agency.

GUIDELINES

Setbacks, even those without significant native vegetation, provide a protective buffer between wetlands and nearby development activities. Therefore, every effort should be made during site design to preserve wetland setbacks in their entirety.

If site constraints and required development activities result in the need to encroach into wetland setbacks every effort should be made to minimize the encroachment and to locate the encroachment within the least desirable portion of the setback. Some encroachments will require compensation plantings to offset the loss of the

environmental benefits provided to the wetland by the setback. In these situations, a detailed vegetative proposal compensating for the area of encroachment must be depicted on the site plan.

The requirement for wetland setback encroachment compensation will be evaluated under two categories. These categories are classified as pervious encroachments and impervious encroachments.

Pervious Encroachments: Approved encroachments including but not limited to fill slopes, ponds or roadway berms of 15-feet or less shall not require compensation plantings for setbacks dominated (i.e. 50% or greater) by non-native vegetation provided that the area of encroachment is sodded upon completion of the encroachment activities. Pervious encroachments into areas dominated (i.e. 50% or greater) by native Florida vegetation will require compensation planting unless the area of encroachment is less than the exemption listed below(*).

Impervious Encroachments: Approved encroachment activities including but not limited to buildings, roads, pavement and sidewalks into setbacks shall require compensation plantings with native Florida shrub species within the remaining portion of the setback, unless the area of encroachment is less than the exemption listed below(*).

(*) Exemption: For commercial, subdivision projects and single family residential lots native plantings will not be required if the total area of wetland setback encroachment is less than 500 square feet for commercial or subdivision projects or 500 square feet or 10% of the total area of the setback, whichever is less, for single-family residential lots.

WETLAND SETBACK ENROACHMENT COMPENSATION PLANTING REQUIREMENTS:

- The area of required planting will be a minimum 1:1 ratio for the area of encroachment which is not exempt. No more than a 1:1 ratio shall be required. Additional compensation may be proposed.
- Compensation plantings will consist of native shrubs with no less than two species and each species will comprise no less than 30% of the total number of required shrub plantings. See Table 1 for suggested species.
- All shrub plantings will be evenly spaced on 5 foot centers with a minimum size of 3 gallon or #3 size material.
- Plantings will be located within any suitable, open areas of the remaining setback abutting the area of encroachment or if these areas do not exist, the plantings may be located within or adjacent to another portion of the site's wetland setback. If no suitable planting areas exist on site, a wetland and/or wetland setback enhancement plan, nuisance species control program or other suitable compensation alternative may be proposed.
- The installation of a suitable irrigation system is recommended to ensure plant establishment and fulfillment of the required survival criteria.

Native tree and herbaceous species may be utilized in addition to the required shrub plantings to establish canopy or groundcover components if desired by the applicant.

MONITORING REQUIREMENTS:

Monitoring of planted areas shall consist of the following:

- A time-zero report, listing species and #s planted, upon completion of the plantings shall be provided to the Natural Resources Section of PGMD no later than 30 days following planting completion.
- Two annual reports that list survival % per species and any required replants shall be provided to the Natural Resources Section of PGMD no later than 30 days following data collection.
- Planted shrub species must maintain a minimum 85% survival rate with annual replanting if needed. Exotic and nuisance species (reference most current Florida Exotic Pest Plan Council list) cover within the planting zones must be maintained below 10%.
- For nuisance species control programs areas, all exotic and nuisance species must be removed during the initial control event(s) and total nuisance species coverage must be maintained below 10% for 2 years thereafter.

Examples of Florida Native Plants: Other Florida native plants may be substituted for those listed below.

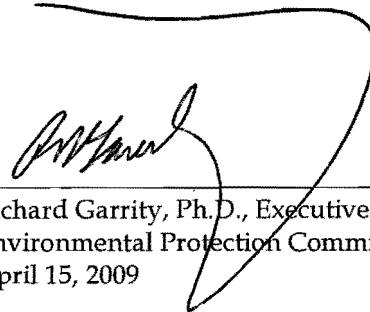
Table 1.

American beauty berry	<i>Callicarpa americana</i>
Buttonwood	<i>Conocarpus erectus</i>
Coral bean	<i>Erythrina herbacea</i>
Firebush	<i>Hamelia patens</i>
Flatwoods Plum	<i>Prunus umbellata</i>
Gallberry	<i>Ilex glabra</i>
Hog Plum	<i>Ximenia americana</i>
Rusty Lyonia	<i>Lyonia ferruginea</i>
Saw palmetto	<i>Serenoa repens</i>
Shiney coffee	<i>Psychotria nervosa</i>
Shiny Lyonia	<i>Lyonia lucida</i>
Simpsons stopper	<i>Myricanthes fragrans</i>
St. Andrew's Cross	<i>Hypericum hypericoides</i>
Staggerbush	<i>Lyonia Fruticosa</i>
Walter's viburnum	<i>Viburnum obovatum</i>
Wax myrtle	<i>Myrica cerifera</i>
Winged Sumac	<i>Rhus copallinum</i>

Approved to administer on an effective date of May 18, 2009.



Peter Aluotto, AICP, Director
Planning & Growth Management Department
April 15, 2009



Richard Garrity, Ph.D., Executive Director
Environmental Protection Commission
April 15, 2009