

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 5, 2009

SUBJECT: Large Scale Comprehensive Plan Amendments – 1st Cycle
2009 - Conservation Element amendments

APPLICANT: Administrative

NUMBER: LUPA 09-01

PROJECT PLANNER: Steven Spraker, Senior Planner

INTRODUCTION:

This is an administrative request to amend and update the Goals, Objectives, and Policies of the Conversation Element per the City's Evaluation and Appraisal Report (EAR). These amendments include modifications to Objective 2.1 and related Policies (Floodplains), Objective 5.4 and related Policies (Wetlands) and creating a new Goal, Objective and Policies for Low Impact Development.

BACKGROUND:

Under Florida Statutes, the City can amend its Comprehensive Plan twice per calendar year. After the Planning Board hearing, the proposed text amendments will be reviewed by the City Commission and, if approved, transmitted to the Florida Department of Community Affairs (DCA), Volusia County Growth Management Commission (VGMC), and abutting jurisdictions for review. The DCA will issue an Objections, Recommendations and Comments Report which must be taken into consideration by the City prior to adopting the amendment cycle. Below is a draft schedule (subject to change) for the 1st cycle 2009 amendments:

Planning Board	January 15, 2009
City Commission transmittal	February 17, 2009
Transmit to review agencies	February 24, 2009
Objection, Recommendation, Comment Report from DCA	May 1, 2009
VGMC Review	May 1, 2009
Response Period (if necessary)	June 1, 2009
City Commission Adoption (1st reading)	June 16, 2009
City Commission Adoption (2nd reading)	July 7, 2009

Planning staff has been in the process of conducting the EAR since December of 2007. Staff presented an assessment of the Conservation Element to the Environmental Advisory Board (EAB) on June 11, 2008. The EAB recommended modifying the existing floodplain and wetland regulations to follow the St. Johns River Water Management District (SJRWMD) standards. The Planning Board reviewed the Conservation Element assessment on July 1, 2008. On July 28, 2008, the City Commission reviewed the EAR and stated that there was consensus to adopt the SJRWMD standards to protect the aquifers and allow the low impact development. In the City Commission discussion it was stated that this action would remove the City from the wetland permitting business, reduce staff time, clear issues for those who wish to develop, and eliminate forum shopping. The City Commission also provided direction to proceed with the compensatory storage, which was the scientific method rather than using the floodplain percentages in addition to the compensatory storage method.

The purpose of the attached amendments is to:

1. Delete the fill in the floodplain percentage limitations and require compensatory storage. The amendments propose to implement direction received in the EAR process to delete the fill in the floodplain percentages and have compensatory storage calculations for development in the floodplain.
2. Delete the wetland classification system in the Element and any references to the classification system. The current wetland regulations are contained word for word in both the Comprehensive Plan Conservation Element and the Land Development Code. It is important to note that the proposed amendments establish the framework for wetland regulations within the Land Development Code with general Policies. The amendments also seek to update the mitigation requirements to meet the Uniform Mitigation Assessment Method (UMAM) standards. The City can decide how to regulate wetlands within the Land Development Code once the Conservation Element changes have been approved. The range of options includes maintaining the existing wetland regulations to following the SJRWMD wetland standards. In the courtesy review of the EAR, the East Coast Central Regional Planning Council commented that they preferred utilizing the SJRWMD standards.

In the modification of the wetland standards, Objective 5.4, staff sought to better organize the Policies as follows:

Policies 5.4.1 to 5.4.10 – General policy and reports required.

Policies 5.4.11 to 5.4.28 – Wetland standard policies.

Policies 5.4.29 to 5.4.35 – Wetland mitigation requirements.

Staff has relocated existing Policy 1.2.6 to Objective 5.4, now listed as Policy 5.4.6. This Policy is applicable to lands abutting the Tomoka and Halifax Rivers and their tributaries and wetlands, as well as creeks such as Thompson and Dodson. This Policy maintains the environmental protection for the existing classification system of Class I wetlands. In addition, the Tomoka River has the SJRWMD Riparian Habitat Protection Zone (RHPZ) that regulates any development. When the LDC is reviewed for amendments to the wetland

standards, there would be an ability to modify the existing Class II and III wetland standards. Most Class IV wetlands are incorporated into stormwater management systems. It is important to note that Volusia County is reviewing their wetland regulations and any City amendments would need to be consistent with the Volusia County regulations.

3. Modify other Policies based on the reviewed performed as part of the EAR process.
4. Add a Goal, Objective, and Policies to implement Low Impact Development.

ANALYSIS:

Below is a summary of the proposed changes within the Conservation Element. The actual changes are included in Exhibit "A".

WATERSHEDS, LAKES AND RIVERS

OBJECTIVE 1.1.

The City shall maintain the native aquatic and wetland floral and faunal species diversity of the upper Halifax River and Tomoka River.

Maintain. No Changes.

Policy Review

The objective contains 7 policies and the following actions are proposed:

- Policy 1.1.1: Maintain. No change.
- Policy 1.1.2: Maintain. No change.
- Policy 1.1.3: Maintain. No change.
- Policy 1.1.4: Maintain. No change.
- Policy 1.1.5: Maintain. No change.
- Policy 1.1.6: Maintain. No change.
- Policy 1.1.7: Modify. Delete references to wetland classifications.

OBJECTIVE 1.2.

The City shall protect, enhance, and improve the ambient surface water quality of the Halifax River, the Tomoka River and their tributaries.

Maintain. No Changes.

Policy Review

The objective contains 12 policies and the following actions are proposed:

- Policy 1.2.1: Maintain. No change.
- Policy 1.2.2: Maintain. No change.

- Policy 1.2.3: Maintain. No change.
- Policy 1.2.4: Maintain. No change.
- Policy 1.2.5: Maintain. No change.
- Policy 1.2.6: Delete and move to the Wetlands Objective (5.4)
- Policy 1.2.7: Maintain. No change. Renumbered.
- Policy 1.2.8: Maintain. No change. Renumbered.
- Policy 1.2.9: Maintain. No change. Renumbered.
- Policy 1.2.10: Maintain. No change. Renumbered.
- Policy 1.2.11: Delete. Repetitive to policy in the Coastal Element.
- Policy 1.2.12: Maintain. No change. Renumbered.

OBJECTIVE 1.3.

The City shall continue to promote intergovernmental coordination to maintain or improve the water quality, water quantity, recreational, fish, and wildlife resource values of the Halifax River, the Tomoka River, and their tributaries.

Maintain. No Changes.

Policy Review

The objective contains 3 policies and the following actions are proposed:

- Policy 1.3.1: Maintain. No change.
- Policy 1.3.2: Maintain. No change.
- Policy 1.3.3: Modified to recognize the City is not the primary agency in river safety, but will work in cooperation with other agencies.

OBJECTIVE 1.4.

The City shall continue to review development proposals and establish programs to balance the functioning values of the Halifax River and the Tomoka River in order to maintain an optimum combination of aesthetic, ecological, recreational, and historical resources.

Maintain. No Changes.

Policy Review

The objective contains 5 policies and the following actions are proposed:

- Policy 1.4.1.: Maintain. No change.
- Policy 1.4.2.: Maintain. No change.
- Policy 1.4.3.: Maintain. No change.

Policy 1.4.4.: Maintain. No change.

Policy 1.4.5.: Maintain. No change.

OBJECTIVE 1.5.

Artificially constructed lakes shall be designed and located so as to not negatively affect the aesthetics, ambient water quality, biotic composition/diversity, environmental integrity, flood capacity, public health and safety, or recreational values of the upper Halifax River, the Tomoka River, or their tributaries.

Maintain. No Changes.

Policy Review

The objective contains 2 policies and the following actions are proposed:

Policy 1.5.1.: Modify: Amend language regarding the Development Review Board and written opinion of the City Engineer. This type of activity is regulated by the LDC and St. Johns River Water Management District (SJRWMD).

Policy 1.5.2.: Modify. Change reference to class of wetland.

OBJECTIVE 1.6.

Rezoning shall be consistent with the Comprehensive Plan and with the objective of preserving ecological systems and the aesthetic qualities of the community.

Added from the Coastal Element.

Policy Review

The objective contains 3 policies and the following actions are proposed:

Policy 1.6.1.: Added from the Coastal Element.

Policy 1.6.2.: Added from the Coastal Element.

Policy 1.6.3.: Added from the Coastal Element.

FLOODPLAINS

OBJECTIVE 2.1.

Flood control for new development shall continue to be accomplished through the limitation of fill in the 100-year floodplain, as defined by FEMA and FIRM maps. Where fill is permitted to be used, compensatory storage for such fill shall be required in upland areas to the extent that is economically feasible and environmentally sound.

Delete current objective and replace with language that requires compensatory storage.

Policy Review

The objective contains 9 policies and the following actions are proposed:

- Policy 2.1.1.: Delete current policy and replace with language that requires compensatory storage.
- Policy 2.1.2.: Maintain. No change.
- Policy 2.1.3.: Modify. Current language states prohibit which is not correct. The City currently allows fill. Modify prohibit to regulate.
- Policy 2.1.4.: Modified to allow compensatory storage on the same or adjacent site or within the same basin.
- Policy 2.1.5.: Modified to delete study information.
- Policy 2.1.6.: Maintain. No change.
- Policy 2.1.7.: Delete – fill limitation policy.
- Policy 2.1.8.: Delete.
- Policy 2.1.9.: Modified to clarify within the floodplain and re-numbered.

OBJECTIVE 2.2.

The City shall protect the natural functioning values of the floodplains to the maximum extent feasible through buffer requirements, fill limitations, conservation easements, and tree protection ordinances.

Delete current objective. Repetitive of other Policies, including 1.2.6 (moved to Policy 5.4.6.).

Policy Review

The objective contains 6 policies and the following actions are proposed:

- Policy 2.2.1.: Delete - Repetitive policy.
- Policy 2.2.2.: Delete - Repetitive policy.
- Policy 2.2.3.: Delete - Repetitive policy.
- Policy 2.2.4.: Delete.
- Policy 2.2.5.: Delete.
- Policy 2.2.6.: Delete – in Coastal Management Element.

OBJECTIVE 2.3.

All development shall continue to be reviewed in accordance with the floodplain management criteria of the City's Flood Hazard Area section of the LDC, as amended, and other applicable policies as contained within the Code of Ordinances and the Comprehensive Plan.

Re-numbered.

Policy Review

The objective contains 9 policies and the following actions are proposed:

- Policy 2.3.1.: Re-numbered.
- Policy 2.3.2.: Re-numbered.
- Policy 2.3.3.: Re-numbered.
- Policy 2.3.4.: Re-numbered.
- Policy 2.3.5.: Re-numbered.
- Policy 2.3.6.: Modify. Include re-located policy.
- Policy 2.3.7.: Re-numbered.
- Policy 2.3.8.: Re-numbered.
- Policy 2.3.9.: Re-numbered.

GROUNDWATER

OBJECTIVE 3.1.

The City shall prevent saltwater intrusion by limiting potentially harmful water extractions and ensuring recharge occurs to the maximum extent practical and technically feasible.

No changes.

Policy Review

The objective contains 4 policies and the following actions are proposed:

- Policy 3.1.1.: Maintain. No changes.
- Policy 3.1.2.: Modify. Water Supply Plan Amendment.
- Policy 3.1.3.: Maintain. No changes.
- Policy 3.1.4.: Maintain. No changes.

OBJECTIVE 3.2.

Coordinate with Federal, State, regional, and other local agencies to develop intergovernmental responses to groundwater problems. This shall include support of interlocal agreements fostered through active membership in the Volusia Water Alliance.

Modify. Water Supply Plan Amendment.

Policy Review

The objective contains 4 policies and the following actions are proposed:

Policy 3.2.1.: Delete. Volusia County has the responsibility of the County landfill.

Policy 3.2.2.: Modify. Water Supply Amendment. Re-number.

Policy 3.2.3.: Re-number.

Policy 3.2.4.: Modify. Water Supply Amendment. Re-number.

OBJECTIVE 3.3.

Excavation projects shall not harm the Volusia-Floridian Sole Source Aquifer.

Maintain. No changes.

Policy Review

The objective contains 1 policy and the following actions are proposed:

Policy 3.3.1.: Maintain. No Change.

OBJECTIVE 3.4.

The City shall act to prevent groundwater contamination and to ensure that any contamination will be quickly detected and subjected to a swift and effective response.

Policy Review

The objective contains 3 policies and the following actions are proposed:

Policy 3.4.1.: Maintain. No change.

Policy 3.4.2.: Maintain. No change.

Policy 3.4.3.: Maintain. No change.

OBJECTIVE 3.5.

All requests for development shall be reviewed to ensure that potential impacts of the proposed development activity do not degrade the quantity and quality of groundwater resources.

Maintain. No change.

Policy Review

The objective contains 8 policies and the following actions are proposed:

- Policy 3.5.1.: Maintain. No change.
- Policy 3.5.2.: Maintain. No change.
- Policy 3.5.3.: Maintain. No change.
- Policy 3.5.4.: Maintain. No change.
- Policy 3.5.5.: Maintain. No change.
- Policy 3.5.6.: Maintain. No change.
- Policy 3.5.7.: Maintain. No change.
- Policy 3.5.8.: Maintain. No change.

POTABLE WATER

OBJECTIVE 4.1.

Provision of potable water services shall be extended where needed, economically feasible, and environmentally acceptable.

Maintain. No change.

Policy Review

The objective contains 2 policies and the following actions are proposed:

- Policy 4.1.1.: Maintain. No change.
- Policy 4.1.2.: Maintain. No change.

OBJECTIVE 4.2.

The City shall cooperate and coordinate the provision of water supplies with State, regional, and local governments.

Maintain. No change.

Policy Review

The objective contains 3 policies and the following actions are proposed:

- Policy 4.2.1.: Maintain. No change.
- Policy 4.2.2.: Modify. Water Supply Amendment.
- Policy 4.2.3.: Maintain. No change.

OBJECTIVE 4.3.

In order to maintain adequate potable water supplies to meet public health, safety, and welfare needs and minimize adverse economic, social, and environmental impacts, the City shall encourage and require water conservation.

Maintain. No change.

Policy Review

The objective contains 5 policies and the following actions are proposed:

- Policy 4.3.1.: Maintain. No change.
- Policy 4.3.2.: Maintain. No change.
- Policy 4.3.3.: Maintain. No change.
- Policy 4.3.4.: Modify. Water Supply Amendment.
- Policy 4.3.5.: Modify. Water Supply Amendment.

VEGETATION

OBJECTIVE 5.1.

The City shall maintain and periodically review standards and programs that maintain upland ecological communities to the maximum extent feasible within the City.

Maintain. No change.

Policy Review

The objective contains 8 policies and the following actions are proposed:

- Policy 5.1.1.: Maintain. No change.
- Policy 5.1.2.: Maintain. No change.
- Policy 5.1.3.: Maintain. No change.
- Policy 5.1.4.: Maintain. No change.
- Policy 5.1.5.: Maintain. No change.
- Policy 5.1.6.: Maintain. No change.

Policy 5.1.7.: Maintain. No change.

Policy 5.1.8.: Maintain. No change.

OBJECTIVE 5.2.

Balance the combination of aesthetic, ecological, recreational and utilitarian qualities of the land for the long-term public interest.

Maintain. No change.

Policy Review

The objective contains 15 policies and the following actions are proposed:

Policy 5.2.1.: Maintain. No change.

Policy 5.2.2.: Modify. Delete “based on Ecosystems Management Practices”.

Policy 5.2.3.: Maintain. No change.

Policy 5.2.4.: Maintain. No change.

Policy 5.2.5.: Maintain. No change.

Policy 5.2.6.: Maintain. No change.

Policy 5.2.7.: Maintain. No change.

Policy 5.2.8.: Maintain. No change.

Policy 5.2.9.: Maintain. No change.

Policy 5.2.10.: Delete. Wetland classification Policy.

Policy 5.2.11.: Maintain. No change.

Policy 5.2.12.: Maintain. No change.

Policy 5.2.13.: Maintain. No change.

Policy 5.2.14.: Maintain. No change.

Policy 5.2.15.: Maintain. No change.

OBJECTIVE 5.3.

The City shall promote the use of native drought-resistant vegetation in landscaping.

Added from Coastal Element (Objective 2.2)

Policy Review

The objective contains 3 policies and the following actions are proposed:

- Policy 5.3.1.: Maintain. No change.
- Policy 5.3.2.: Maintain. No change.
- Policy 5.3.3.: Maintain. No change.
- Policy 5.3.4.: Added from Coastal Element (Objective 2.2).
- Policy 5.3.5.: Added from Coastal Element (Objective 2.2).
- Policy 5.3.6.: Added from Coastal Element (Objective 2.2).
- Policy 5.3.7.: Added from Coastal Element (Objective 2.2).

OBJECTIVE 5.4.

Wetland areas within the City shall be preserved in accordance with a City wetland doctrine that incorporates the need for wetlands preservation; promotes economic development that creates long-term jobs by establishing a means to allow wetland impacts for industrial land uses in platted industrial parks; inventories existing wetlands within the City; ranks their significance; sets performance criteria to maintain wetland functions; establishes transition zones; and establishes land use policies for transition zones.

Modify to delete current classification system.

Policy Review

The objective contains 47 policies and the following actions are proposed:

- Policy 5.4.1.: Delete. Relocate to 5.4.11. Insert current Policy 5.4.44.
- Policy 5.4.2.: Delete. Relocate to 5.4.13. Insert current 5.4.15 and modify.
- Policy 5.4.3. Delete. Relocate to 5.4.14. Insert current Policy 5.4.6.
- Policy 5.4.4. Delete. Relocate to 5.4.15. Insert current Policy 5.4.34.
- Policy 5.4.5.: Delete. Relocate to 5.4.16. Insert current Policy 5.4.45.
- Policy 5.4.6: Delete. Relocate to Policy 5.4.3. Insert current Policy 1.2.6.
- Policy 5.4.7: Delete. Relocate to 5.4.17. Insert new policy – City wetland policies must be consistent with Volusia County standards.
- Policy 5.4.8.: Delete. Relocate to 5.4.18. Insert current Policy 5.4.27.
- Policy 5.4.9: Delete. Relocate to 5.4.19. Insert current Policy 5.4.35.

- Policy 5.4.10: Maintain. No change.
- Policy 5.4.11: Delete. Insert Policy current 5.4.1.
- Policy 5.4.12: Maintain. No change.
- Policy 5.4.13: Delete. Insert current Policy 5.4.2.
- Policy 5.4.14: Delete. Insert current Policy 5.4.3.
- Policy 5.4.15: Delete. Re-located to Policy 5.4.2. Insert current Policy 5.4.4.
- Policy 5.4.16: Delete. Insert current Policy 5.4.5.
- Policy 5.4.17: Delete. Insert current Policy 5.4.7.
- Policy 5.4.18: Delete. Insert current Policy 5.4.8.
- Policy 5.4.19: Delete. Insert current Policy 5.4.9.
- Policy 5.4.20: Delete. Insert current Policy 5.4.21.
- Policy 5.4.21: Delete. Re-located to Policy 5.4.20. Insert current Policy 5.4.22.
- Policy 5.4.22: Delete. Re-located to Policy 5.4.21. Insert current Policy 5.4.28.
- Policy 5.4.23: Delete. Insert current Policy 5.4.24.
- Policy 5.4.24: Delete. Re-located to Policy 5.4.23. Insert current Policy 5.4.29.
- Policy 5.4.25: Delete. Insert current Policy 5.4.30.
- Policy 5.4.26: Delete. Insert current Policy 5.4.31.
- Policy 5.4.27: Delete. Relocate Policy 5.4.8 Insert current Policy 5.4.32.
- Policy 5.4.28: Delete. Re-located to Policy 5.4.22. Insert current Policy 5.4.26 and modify.
- Policy 5.4.29: Delete. Re-locate to 5.4.24. Insert current Policy 5.4.36.
- Policy 5.4.30: Delete. Re-located to Policy 5.4.25. Insert current Policy 5.4.37.
- Policy 5.4.31: Delete. Re-located to Policy 5.4.26. Insert current Policy 5.4.38.
- Policy 5.4.32: Delete. Re-located to Policy 5.4.32. Insert current Policy 5.4.39. and modify.
- Policy 5.4.33: Delete and insert current Policy 5.4.41.
- Policy 5.4.34: Delete. Relocate to Policy 5.4.4. Insert current Policy 5.4.40.
- Policy 5.4.35: Delete. Relocate to Policy 5.4.9. New policy.

- Policy 5.4.36: Delete. Insert current Policy 5.4.29.
- Policy 5.4.37: Delete.
- Policy 5.4.38: Delete.
- Policy 5.4.39: Delete.
- Policy 5.4.40: Delete.
- Policy 5.4.41: Delete. Relocate to Policy 5.4.33.
- Policy 5.4.42: Delete.
- Policy 5.4.43: Delete.
- Policy 5.4.44: Delete and re-locate to Policy 5.4.1.
- Policy 5.4.45: Delete. Relocate to Policy 5.4.5.
- Policy 5.4.46: Delete.
- Policy 5.4.47: Delete.

FISH AND WILDLIFE

OBJECTIVE 6.1.

The City and any development activity shall ensure that viable sized tracts of unique and significant natural habitat areas and wildlife corridors are preserved and protected with adequate buffers of native vegetation and an effective management plan in order to minimize the adverse effect of development or recreation activity on fish and wildlife. Fisheries, fishes, wildlife, and wildlife or marine life habitats shall be conserved, appropriately used, and protected, particularly those which are threatened, endangered, or of special concern.

Maintain. No changes.

Policy Review

The objective contains 29 policies and the following actions are proposed:

- Policy 6.1.1.: Maintain. No change.
- Policy 6.1.2.: Maintain. No change.
- Policy 6.1.3.: Maintain. No change.
- Policy 6.1.4.: Modify. Add - in conjunction with other agencies.
- Policy 6.1.5.: Maintain. No change.
- Policy 6.1.6.: Delete: Repetitive to Policy 6.1.9.
- Policy 6.1.7.: Maintain. No change.
- Policy 6.1.8.: Maintain. No change.

- Policy 6.1.9.: Maintain. No change.
- Policy 6.1.10.: Maintain. No change.
- Policy 6.1.11.: Maintain. No change.
- Policy 6.1.12.: Maintain. No change.
- Policy 6.1.13.: Maintain. No change.
- Policy 6.1.14.: Delete –repetitive of Objective 5.3 and related Policies.
- Policy 6.1.15.: Maintain. No change.
- Policy 6.1.16.: Maintain. No change.
- Policy 6.1.17.: Maintain. No change.
- Policy 6.1.18.: Maintain. No change.
- Policy 6.1.19.: Maintain. No change.
- Policy 6.1.20.: Maintain. No change.
- Policy 6.1.21.: Maintain. No change.
- Policy 6.1.22.: Maintain. No change.
- Policy 6.1.23.: Maintain. No change.
- Policy 6.1.24.: Maintain. No change.
- Policy 6.1.25.: Maintain. No change.
- Policy 6.1.26.: Maintain. No change.
- Policy 6.1.27.: Modify to delete wetland and floodplain percentage language.
- Policy 6.1.28.: Maintain. No change.
- Policy 6.1.29.: Maintain. No change.

OBJECTIVE 6.2.

The City shall cooperate with other governmental agencies and conservation groups in the development of a public awareness program for fish and wildlife conservation.

Delete, exists in Intergovernmental Coordination Element.

Policy Review

The objective contains 1 policy. Staff recommends the deletion of this policy.

Policy 6.2.1.: See Policy 1.3.3. of Intergovernmental Coordination Element.

USES OF NATURAL RESOURCES

OBJECTIVE 7.1.

The City shall support the acquisition of unique or environmentally significant properties for public conservation reservations and maintain its proposed level-of-service for passive parks.

Maintain. No changes.

Policy Review

The objective contains 3 policies and the following actions are proposed:

Policy 7.1.1.: Modify. Delete reference to wetland classifications.

Policy 7.1.2.: Maintain. No change.

Policy 7.1.3.: Maintain. No change.

OBJECTIVE 7.2.

All development activities shall properly assess impacts on the environment and provide an effective mitigation plan as required.

Maintain. No changes.

Policy Review

The objective contains 2 policies and the following actions are proposed:

Policy 7.1.1.: Modify: Recommend deleting the specific requirements and utilizing the LDC for this requirement.

Policy 7.1.2.: Delete – this policy provides references and has no policy direction.

AIR QUALITY

OBJECTIVE 8.1.

Prevent the degradation of the City's air quality below baseline standards.

Maintain. No changes.

Policy Review

The objective contains 10 policies and the following actions are proposed:

Policy 8.1.1.: Maintain. No change.

Policy 8.1.2.: Modify: Delete Citywide car pooling information network.

Policy 8.1.3.: Delete.

- Policy 8.1.4.: Modify. Add - in conjunction with other agencies.
- Policy 8.1.5.: Maintain. No change.
- Policy 8.1.6.: Maintain. No change.
- Policy 8.1.7.: Maintain. No change.
- Policy 8.1.8.: Maintain. No change.
- Policy 8.1.9.: Maintain. No change.
- Policy 8.1.10.: Maintain. No change.

OBJECTIVE 8.2.

The City shall review through the site plan review process the change in levels of air pollutants considered hazardous to health or damaging to property (including but not limited to carbon monoxide, sulfur oxides, hydrocarbons, particulates, nitrogen oxides, photochemical oxides); the effective or visual aesthetics, in terms of opacity and shade of emitted smoke plumes.

Maintain. No changes.

Policy Review

The objective contains 5 policies and the following actions are proposed:

- Policy 8.2.1.: Maintain. No Change.
- Policy 8.2.2.: Maintain. No Change.
- Policy 8.2.3.: Maintain. No Change.
- Policy 8.2.4.: Maintain. No Change.
- Policy 8.2.5.: Maintain. No Change.

MINING AND MINERALS

OBJECTIVE 9.1.

Mineral extraction activities shall be accomplished in a manner consistent with applicable aesthetic, engineering, environmental, health, noise, recreation, and safety standards.

Maintain. No changes.

Policy Review

The objective contains 3 policies and the following actions are proposed:

- Policy 9.1.1.: Maintain. No change.
- Policy 9.1.2.: Maintain. No change.

Policy 9.1.3.: Maintain. No change.

OBJECTIVE 9.2.

Mineral extraction activities shall “respect” paleontological, archaeological, and historic sites.

Maintain. No changes.

Policy Review

The objective contains 3 policies and the following actions are proposed:

Policy 9.2.1.: Maintain. No change.

Policy 9.2.2.: Maintain. No change.

Policy 9.2.3.: Maintain. No change.

OBJECTIVE 9.3.

Mineral extraction activities will generate a net benefit to the community.

Maintain. No changes.

Policy Review

The objective contains 3 policies and the following actions are proposed:

Policy 9.3.1.: Maintain. No change.

Policy 9.3.2.: Maintain. No change.

Policy 9.3.3.: Maintain. No change.

OBJECTIVE 9.4.

Mining activities shall not adversely affect the quality of air, groundwater and surface water and land and wildlife.

Maintain. No changes.

Policy Review

The objective contains 6 policies and the following actions are proposed:

Policy 9.4.1.: Delete.

Policy 9.4.2.: Maintain. No change. Re-numbered.

Policy 9.4.3.: Maintain. No change. Re-numbered.

Policy 9.4.4.: Maintain. No change. Re-numbered.

Policy 9.4.5.: Maintain. No change. Re-numbered.

Policy 9.4.6.: Maintain. No change. Re-numbered.

HAZARDOUS WASTES

OBJECTIVE 10.1.

The City shall ensure compliance with SARA Title III provisions and shall ensure the proper management of hazardous materials to protect the public health, safety, and welfare and to protect natural resources.

Maintain. No changes.

Policy Review

The objective contains 6 policies and the following actions are proposed:

Policy 10.1.1.: Modify. Add in conjunction with the Central Florida Local Emergency Planning Committee (LEPC).

Policy 10.1.2.: Modify. Delete date and state Maintain.

Policy 10.1.3.: Delete.

Policy 10.1.4.: Maintain. No change. Re-numbered.

Policy 10.1.5.: Modify. Add in conjunction with the Central Florida Local Emergency Planning Committee (LEPC). Re-numbered.

OBJECTIVE 10.2.

The City shall be fully prepared for a hazardous or toxic accident or incident, with up-to-date plans, training, and equipment.

Maintain. No changes.

Policy Review

The objective contains 4 policies and the following actions are proposed:

Policy 10.2.1.: Maintain. No change.

Policy 10.2.2.: Maintain. No change.

Policy 10.2.3.: Maintain. No change.

Policy 10.2.4.: Maintain. No change.

SOIL AND EROSION

OBJECTIVE 11.1.

Incorporate the inherent limitation of existing soils in land planning and development, and minimize impacts, which result in soil erosion.

Maintain. No changes.

Policy Review

The objective contains 7 policies and the following actions are proposed:

Policy 11.1.1.: Maintain. No change.

Policy 11.1.2.: Maintain. No change.

Policy 11.1.3.: Maintain. No change.

Policy 11.1.4.: Maintain. No change.

Policy 11.1.5.: Maintain. No change.

Policy 11.1.6.: Maintain. No change.

Policy 11.1.7.: Maintain. No change.

LOW IMPACT DEVELOPMENT

OBJECTIVE 12.1.

By 2010 the City shall amend the Land Development Code to implement Low Impact Development techniques.

New Objective.

Policy Review

The objective contains 5 policies and the following actions are proposed:

Policy 12.1.1.: New Policy.

Policy 12.1.2.: New Policy.

Policy 12.1.3.: New Policy.

Policy 12.1.4.: New Policy.

Policy 12.1.5.: New Policy.

CONCLUSION:

The primary changes in the text amendments are the modification to the existing floodplain and wetland standards and the introduction of low impact development Policies. The actual wetland regulations shall be contained in the Land Development Code and must be consistent with the Conservation Element. The City can choose to

maintain the existing standards or modify the standards in a wide variety of methods. Volusia County is currently undergoing a review of their wetland standards and any City amendments would need to be consistent with Volusia County wetland standards.

The amendments are not expected to have any impacts on surrounding jurisdictions and would align Ormond Beach wetland standards with abutting jurisdictions. There are no infrastructure impacts a result of these amendments.

RECOMMENDATION:

It is expected that the application will be reviewed by the City Commission on February 17, 2009 (transmittal hearing) with adoption occurring in July of 2009 depending on reviewing agencies comments. It is recommended that the Planning Board **APPROVE** the attached text amendments to the Conservation Element of the Comprehensive Plan as contained in Exhibit "A".

EXHIBIT “A”

PROPOSED TEXT AMENDMENTS FOR THE CONSERVATION ELEMENT

CONSERVATION ELEMENT GOALS, OBJECTIVES AND POLICIES

GOALS, OBJECTIVES AND POLICIES	1
GOAL 1.	1
OBJECTIVE 1.1.	1
POLICY 1.1.1.	1
POLICY 1.1.2.	1
POLICY 1.1.3.	1
POLICY 1.1.4.	2
POLICY 1.1.5.	2
POLICY 1.1.6.	2
POLICY 1.1.7.	2
OBJECTIVE 1.2.	2
POLICY 1.2.1.	2
POLICY 1.2.2.	2
POLICY 1.2.3.	2
POLICY 1.2.4.	3
POLICY 1.2.5.	3
POLICY 1.2.6.	3
POLICY 1.2.7.	3
POLICY 1.2.8.	3
POLICY 1.2.9.	3
POLICY 1.2.10.	3
OBJECTIVE 1.3.	4
POLICY 1.3.1.	4
POLICY 1.3.2.	4
POLICY 1.3.3.	4
OBJECTIVE 1.4.	4
POLICY 1.4.1.	4
POLICY 1.4.2.	5
POLICY 1.4.3.	6
POLICY 1.4.4.	6

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**CONSERVATION ELEMENT
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POLICY 2.1.4.	7	
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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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POLICY 5.4.12.	23	
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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

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<u>POLICY 12.1.4.</u>	45	
<u>POLICY 12.1.5.</u>	45	

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

WATERSHEDS, LAKES AND RIVERS

GOAL 1.

THE CITY SHALL MAINTAIN AND, TO THE MAXIMUM EXTENT FEASIBLE, PROMOTE PROGRAMS TO ENHANCE THE FUNCTIONAL, AESTHETIC AND QUALITATIVE VALUE OF THE HALIFAX RIVER, THE TOMOKA RIVER, THEIR MAJOR TRIBUTARIES, AND ARTIFICIALLY CONSTRUCTED LAKES.

OBJECTIVE 1.1.

The City shall maintain the native aquatic and wetland floral and faunal species diversity of the upper Halifax River and Tomoka River.

POLICY 1.1.1.

The City shall continue to cooperate with State and regional agencies and adjacent local governments in a comprehensive study and inventory of invertebrates and seagrasses in the portions of the Halifax River and the Tomoka Marsh Aquatic Preserve which are located within the City.

POLICY 1.1.2.

The City shall continually identify and prohibit activities that would have a significantly adverse effect on existing eelgrass or seagrass beds. When specific activities are identified, provisions to prohibit and mitigate adverse impacts from said activities shall be incorporated into the Land Development Code.

POLICY 1.1.3.

The City shall continue to request that the State adopt an effective management plan with appropriate funding and personnel to provide meaningful management for the Tomoka Marsh Aquatic Preserve.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 1.1.4.

The City, in cooperation with State, regional, and local agencies, shall participate in a program to enhance the aesthetic, recreational, botanical, fish, and wildlife values, of spoil islands.

POLICY 1.1.5.

The City shall continue to work with the Florida Department of Environmental Protection to expand the Tomoka Marsh Aquatic Preserve boundaries to include Dodson Creek, Strickland Creek, and the portion of Thompson Creek east of US 1.

POLICY 1.1.6.

The City shall cooperate with State, regional and local governmental agencies, in an endangered species information program.

POLICY 1.1.7.

Historic stream courses, saltwater marshes, freshwater marshes, and other wetlands shall not be channelized or impeded and shall be retained in their current condition consistent with the [wetland regulations of Objective 5.4](#).

Deleted: criteria established for each wetland classification, except for the provisions of Policy 5.4.47

OBJECTIVE 1.2.

The City shall protect, enhance, and improve the ambient surface water quality of the Halifax River, the Tomoka River and their tributaries.

POLICY 1.2.1.

The City shall coordinate with the Florida Department of Environmental Protection, the St. Johns River Water Management District, the Ponce Deleon Port Authority, and other local governments in the maintenance of an on-going water quality sampling and monitoring program that identifies baseline conditions and standards as parameters to measure changes in water quality.

POLICY 1.2.2.

The City shall, in cooperation with local, regional and State agencies, adopt standards to identify, monitor, and manage point and non-point pollution source discharges. This shall include, at a minimum, a review and update of all non-point source discharge permits, checking for accuracy and completeness.

POLICY 1.2.3.

If a central wastewater system is not available, on-site sewage treatment and disposal systems shall not be allowed on lots less than one acre in size.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 1.2.4.

On-site waste treatment system facilities and drainfields shall not be located within 75 feet of the 100-year floodplain; within 75 feet of an upland/wetland interface; or within 120 feet of the mean high water mark of any surface water body, whichever is greater. On-site waste treatment systems should be located as far inland from a water body or wetlands as possible.

POLICY 1.2.5.

The City shall continually enforce policies that require existing homes located on lots smaller than one acre and that have septic tank systems to connect to the City central sewer system when it is within 100 feet of the lot line. The City may create assessment districts, where appropriate, to retrofit a neighborhood with sewer lines and lift stations.

POLICY 1.2.6.

The City shall continue to expand its effluent reuse program consistent with the St. Johns River Water Management District permit conditions and recommendations.

POLICY 1.2.7.

By the year 2010, the City shall develop a plan to further reduce the amount of treated effluent discharged to the Halifax River to 10% of the total volume of wastewater treated at the plant.

POLICY 1.2.8.

The operation of the stormwater control utility and the retrofitting of stormwater outfalls shall comply with the recommendations of the adopted Stormwater Master Plan.

POLICY 1.2.9.

The City shall coordinate with State, regional, and local agencies in permitting the construction of new marina facilities; marinas shall not be located in the Tomoka River or its tributaries.

POLICY 1.2.10.

In order to protect surface waters from the activities of adjacent property owners, the City shall educate residents regarding deliberate deposition of lawn debris, washing paint brushes, the use of fertilizers and chemicals or the storage of hazardous chemicals and fuel supplies in close proximity to water bodies. "Close proximity" shall be defined with regard to the proposed activity and the degree to which the adjacent water body is to be protected.

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The City shall continue to require and enforce the provision and maintenance of adequate and undisturbed upland buffers of native vegetation adjacent to the Halifax River, the Tomoka River, and all of their associated tributaries and wetlands.¶
A minimum shoreline requirement shall be applied for all new development to protect wildlife and marine life habitat areas and the adjacent surface water quality. The minimum shoreline setbacks shall be as follows:¶
<#>Tomoka River and the Little Tomoka River: A minimum of 120 feet from the mean high water mark or 50 feet from the upland/wetland interface line, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten feet (10') above the mean high water mark exists along the river.¶
<#>Halifax River: A minimum of 30 feet from the mean high water line or upland/wetland interface, or as stipulated by a specific zoning district rear yard setback contained in the Land Development Code, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten (10') feet above the mean high water mark exists along the river.¶
<#>Mosquito Control Ditches; Strickland, Dodson, and Thompson Creeks; and Misner's and Groover Branches: A minimum of 60 feet from the mean high water mark or 50' from the upland/wetland interface line, whichever is greater.¶
<#>For those waterways listed under "c" above, the shoreline and wetland setback may be adjusted downward on a case-by-case basis, to be no less than 30 feet from the mean high water mark or no less than 25 feet from the upland/wetland interface, whichever is greater. A request for a reduction may be considered, provided that the associated wetland and upland buffer areas are predominantly ... [9]

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The City shall maintain marina facility siting standards consistent with Policy 5.1.16 of the Utilities Element and Policy 1.7.7 of the Coastal Management Element.¶
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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

OBJECTIVE 1.3.

The City shall continue to promote intergovernmental coordination to maintain or improve the water quality, water quantity, recreational, fish, and wildlife resource values of the Halifax River, the Tomoka River, and their tributaries.

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POLICY 1.3.1.

On a continuous basis, the City shall support and promote programs to improve natural tidal flushing action for the Halifax River to restore ambient water quality.

POLICY 1.3.2.

The City shall coordinate its water quality testing program with appropriate State, regional and local government testing programs to ensure efficient use of resources and to eliminate duplication of effort.

POLICY 1.3.3.

In cooperation with State, regional, and local agencies, including the Volusia County Sheriff's Department, the City shall participate where possible in a river safety program that utilizes to the maximum extent possible miscellaneous media sources, newspaper advertising, signs, and literature to prevent surface water pollution, to protect manatees and other wildlife, and to promote proper boating safety standards.

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OBJECTIVE 1.4.

The City shall continue to review development proposals and establish programs to balance the functioning values of the Halifax River and the Tomoka River in order to maintain an optimum combination of aesthetic, ecological, recreational, and historical resources.

POLICY 1.4.1.

On a continuing basis, the City shall coordinate the identification and protection of significant archaeological, ecological, historical, and paleontological sites under and along the Tomoka River with other agencies and private organizations. This shall include promoting studies by colleges, universities, and researchers and requiring archaeological studies by developers for projects in areas that may contain significant resources.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 1.4.2.

On a continuous basis, the City shall encourage college and university studies of the Halifax and Tomoka Rivers.

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POLICY 1.4.3.

On a continuous basis, the City shall seek to acquire suitable property to meet public access requirements adjacent to the Tomoka River and its tributaries and the Halifax River for passive park and canoe access facilities.

POLICY 1.4.4.

In order to effectively monitor the effects of development activities on surface water conditions, the applicant or its successors shall provide, as determined by the City, the establishment and operation of a surface water and wetland biological monitoring program.

POLICY 1.4.5.

In calculating maximum potential density or maximum permitted density for any given parcel of property, such calculations shall be exclusive of that portion of the property which is considered to be submerged lands.

OBJECTIVE 1.5.

Artificially constructed lakes shall be designed and located so as to not negatively affect the aesthetics, ambient water quality, biotic composition/diversity, environmental integrity, flood capacity, public health and safety, or recreational values of the upper Halifax River, the Tomoka River, or their tributaries.

POLICY 1.5.1.

Artificially constructed lakes shall not be included in stormwater management systems which have outfalls into the upper Halifax River, the Tomoka River, or their tributaries without review and recommendations by the Site Plan Review Committee that all pertinent ordinances and standards have been met and that the discharge to the receiving waters will not degrade ambient surface water quality.

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POLICY 1.5.2.

Artificially constructed lakes shall not be excavated in wetland systems in the upper Halifax River, the Tomoka River, or their tributaries and shall not lower water levels in these systems.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

OBJECTIVE 1.6. REZONING

Rezoning shall be consistent with the Comprehensive Plan and with the objective of preserving ecological systems and the aesthetic qualities of the community.

POLICY 1.6.1.

All rezoning shall be compatible with the objective of protecting wildlife and the environment consistent with the Comprehensive Plan.

POLICY 1.6.2.

The City shall maintain the zoning district entitled “Special Environmental District” (SE). The following criteria shall apply to the implementation of this policy:

a. The SE district applies to all Department of Environmental Protection or Army Corps of Engineers jurisdictional wetland lines:

1. not protected preserved by a conservation easement
2. or part of an approved Master Land Use Plan for a Planned Residential Development.

This area includes mosquito impoundment districts.

b. The SE district applies to environmentally sensitive areas designated for public acquisition and protection or areas currently in public ownership which should be subject to open space and conservation type land uses.

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POLICY 1.6.3.

In cases where land development regulations and land use classifications will eliminate any reasonable use of real upland property, consideration will be given to public acquisition.

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FLOODPLAINS

GOAL 2.

THE CITY SHALL CONTINUE TO IMPLEMENT CURRENT PROGRAMS AND STUDY AND ADOPT NEW PROGRAMS TO MINIMIZE PUBLIC AND PRIVATE LOSSES AND THREATS TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO FLOOD CONDITIONS AND HAZARDS.

OBJECTIVE 2.1.

~~Flood damage prevention shall be accomplished through restricting new development from obstructing the flow of water and increasing flood heights within a floodplain. To offset any loss of flood storage capacity, compensatory storage is required for new fill, or other obstruction, put in the floodplain by providing an at least equal volume to replace the lost flood storage volume.~~

Deleted: Flood control for new development shall continue to be accomplished through the limitation of fill in the 100-year floodplain, as defined by FEMA and FIRM maps. Where fill is permitted to be used, compensatory storage for such fill shall be required in upland areas to the extent that is economically feasible and environmentally sound.

POLICY 2.1.1.

~~The City shall protect the natural functioning values of the floodplains to the maximum extent feasible through buffer requirements, compensatory storage, conservation easements and tree protection ordinances.~~

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Deleted: The City shall continue to limit the amount of fill for all land use classifications within the 100-year floodplain.

POLICY 2.1.2.

The City shall require all new development occurring within the 100-year floodplain to provide for the protection of adjacent properties.

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POLICY 2.1.3.

The City shall regulate the deposition of fill material within a floodway in order to prevent damage to the public, as an uncontrolled river may, at flood state, pose a threat to life and property in excess of that anticipated by the 100-year storm in the floodway fringe areas.

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POLICY 2.1.4.

Sites for the creation of compensatory storage volume, commensurate with any flood storage volume lost as a result of development activities (including roadways) in the 100-year floodplain, shall be on the same or adjacent site or within the same hydraulically connected basin in order to provide for effective storage volume within the floodplain, but shall not be located within land areas identified for preservation purposes, such as wildlife corridors, or as being within the jurisdictional wetland limits of regulatory agencies, except for the purpose of providing pretreated stormwater storage capacity.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 2.1.5.

a. Special Flood Hazard Areas shall be interpreted as that portion of the site lying within the boundaries of the 100-year floodplain based on the Official Federal Emergency Management Agency Flood Insurance Study and corresponding Flood Insurance Rate Maps.

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<#>Prior to any development, floodplain information shall be provided to the satisfaction of the City. At a minimum, the analysis must include consideration of an established, appropriate, known base-flood elevation, such as, at the confluence of the Little Tomoka and Tomoka Rivers, or other historically documented gauging station within the watershed, agreeable to the City. The analysis shall also include all contributing on-site and off-site watersheds including swales, ditches, and connecting wetlands.¶
The new analysis shall be based on one-foot contours. The assumptions and results of this new analysis will be submitted to FEMA for review and approval prior to City acceptance of any new 100-year floodplain designation.

POLICY 2.1.6.

The City shall ensure that fill material or other structures do not adversely obstruct the movement of floodwaters natural overland sheetflow or pose a threat to the public health, safety, and welfare.

~~POLICY 2.1.7.~~

Areas not filled within the floodplain are to be generally left in their natural state. However, such areas may be used to meet landscaping and/or retention requirements, provided that the design of development is consistent with City codes and standards.

Deleted: POLICY 2.1.7.¶
All calculations for determining the general area to be filled within the floodplain shall be exclusive of submerged lands and of the special fill requirements established for site-specific wetlands and elevations.¶
POLICY 2.1.8.¶
By 2005, the City shall study the impacts of amending the Flood Damage provisions of the Land Development Code to prohibit fill below 3 foot elevations instead of the present 2 feet.¶

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OBJECTIVE 2.2.

All development shall continue to be reviewed in accordance with the floodplain management criteria of the City's Flood Hazard Area section of the Land Development Code, as amended, and other applicable policies as contained within the Code of Ordinances and the Comprehensive Plan.

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The City shall protect the natural functioning values of the floodplains to the maximum extent feasible through buffer requirements, fill limitations, conservation easements, and tree protection ordinances.¶
POLICY 2.2.1.¶

POLICY 2.2.1.

The City shall constantly enforce the flood hazard provisions of Chapter 3, Article II of the Land Development Code which shall contain, at a minimum, provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

New developments along Strickland, Thompson, and Dodson Creeks shall maintain an undisturbed buffer.¶
For those waterways listed above, the shoreline and wetland setback may be adjusted downward on a case-by-case basis, to be no less than 50 feet from the mean high water mark or no less than 25 feet from the upland/wetland interface, whichever is greater. A request for a reduction may be considered, provided that the associated wetlands and upland buffer area are predominantly herbaceous in nature, and the functioning values of the wetland and ... [10]

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 2.2.2.

The City shall continue to develop and enforce a floodplain management program that balances the public interest in regulating the use of private property against the interests of private landowners.

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POLICY 2.2.3.

The City shall continue to participate in the National Flood Insurance Program.

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POLICY 2.2.4.

All development, rezoning, and changes in land classifications shall be reviewed and measured against the environment's capacity to accommodate such action and the extent of harm which the proposed development, rezoning and change in land use may impose upon the established and proper use of neighboring lands.

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POLICY 2.2.5.

The City shall periodically review its zoning regulations to ensure that the density which is permitted under each zoning category is consistent with the City's desire to protect the natural functioning values of the floodplain and to protect the quality and quantity of surface water resources.

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POLICY 2.2.6.

Floodplains whose functional values have been degraded or destroyed through human intervention should be restored, if possible, by acquisition of historic floodplain lands. Various state, regional and local land acquisition programs shall be used for this purpose.

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The City shall coordinate with the Florida Department of Community Affairs which provides technical assistance as needed for proper administration and enforcement of floodplain management regulations.

POLICY 2.2.7.

The City shall perpetually enforce the flood hazard provisions of the Land Development Code and amend it as necessary to incorporate recently updated flood insurance studies and flood insurance rate maps and to further bring it into full compliance with revisions of the national flood insurance program floodplain management criteria.

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POLICY 2.2.8.

All new public buildings and infrastructure shall be located outside the 100-year floodplain to the maximum extent feasible. Appropriate flood proofing measures shall be undertaken for any public buildings located within the floodplain. Any pump stations or other electrical and mechanical equipment shall be designed to be protected from physical damage by the 100-year flood.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 2.2.9.

The City shall coordinate its floodplain management programs with appropriate Federal, State, regional, and local governments.

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GROUNDWATER

GOAL 3.

THE CITY SHALL SECURE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, AND PROTECT THE QUALITY AND QUANTITY OF GROUNDWATER RESOURCES IN ORDER TO ENSURE A SAFE AND ADEQUATE WATER SUPPLY FOR PRESENT AND FUTURE GENERATIONS AND, TO PRESERVE GROUNDWATER RESOURCES PRESENTLY IN USE.

OBJECTIVE 3.1.

The City shall prevent saltwater intrusion by limiting potentially harmful water extractions and ensuring recharge occurs to the maximum extent practical and technically feasible.

POLICY 3.1.1.

Water conservation measures shall be maintained in the plumbing codes (e.g., require new construction to install water conserving plumbing fixtures) and shall be updated as the technology becomes available.

POLICY 3.1.2. (Water Supply Plan Amendment)

The City shall continue to deliver effluent for reuse as a component of its effluent disposal program to the maximum extent possible. This shall include “dry-line” requirements for new developments.

Deleted: for environmentally suitable areas in conjunction with St. Johns River Water Management District requirements. This shall include providing economic incentives to developments, agricultural operations, and business to limit potable water and shallow aquifer consumption

POLICY 3.1.3.

The City shall obtain water through interconnections with adjacent utility systems.

POLICY 3.1.4.

Potable water withdrawal from areas east of the County buffer zone shall be pumped at an appropriate volume and rate to avoid both saltwater intrusion and decreased aquifer levels. These actions shall be consistent with the City’s approved wellfield operating plan.

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OBJECTIVE 3.2. (Water Supply Amendment)

Coordinate with Federal, State, regional, and other local agencies to develop intergovernmental responses to groundwater problems.

Deleted: This shall include support of interlocal agreements fostered through active membership in the Volusia Water Alliance.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 3.2.1. (Water Supply Amendment) The City shall maintain and periodically review potable water supply wellfield protection standards, by designing land use controls that provide long-term protection from contamination, and by establishing criteria for regulations to ensure proper handling, utilization, storage, and disposal of chemicals, fuels, and other hazardous materials within the City, to avoid groundwater contamination.

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The City shall, by resolution, request Volusia County to maintain a functioning positive (pumped) drawdown system, in its "high-rise" landfill, to continually extract the mass of accumulating leachate and properly treat it. This is necessary, due to the potential hazards to the Volusia-Floridan Sole Source Aquifer.¶

POLICY 3.2.2.
The City shall maintain formal lines of communication with Federal, State, and local agencies so that the City Police and Fire Departments can be prepared when hazardous materials are transported through the City.

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POLICY 3.2.3. (Water Supply Amendment)
On a continuous basis, the City's Engineering Division shall revise its estimates of safe yield for the Volusia-Floridan Sole Source Aquifer.

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OBJECTIVE 3.3.

Excavation projects shall not harm the Volusia-Floridan Sole Source Aquifer.

POLICY 3.3.1.

The City shall prohibit removal of the confining layer of material separating the bottom of borrow pits from the top of the Volusia-Floridan Sole Source Aquifer.

OBJECTIVE 3.4.

The City shall act to prevent groundwater contamination and to ensure that any contamination will be quickly detected and subjected to a swift and effective response.

POLICY 3.4.1.

On a continuous basis, the City shall maintain its extensive water quality testing program at and near the City landfill in order to monitor groundwater quality parameters.

POLICY 3.4.2.

The City shall maintain and periodically review the provisions of the Land Development Code concerning abandoned gasoline tanks, to comply with applicable State and County regulations.

POLICY 3.4.3.

Groundwater resources shall be protected from leaking underground storage tanks by the utilization of state-of-the-art leak prevention technology (such as double-walled storage tanks).

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

OBJECTIVE 3.5.

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All requests for development shall be reviewed to ensure that potential impacts of the proposed development activity do not degrade the quantity and quality of groundwater resources.

POLICY 3.5.1.

Depending upon site locations and intensity of development, applicants for development may be required to provide the City with sufficient information for review of the potential impact on the groundwater resources of the City and region.

POLICY 3.5.2.

The City shall continue to require such information which shall include, but not be limited to, site hydrology, geology, geologic maps, surficial aquifer characteristics, confining unit definitions, water table contour map, direction and rate of groundwater flow, maximum/minimum recorded water table elevations, aquifer relationship to local geology, location of local discharge features, background water quality, suitability for irrigation and wastewater reuse, Volusia-Floridan Sole Source Aquifer characteristics, and potentiometric surface map.

POLICY 3.5.3.

Development within the zone of influence of wellfields shall be regulated and permitted to ensure no degradation of the quality and quantity of groundwater.

POLICY 3.5.4.

Fuel dispensing and storage facilities shall be prohibited within the zone of influence of any wellhead and wellfield.

POLICY 3.5.5.

To the maximum extent possible, the City shall encourage irrigation water to be furnished from community suppliers such as a City or neighborhood reuse system; and the City should discourage the use of individual non-potable wells.

POLICY 3.5.6.

The Volusia-Floridan Sole Source Aquifer should not be used to meet non-potable irrigation needs.

POLICY 3.5.7.

Individual well pumpage rates shall be matched to site specific hydrological characteristics in order to avoid excessive groundwater drawdowns in the Floridan Aquifer.

POLICY 3.5.8.

The use of air/water heat pumps shall be consistent with the requirements of the Land Development Code.

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POTABLE WATER

GOAL 4.

THE CITY SHALL PROVIDE AN ADEQUATE QUANTITY AND QUALITY OF POTABLE WATER TO ACCOMMODATE EXISTING AND FUTURE DEMANDS WITHOUT HARMING GOUNDWATER RESOURCES.

OBJECTIVE 4.1.

Provision of potable water services shall be extended where needed, economically feasible, and environmentally acceptable.

POLICY 4.1.1.

The City shall provide potable water service to existing or platted subdivisions throughout its service area.

POLICY 4.1.2.

The availability of groundwater supplies which may effectively be extracted, treated, and delivered in a cost-effective manner shall be a contingency for development approval.

OBJECTIVE 4.2.

The City shall cooperate and coordinate the provision of water supplies with State, regional, and local governments.

POLICY 4.2.1.

The City shall cooperate with Volusia County through County grants or County established assessment districts to retrofit subdivisions approved by the County that were developed with individual wells, and are in need of central water service.

POLICY 4.2.2. (Water Supply Amendment)

The City shall maintain a combined and connected series of finished water interconnects with adjoining utilities' water systems.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 4.2.3.

The City shall continue to cooperate with the St. Johns River Water Management District in dealing with water shortages and enforcing water use restrictions. Implementation of this policy shall include the following:

- a. Interpret District procedures associated with declaring and rescinding a water shortage;
- b. Designate one or more persons to be a liaison with the District concerning water shortage related matters and the enforcement of District water use restrictions;
- c. Amend its ordinance, as needed, to facilitate local enforcement of District water use restrictions;

OBJECTIVE 4.3.

In order to maintain adequate potable water supplies to meet public health, safety, and welfare needs and minimize adverse economic, social, and environmental impacts, the City shall encourage and require water conservation.

POLICY 4.3.1.

The City shall continue to participate in Local, District, State, and Federal public awareness programs to inform the public of the benefits of reducing water usage.

POLICY 4.3.2.

The City shall discourage the over-watering of lawns and other landscaping plants, particularly when automatically timed sprinkler systems are used. The City shall require the use of “rain sensors” as required by Florida Statutes.

POLICY 4.3.3.

The City shall continue to prohibit the sprinkling of lawns during hours of high evaporation potential.

POLICY 4.3.4. (Water Supply Amendment)

Water reuse or water reclamation programs shall be used to reduce groundwater and surface water withdrawals for water use applications which do not require potable water. This requirement includes dry-lines for reclaimed water in new developments and the use of stormwater as a reclaimed water augmentation source, where feasible.

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POLICY 4.3.5. (Water Supply Amendment)

The City shall encourage the implementation of a combined effluent reuse system, with adjacent utility providers, including Holly Hill, Daytona Beach and Volusia County.

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VEGETATION

GOAL 5.

THE CITY SHALL PROVIDE FOR THE PROTECTION, ENHANCEMENT, AND MANAGEMENT OF SIGNIFICANT NATURAL VEGETATIVE COMMUNITIES IN ORDER TO MAINTAIN THEIR ECOLOGICAL, AESTHETIC, ECONOMIC AND RECREATIONAL VALUES.

OBJECTIVE 5.1.

The City shall maintain and periodically review standards and programs that maintain upland ecological communities to the maximum extent feasible within the City.

POLICY 5.1.1.

An inventory of natural vegetative communities shall be provided by the applicant for all development proposals requiring site plan or plat approval. The applicant shall provide a plan for protection of species which are designated by either State or Federal agencies as endangered, threatened, or of special concern.

POLICY 5.1.2.

The City shall maintain, refine, and expand its FLUCCS inventory and make such information available to land developers.

POLICY 5.1.3.

Ecologically viable portions of natural upland plant communities including, but not limited to, rare or endangered ecosystems within proposed urban development sites, should be preserved and maintained in their original state, to the greatest extent practicable.

POLICY 5.1.4.

The City shall maintain and periodically review provisions in the Land Development Code to preserve the upland buffers of native vegetation; significant habitat area (including wildlife corridors); scenic vistas; areas where native vegetation is important to impede erosion, and other areas where the public interest is best served by preserving native vegetation.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.1.5.

The City shall maintain and periodically review standards that preserve the present forested tree cover to the maximum extent practical.

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POLICY 5.1.6.

The City shall preserve designated canopy roads and Greenbelts as implemented by the Land Development Code.

POLICY 5.1.7.

The City shall minimize the clearing of trees for rights-of-way, to protect existing habitats as implemented by the Land Development Code.

POLICY 5.1.8.

Significant mesic or xeric communities shall not be disturbed or affected by water detention, retention, or reuse activities or structures as implemented by the Land Development Code.

OBJECTIVE 5.2.

Balance the combination of aesthetic, ecological, recreational and utilitarian qualities of the land for the long-term public interest.

POLICY 5.2.1.

Require habitat corridors and buffers of sufficient length and width to protect the long-term viability of significant habitat areas, for designated plant and animal species.

POLICY 5.2.2.

The development plan review process shall consider the overall impact of a project on adjoining ecosystems.

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POLICY 5.2.3.

Require property owners to protect wetland systems in accordance with the criteria and standards for each wetland classification as noted under Objective 5.4 of this Element and in the City Wetlands Protection section of the Land Development Code, Chapter 3, Article II.

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POLICY 5.2.4.

In cooperation with adjacent governmental entities, ensure the survival of significant habitat areas, habitat corridors and specimen trees.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.2.5.

Work with adjacent governmental entities to ensure that planned wildlife corridors are contiguous and provide for unimpeded movement of wildlife.

POLICY 5.2.6.

Manage undeveloped City-owned lands for the long-term public interest, doing so in a manner by which the City sets an example for private development to follow. For example, the City should follow Ecosystems Management Practices as defined by the Department of Environmental Protection when applicable.

POLICY 5.2.7.

Development may incorporate isolated wetlands into effective stormwater management systems, provided that the stormwater runoff is treated prior to entering any wetland system, so that the wetland is used for nutrient and volume attenuation.

POLICY 5.2.8.

Make land use decisions in conjunction with the carrying capacity of the land and its ecosystems.

POLICY 5.2.9.

On a continuous basis, the City shall study and upgrade as necessary its buffer width requirements for projects abutting waterways and wetlands.

POLICY 5.2.10.

On a continuous basis, the City shall coordinate and cooperate with contiguous governmental entities to protect environmentally sensitive vegetative habitats which extend into contiguous jurisdictions.

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On a continuous basis, the City shall upgrade as necessary its standards for Class I, Class II, Class III, and Class IV wetlands.¶

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POLICY 5.2.11.

The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.

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POLICY 5.2.12.

Land that has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.2.13.

Wherever feasible, site design shall accommodate any designated plant species with protected status which are in the path of development; where this is not feasible, these plants will be relocated to protected sites having appropriate growing conditions, whenever possible.

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POLICY 5.2.14.

To preserve wetlands, the lateral distance of groundwater drawdown influence shall not adversely affect protected wetlands or their functions. The applicant shall demonstrate to the City Engineer through a series of borings or field permeability tests that the subsurface, groundwater, and permeability conditions shall not receive a significant negative impact. The applicant shall provide a calculation of the maximum horizontal or vertical drawdown that can be anticipated beyond the maximum perimeters of any borrow pit, detention, or retention area.

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OBJECTIVE 5.3.

The City shall promote the use of native drought-resistant vegetation in landscaping. The maximum amount of protection possible shall be provided for existing trees and other vegetation in order to assist in the control of flooding, soil erosion, dust, heat, air, and noise pollution and to improve the appearance, environmental character, and value of the total urban area and to protect nearby properties.

POLICY 5.3.1.

The City shall continue to promote and encourage xeriscape design concepts for landscaping single-family homes by providing builders, landscape designers, homeowners, and the general public with informational brochures describing xeriscape.

POLICY 5.3.2.

The City shall require that at least 50% of the landscape vegetation used on a project reviewed by the Site Plan Review Committee be comprised of drought resistant native vegetation in harmony with site specific conditions.

POLICY 5.3.3.

Vegetation on new City landscaping projects shall be comprised of at least 50% native drought resistant vegetation.

POLICY 5.3.4.

All new development and expansions of existing development, except for single-family homes in an existing subdivision, shall provide for the protection of native vegetation on the site. Existing

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

developments should utilize native plants in common areas (entranceways, pavilions) in instances where replanting or relandscaping becomes necessary.

POLICY 5.3.5.

Native vegetation shall be used to the maximum extent possible to meet landscaping and open space requirements.

POLICY 5.3.6.

Exotic plant species, as listed as exempt species in Chapter 3, Article II of the Land Development Code, shall be removed from development sites during the time of construction.

POLICY 5.3.7.

Development shall preserve fifty (50%) percent of ecologically viable portions of natural upland plant communities, including rare or endangered ecosystems, present on-site.

OBJECTIVE 5.4.

Wetland areas within the City shall be preserved in accordance with a City ~~that~~ incorporates the need for wetlands preservation; **directs incompatible uses away from wetland areas**; promotes economic development that creates long-term jobs by establishing a means to allow wetland impacts for industrial land uses in platted industrial parks; inventories existing wetlands within the City; ~~sets performance criteria to maintain wetland functions~~; establishes transition zones; and establishes land use policies for transition zones; **and establishes standards for mitigation based on a policy of no-net-loss of wetland functions as a last resort.**

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POLICY 5.4.1.

It is the policy of the City to require proper planning to avoid or minimize damage to wetlands; to require that activities not dependent upon a wetland location be located at upland sites; to allow wetland losses only where all practicable measures have been applied; to reduce those losses that are unavoidable and in the public interest; to require silviculture to comply with all requirements; to provide for mitigation in the form of wetland restoration, wetland creation or upland preservation; to offset further losses; to promote economic development that creates long-term, value added jobs by allowing wetland impacts in excess of minimum requirements under certain conditions for commercial, industrial, and office/professional land uses; and to provide for the protection of wetlands under the City's land development regulations to be adopted and implemented consistent with Section 163.3202, F.S. (Existing 5.4.44)

Deleted: The City shall encourage the incorporation of isolated wetlands into stormwater management systems as detention facilities to avoid the filling and excavating of wetlands. Whenever isolated wetlands are used for stormwater detention, hydroperiods and stage elevations shall be designed to maintain the existing natural wetlands community, except where permitting agencies agree that the imposition of conditions which favor a different plant community is more desirable for the purpose of providing habitat, improving water quality or enhancing other wetland values. In order to maintain the long-term viability of isolated wetlands used for retention, stormwater shall be treated to meet the general water quality criteria of c.62, F.A.C., prior to its discharge in isolated wetlands.¶

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.4.2.

Land use planning and site design shall support development patterns which minimize the impact of development on wetland communities. As a result of development, there shall be no net loss of wetlands functions or values, nor shall wetlands functions and values be degraded. (Existing 5.4.15 and added)

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Deleted: Roadway designs in or near wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/ detention ponds for treatment prior to discharge into receiving water bodies.

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POLICY 5.4.3.

All development shall comply with wetland protection requirements of all Federal, State, and regional agencies. (Existing 5.4.6)

POLICY 5.4.4.

The City shall require a wetland permit for any development that proposes to alter a wetland system and the permit shall clearly show the proposed alteration and mitigation. A Wetland Management Plan shall be required for all development that may adversely affect wetland systems and the requirements shall be contained in the Land Development Code. (Existing 5.4.34 Modified)

POLICY 5.4.5.

No activities in or affecting wetlands shall destroy natural wetland functions important, unless otherwise mitigated, to the general welfare by:

- a. Decreasing breeding, spawning, nesting, wintering, feeding, or other critical habitat for fish and wildlife, including rare, threatened and endangered plant and animal species, commercially and recreationally important fish and wildlife and species of special concern;
- b. Interfering with the natural exchange of nutrients needed by fish and other forms of wildlife;
- c. Reducing groundwater recharge;
- d. Destroying sites needed for educational and scientific research.

(Existing 5.4.45)

POLICY 5.4.6.

The City shall continue to require and enforce the provision and maintenance of adequate and undisturbed upland buffers of native vegetation adjacent to the Halifax River, the Tomoka River, and all of their associated tributaries and wetlands.

A minimum shoreline requirement shall be applied for all new development to protect wildlife and marine life habitat areas and the adjacent surface water quality. The minimum shoreline setbacks shall be as follows:

- a. Tomoka River and the Little Tomoka River: A minimum of 120 feet from the mean high water mark or 50 feet from the upland/wetland interface line, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten feet (10') above the mean high water mark exists along the river.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

- b. Halifax River: A minimum of 30 feet from the mean high water line or upland/wetland interface, or as stipulated by a specific zoning district rear yard setback contained in the Land Development Code, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten (10') feet above the mean high water mark exists along the river.
- c. Mosquito Control Ditches; Strickland, Dodson, and Thompson Creeks; and Misner's and Groover Branches: A minimum of 60 feet from the mean high water mark or 50' from the upland/wetland interface line, whichever is greater.
- d. For those waterways listed under "c" above, the shoreline and wetland setback may be adjusted downward on a case-by-case basis, to be no less than 30 feet from the mean high water mark or no less than 25 feet from the upland/wetland interface, whichever is greater. A request for a reduction may be considered, provided that the associated wetland and upland buffer areas are predominantly herbaceous in nature, and the functioning values of the wetland and upland buffer areas are poor for such factors as wetland wildlife quality, and quantity, and sediment and turbidity control and surface water runoff control. A determination to allow a reduction in the buffer width shall be based on a finding of conformance to all of the following criteria as conducted through the development review process:
 - 1. The developable portion of the property is less than 150 feet deep for existing lots of record, as of the date of adoption of the Comprehensive Plan.
 - 2. The proposed development shall be connected to a central water and sewer system.
 - 3. The proposed development shall not adversely impact the hydroperiod and other functioning values of the adjacent wetland as determined by review of a Wetlands Management Plan, which is required to be submitted under the Wetlands Protection Ordinance.
 - 4. The proposed development shall provide one-to-one mitigation for reduction in standard, by enhancing the functioning values of the on-site upland and wetland buffer areas.

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POLICY 5.4.7.

The City shall maintain Land Development Code regulations consistent with the minimum standards for wetland protection as approved by Volusia County. These standards address the identification of wetlands, mitigation requirements to ensure that there is no net loss of wetlands within the City limits, and a minimum 25 foot wide buffer upland and adjacent to wetlands requirements.

(new)

Deleted: On-site wastewater treatment systems shall not be allowed within 75 feet landward of the upland/wetland interface or the 100-year floodplain boundary or within 120 feet of the shoreline edge, whichever is more restrictive.¶

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.4.8.

All new development shall submit to the City a description of all watercourses, water bodies and wetlands on or adjacent to the site or into which surface waters flow. Information regarding their water quality and the current water quality classification, if any, given them by the Florida Department of Environmental Regulation, Army Corps of Engineers, St. Johns River Water Management District, and the Florida Department of Environmental Protection shall be included. (Existing 5.4.27)

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Deleted: No wells shall be allowed to be constructed in wetlands.
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Deleted: Where artificially constructed lakes adjoin or are within 100 feet of a wetland, design elevations of such lakes will be controlled to maintain or recreate historic water levels and hydroperiods of the adjacent or nearby wetland system. Under no circumstances shall the lakes be allowed to draw down the water table within 300 feet of a wetland.

POLICY 5.4.9.

No development shall be approved unless it satisfies the provisions of the City's Land Development Code and the SJRWMD rules for Management and Storage of Surface Waters (MSSW), Chapter 40C-4, F.A.C. (Existing 5.4.35)

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POLICY 5.4.10.

The City will protect wetland systems through public acquisition or purchase of development rights, environmental conservation easements, cluster zoning, land banking and mitigation.

Deleted: Alteration of wetlands (e.g., dewatering, ditching, filling) which would destroy or degrade the natural functions of the wetlands shall be prohibited beyond the percentages established for each wetland classification except as otherwise provided under Policy 5.4.47 in order to promote economic development.

POLICY 5.4.11.

The City shall encourage the incorporation of isolated wetlands into stormwater management systems as detention facilities to avoid the filling and excavating of wetlands. Whenever isolated wetlands are used for stormwater detention, hydroperiods and stage elevations shall be designed to maintain the existing natural wetlands community, except where permitting agencies agree that the imposition of conditions which favor a different plant community is more desirable for the purpose of providing habitat, improving water quality or enhancing other wetland values. In order to maintain the long-term viability of isolated wetlands used for retention, stormwater shall be treated to meet the general water quality criteria of c.62, F.A.C., prior to its discharge in isolated wetlands. (Existing 5.4.1)

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Deleted: Loss of viable wetlands shall be mitigated through restoration, creation or preservation.

POLICY 5.4.12.

The City shall continue to investigate methods to safely utilize wetlands to further treat treated wastewater as an alternative to discharging effluent into the surface waters of the City.

Deleted: An adequate upland buffer shall be established around preserved wetland areas to meet wetland setback requirements or open space requirements. The following criteria shall apply in implementation of this policy:¶
<#>The width of the buffer area shall be consistent with the standards of the wetland classification and shall not be less than an average of twenty-five (25') feet or not more than an average of one hundred (100') feet between the wetland and upland development activities.¶
<#>The width of the buffer may be established on a site-specific basis in accordance with the methodology... [11]

POLICY 5.4.13.

Any drainage that occurs adjacent to a wetland will be separated by an adequate buffer, liner or other means to avoid changes in the wetland's hydroperiod. (Existing 5.4.2)

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POLICY 5.4.14.

Biological monitoring activities, including shallow groundwater levels, shall be undertaken by the developer at various locations for the purpose of evaluating wetland biological productivity and condition. (Existing 5.4.3)

**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.4.15.

The applicant shall take positive steps to correct or mitigate any unnecessary degradation of water or wetland quality caused by site development as determined by St. Johns River Water Management District, the Florida Department of Environmental Protection, the Army Corps of Engineers, or the City. (Existing 5.4.4)

Deleted: Land use planning and site design shall support development patterns which minimize the impact of development on wetland communities.

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POLICY 5.4.16.

Roadway designs in or near wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/detention ponds for treatment prior to discharge into receiving water bodies. (Existing 5.4.5)

Deleted: Development projects shall be designed to maintain the viability of natural drainage systems and shall conform to performance standards established for different classes of wetlands to ensure that the naturally functioning wetland systems will not be adversely affected except as provided under Policy 5.4.47.

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POLICY 5.4.17.

On-site wastewater treatment systems shall not be allowed within 75 feet landward of the upland/wetland interface or the 100-year floodplain boundary or within 120 feet of the shoreline edge, whichever is more restrictive. (Existing 5.4.7)

Deleted: To help protect the water quality of the Tomoka River and ensure the functional value of Class I wetlands, intensive land uses shall be directed away from the landward edges of these wetland systems.¶
<#>All Class I wetlands as defined by the most landward extent of DEP, or ACOE jurisdictional boundaries for connected wetlands or those Class I wetlands as identified by the City shall be preserved (no construction activities allowed).¶
<#>Road crossings shall be prohibited unless shown to be in the overriding public interest, such as a necessary collector or arteri... [12]

POLICY 5.4.18.

No wells shall be allowed to be constructed in wetlands. (Existing 5.4.8)

POLICY 5.4.19.

Where artificially constructed lakes adjoin or are within 100 feet of a wetland, design elevations of such lakes will be controlled to maintain or recreate historic water levels and hydroperiods of the adjacent or nearby wetland system. Under no circumstances shall the lakes be allowed to draw down the water table within 300 feet of a wetland. (Existing 5.4.9)

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POLICY 5.4.20.

The City shall prohibit construction projects utilizing any dewatering process from discharging into a designated wetlands area. (Existing 5.4.21)

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POLICY 5.4.21.

Limit the extensive utilization of fill material in uplands, if its utilization results in extensive or significant wetland alteration. (Existing 5.4.22)

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POLICY 5.4.22.

Wetlands shall not be used as primary sediment traps during development. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and the wetlands. (Existing 5.4.28)

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.4.23.

The City shall prohibit direct discharge of stormwater into wetland areas. (Existing 5.4.24)

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POLICY 5.4.24.

The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 300 feet, unless the St. Johns River Water Management District and/or the City accepts tests, calculations or other information furnished by the applicant through the permitting process which clearly demonstrates that deviation from the 300 feet distance would not degrade the wetlands in any way. (Existing 5.4.29)

Deleted: By 2001, the City shall prepare a detailed evaluation of the effectiveness of wetlands for the application of treated wastewater.

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POLICY 5.4.25.

Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands should not be damaged by the construction of detention ponds. (Existing 5.4.30)

Deleted: Proposed activities which would destroy or degrade the function of wetlands shall not be permitted except where such activities are not contrary to the public interest and where there is no practical alternative which reduces or avoids impacts to wetlands. Unavoidable losses of viable wetlands should be mitigated through the demonstrably successful restoration, creation or (where no other alternative is feasible) preservation of wetlands whose functional values are at least comparable 1:1 to those of the wetlands lost. A compensatory wetland mitigation ratio of wetlands created to wetlands destroyed or disturbed shall be utilized except for Class IV wetlands which is 1:1. An alternative 2:1 ratio of significant uplands preserved such as xeric Oak or n...

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POLICY 5.4.26.

Retention and detention ponds shall be used to retain and detain the increased and accelerated runoff which the development generates. Water shall be released from detention ponds into wetlands at a rate and in a manner approximating the natural flow which would have occurred before development. (Existing 5.4.31)

POLICY 5.4.27.

Agricultural drainage ditches and mosquito control ditches that adversely affect the hydroperiod of natural wetland systems shall be prohibited. (Existing 5.4.32)

POLICY 5.4.28.

Proposed activities which would destroy or degrade the function of wetlands shall not be permitted except where such activities are not contrary to the public interest and where there is no practical alternative which reduces or avoids impacts to wetlands. Unavoidable losses of viable wetlands should be mitigated through the demonstrably successful restoration, creation or (where no other alternative is feasible) preservation of wetlands. (Existing 5.4.26 modified)

POLICY 5.4.29.

The purpose of mitigation is to offset unavoidable environmental impacts. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

- b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- e. Compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or re-establishment of wetlands or significant upland areas which are no longer functioning due to significant alteration in the past. (Existing 5.4.36)

POLICY 5.4.30.

Where all or part of a wetland is destroyed or substantially altered by development, an acceptable mitigation plan shall include at least:

- a. Compensatory wetland mitigation ratios shall be consistent with the ratio established for each wetland classification. Wetland-to-wetland compensation should be like kind replacement, i.e., saltwater system for saltwater system, freshwater for freshwater where practicable;
- b. Specific design requirements based upon conditions of the site and the type of wetland to be treated or restored;
- c. Periodic monitoring to remove exotic or nuisance vegetation;
- d. Monitoring and replacement to assure a survival rate of 80% wetland vegetation for a minimum of three (3) years; and
- e. An upland habitat as an adjacent buffer on mitigated sites. (Existing 5.4.37)

POLICY 5.4.31.

An acceptable mitigation plan shall be reasonably and technically feasible. Mitigation through restoration of other degraded wetlands or preservation of significant upland areas is preferred over wetland creation. (Existing 5.4.38)

POLICY 5.4.32.

Mitigation shall take place on site or in close proximity and within the same drainage basin or sub-basin except. (Existing 5.4.39 Modified)

POLICY 5.4.33.

A mitigation plan approved by a Federal, State or regional agency shall be presumed to be acceptable provided, however, if no such mitigation plan is required by the approved permit from the Federal, State, or regional agency, then the local government may at its option adopt a mitigation plan in compliance with this section. (Existing 5.4.41)

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Deleted: Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands should not be damaged by the construction of detention ponds.

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Deleted: Agricultural drainage ditches and mosquito control ditches that adversely affect the hydroperiod of natural wetland systems shall be prohibited.

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Deleted: A Wetland Management Plan shall be required for all development that may adversely affect wetland systems.¶ The Wetland Management Plan should include, but not be limited to, a detailed analysis of the following:¶ <#>A description of all water bodies, watercourses, and wetlands on-site and a general description of wetlands immediately adjacent to the site.¶ <#>A map of the natural systems on the site.¶ <#>The existing and historic environmental and hydrologic conditions of the site. ¶ <#>A plan for control of erosion and sedimentation, which describes in det ... [23]

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 5.4.34.

An applicant who carries out a compensatory mitigation plan shall at least grant to the City a conservation easement on the newly created or restored wetland and buffer or preserved significant upland area to protect it from future development. A legal mechanism which protects the area in perpetuity other than a conservation easement may be deemed appropriate on a case by case basis to carry out the purpose of the subsection. (Existing 5.4.40)

POLICY 5.4.35.

The City shall utilize the Uniform Mitigation Assessment Method (UMAM), pursuant to Section 62-345, F.A.C., to determine the amount of mitigation needed to offset a wetland impact. (new)

Deleted: The City shall require a wetland special use permit for any development that proposes to alter a wetland system and the permit shall clearly show the alteration and the mitigation. No permit will be issued until the requirements in the permit are met. The wetland alteration permit shall not be approved unless the Wetland Management Plan clearly indicates that the proposed development will not adversely affect the functions of the wetland as described above without on-site mitigation. Also, the permit shall not be issued if wetland alteration exceeds the percentage limitations established for specific wetland systems.

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Deleted: No development shall be approved unless it satisfies the provisions of the City's Land Development Code and the SJRWMD rules for Management and Storage of Surface Waters (MSSW), Chapter 40C-4, F.A.C.

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The purpose of mitigation is to offset unavoidable environmental impacts. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:¶
<#>Avoiding the impact altogether by not taking a certain action or parts of an action;¶
<#>Minimizing impacts by limiting the degree or magnitude of the action or its implementation;¶
<#>Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;¶
<#>Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and¶
<#>Compensating for the impact{ ... [24]

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Where all or part of a wetland is destroyed or substantially altered by development, an acceptable mitigation plan shall include at least:¶ { ... [25]

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FISH AND WILDLIFE

GOAL 6.

MAINTAIN, PROTECT, PRESERVE, OR INCREASE EXISTING NATIVE FISH AND WILDLIFE SPECIES IN TERMS OF OVERALL POPULATION AND DIVERSITY.

OBJECTIVE 6.1.

The City and any development activity shall ensure that viable sized tracts of unique and significant natural habitat areas and wildlife corridors are preserved and protected with adequate buffers of native vegetation and an effective management plan in order to minimize the adverse effect of development or recreation activity on fish and wildlife. Fisheries, fishes, wildlife, and wildlife or marine life habitats shall be conserved, appropriately used, and protected, particularly those which are threatened, endangered, or of special concern.

POLICY 6.1.1.

The City shall maintain the provisions of the Land Development Code that incorporate 1) the creation of viable wildlife habitats and corridors and 2) the preservation of sustainable vegetative mosaics of significant native faunal and floral habitat and wildlife corridors into the development review process to ensure that natural habitat areas are protected to the maximum extent feasible on both site-specific and macro levels from the cumulative effects of growth and development.

POLICY 6.1.2.

If it is presumed that a designated species may be present on the basis of general characteristics including the number and types of plant communities, the linear amount of “edge” such as the boundaries between woods and grasslands, the presence of water, and the presence of movement corridors between habitat areas, the City shall require applicants for development to assess the impact of development on designated species. Designated species shall include those classified, by either the Florida Game and Freshwater Fish Commission or the U.S. Fish and Wildlife Service, as endangered, threatened, or species of special concern, or those species actively being considered for designation. When estimating the impact of proposed development, the applicant may be required to conduct an inventory of existing wildlife and vegetation on the site.

POLICY 6.1.3.

No more than 20% of the habitat area for designated species may be disturbed, whether cleared, filled or otherwise altered. Any development which disturbs designated species habitat areas

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

shall prepare a workable management plan for those affected species. Such management plan shall be reviewed and approved by the respective State agencies.

POLICY 6.1.4.

The City shall monitor and review development and recreation activities, in conjunction with other agencies, along the Tomoka River and its tributaries to identify the impacts that development and recreation have on fish and wildlife within the rivers' and creeks' riparian wildlife corridor.

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POLICY 6.1.5.

In order to maintain the biological integrity of the riparian wildlife corridor associated with the Tomoka River and its tributaries, the City shall continue to ensure that the width of the corridor does not diminish below present levels by preserving all connected wetland areas and requiring upland and shoreline buffers.

POLICY 6.1.6.

The City shall coordinate with the St. John's River Water Management District (SJRWMD) to inventory and analyze the extent of wildlife and make recommendations to maintain or prevent the significant decline of wildlife diversity in SJRWMD designated Riparian Habitat Protection Zones.

POLICY 6.1.7.

The City shall maintain in the development review process the review and consideration of the cumulative and macro level impacts upon native faunal and floral species, their habitats, and wildlife corridors.

POLICY 6.1.8.

The City shall cooperate with local, State, regional and Federal agencies as needed to update inventory and analysis of the quantity and quality of existing aquatic and terrestrial habitat and movement corridors.

POLICY 6.1.9.

The City will enforce riparian wildlife corridor standards to prevent the diminishing of wildlife diversity beyond the baseline diversity similar to but not less than six-hundred (600') foot St. John's River Water Management District (SJRWMD) Tomoka River Riparian Habitat Protection Zone.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 6.1.10.

On a continuous basis, the City shall update its Land Development Code to incorporate the most recent information and to best ensure protection of sea turtles.

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POLICY 6.1.11.

The City shall prohibit the release of balloons into the atmosphere, except for balloons associated with educational, scientific, or transportation purposes.

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POLICY 6.1.12.

The City shall maintain standards, within the land development regulations for identification and preservation of floral and faunal habitats and wildlife corridors.

POLICY 6.1.13.

Site development related activities shall not result in the harming, pursuit, or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the State or Federal governments in contravention of applicable State or Federal laws. Should such species be determined to be residing on, or be otherwise significantly dependent upon the project site, the developer shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Game and Freshwater Fish Commission or Florida Department of Environmental Protection, the United States Fish and Wildlife Service, and the City. Proper protection and habitat management, to the satisfaction of all agencies, shall be provided by the developer.

POLICY 6.1.14.

To minimize dependency on groundwater for irrigation and to prompt retention of wildlife habitat, native vegetation shall be utilized in landscaping to maximum extent practicable.

POLICY 6.1.15.

The City shall ensure that protected and designated environmental system corridors remain intact even after annexation.

POLICY 6.1.16.

If a habitat mitigation plan is required by an agency, the City shall ensure that the applicant provides for on-site direct supervision during the construction process and any post-construction modifications. Permit conditions of other agencies shall be submitted to the City and enforced.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 6.1.17.

The City shall encourage the Volusia Council of Governments to maintain a clearinghouse for environmental and natural resource studies and recommendations by both public and private organizations.

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POLICY 6.1.18.

Marinas shall not be permitted in areas which are determined to be critical to the survival of the manatee. This includes the Tomoka River, Thompson Creek, Strickland Creek, and Dodson Creek. In addition, construction of new or the expansion of existing boat facilities in these areas shall be consistent with the Manatee Protection Plan for Volusia County dated August 23, 2005 (adopted by Volusia County on September 8, 2005) and the requirements of the City of Ormond Beach Land Development Code, whichever is more restrictive.

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POLICY 6.1.19.

Where a site is found to be inhabited by a gopher tortoise population that meets or exceeds the Florida Game and Freshwater Fish Commission's threshold of "significant" gopher tortoise habitat or which comprises part of a gopher tortoise population that may, in the aggregate, meet or exceed this threshold, the property owner shall protect such habitat areas through the use of conservation easements, deed restrictions, or common open space areas. As an alternative, gopher tortoises may be relocated only in conformance with an approved gopher tortoise relocation plan.

POLICY 6.1.20.

Any bridge or road crossings over water bodies and/or wetlands shall be designed and constructed to minimize the right-of-way width, minimize overstory removal, and provide adequate space under the span of road to accommodate large wildlife movement and shall not impede anticipated water flows.

POLICY 6.1.21.

Land development proposals shall be reviewed to protect the natural functions of ecologically viable wildlife, fisheries and marine habitats. Applicants for development shall prepare a suitable alternative management plan, as per Policy 6.1.2, when local, State, or Federally listed vegetative, wildlife and marine species occur within project boundaries.

POLICY 6.1.22.

The City shall maintain development review standards for projects which impact habitats of endangered and threatened species or species of special concern. The type and occurrence of such habitats shall be as determined by the City, the County or the appropriate Federal (USFWS) and State (FGWFC, FDEP, ECFRPC) agencies. These review standards shall address at minimum:

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

- a. Proper siting of development structures and infrastructure, including clustering of dwelling units or buildings away from such habitats;
- b. Management plans which protect fish and wildlife designated as endangered, threatened or species of special concern;
- c. Mitigation plans for such habitat which is unavoidably altered;
- d. Restrictions on the use of such habitats to those which are found to be compatible with the requirements of wildlife species which are threatened, endangered, or of special concern.

POLICY 6.1.23.

The City shall establish management plans for specific endangered and otherwise designated species. At minimum, these plans shall:

- a. Provide for the coordination of Federal, State, local, and private activities involving protection of the particular species;
- b. Establish public education programs;
- c. Provide for the minimization of activities which directly or indirectly adversely impact the particular species listed above; and
- d. Establish standards for habitat protection, and/or relocation of species, where appropriate.

POLICY 6.1.24.

The City shall establish and maintain programs to reduce, and eliminate, where possible, pollution activities which adversely impact endangered species, including illegal dumping of solid and hazardous waste, littering near open water bodies, and the outdoor release of balloons.

POLICY 6.1.25.

Marine, brackish, and freshwater habitats necessary for the continued ecological stability of fisheries and water-depending wildlife shall be identified and protected through, at minimum, coordination with the Florida Game and Freshwater Fish Commission, Florida Department of Environmental Protection, and other governmental agencies as appropriate.

POLICY 6.1.26.

The City shall continue to ensure the protection of manatees by, at minimum: supporting the Tomoka River Manatee Sanctuary; supporting the regulation and enforcement of boat speeds; regulating safety and water sport activities; utilizing the boat facility siting plan in Phase II of the Manatee Protection Plan for Volusia County dated August 23, 2005; monitoring and ensuring the proper maintenance of extensive signage denoting manatee habitat and associated boat speed zone; requiring mitigation through contributions to the Manatee Conservation Fund; and ensuring the distribution of educational materials about manatees and their protection at boat launch and marina facilities. All manatee protection measures shall be consistent with the

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

Manatee Protection Plan for Volusia County dated August 23, 2005 (adopted by Volusia County on September 8, 2005).

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POLICY 6.1.27.

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Land use activities adjacent to the following areas:

- Open space/conservation areas and recreation/open space areas designated in the Future Land Use and Recreation/Open Space Elements;
- Tomoka Marsh Aquatic Preserve;
- Tomoka River Manatee Sanctuary;
- Tomoka River OFW;
- Tomoka State Park;
- Wetlands,

shall be limited to non-intensive uses such as Environmental Systems Corridors, Agriculture, rural, or low density residential and office/professional or neighborhood commercial. All proposed land use activities must ensure that such activities will not degrade the natural physical, biological, aesthetic, or recreational functions of such lands and shall provide for the preservation and protection of such areas in accordance with the appropriate standards including, but not limited to, setback requirements, buffers, wetland and floodplain policies.

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POLICY 6.1.28.

Planning and approval of development projects shall avoid adverse impacts to species listed as endangered, threatened or species of special concern to the greatest extent practicable. Where suitable habitat on a project site is utilized by a listed species, a management plan designed to minimize harm to the species and its habitat should be prepared by the developer and adherence to the plan made a condition of development approval. Management plans shall be reviewed and approved by the appropriate State agency (FGFWFC or FDEP) and the U.S. Fish & Wildlife Service prior to their approval by the City.

POLICY 6.1.29.

The City shall support the protection of critical habitat for endangered and threatened species to the maximum extent feasible. "Critical habitat" shall include those habitat types, or specific geographical locations, which are designated as such by the USFWS, NMFS, FGFWFC, FDEP, FDACS, or the RPC.

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The City shall cooperate with other governmental agencies and conservation groups in the development of a public awareness program for fish and wildlife conservation.¶
POLICY 6.2.1.¶

The City shall cooperate with other governmental agencies and conservation groups in a public awareness campaign for endangered and threatened species.¶

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

USES OF NATURAL RESOURCES

GOAL 7.

THE CITY SHALL PROVIDE FOR THE PROTECTION AND SENSITIVE USE OF NATURAL RESOURCES THROUGH DEVELOPMENT REGULATIONS AND PUBLIC PROGRAMS.

OBJECTIVE 7.1.

The City shall support the acquisition of unique or environmentally significant properties for public conservation reservations and maintain its proposed level-of-service for passive parks.

POLICY 7.1.1.

Upon adoption of the Comprehensive Plan, the City shall require developments along the Tomoka River and its tributaries with individual properties of five acres or larger to include all wetlands in a conservation easement to the City. The easement shall not prohibit the construction of an elevated wooded catwalk to the waterway, provided the construction is done in the most environmentally sound manner. Developments, when property along a waterway or wetland is divided into tracts of less than 5 acres, shall put those wetlands in either public or semipublic (e.g., homeowner's association) control; properties with multiple riparian ownership of less than 5 acres which are under homeowner association control shall grant a conservation easement to the City. For lots of less than 5 acres, if part of a subdivision project, only one community dock shall be allowed.

POLICY 7.1.2.

On a continuous basis, the City shall consider acquisition of vacant lands abutting the Tomoka River, its tributaries, Dodson Creek and the Halifax River.

POLICY 7.1.3.

The City shall, in coordination with local and State agencies, participate in a strategy to acquire environmentally sensitive lands.

OBJECTIVE 7.2.

All development activities shall properly assess impacts on the environment and provide an effective mitigation plan as required.

POLICY 7.2.1.

The City shall require Environmental Assessment Reports for all planned unit developments, subdivisions, and other development that must comply with the special requirements of the residential suburban zoning district and that must prepare a water management plan in accordance with the provisions of the Land Development Code.

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Floodplains:¶

Identify boundaries on a site plan and determine amount of acreage in and out of the floodplain.¶

Demonstrate compliance to Flood Damage Control Ordinance that limits fill.¶

Discuss methods which will be used to compensate for the potential flood hazards.¶

Vegetation:¶

Provide a survey of specimen trees and demonstrate compliance to the City Tree Protection Standards.¶

Map of natural systems.¶

List of vegetation and identification of endangered and threatened species or species of special concern; specify their ecological function, health, and condition.¶

Indicate acres of each natural system found on the site.¶

Describe what alterations and disturbances to the wetlands are proposed and what areas will be preserved in their natural state.¶

Prepare a wetland management plan, if necessary.¶

Soils:¶

Identify and describe soils on the site.¶

Map of soils and soil borings.¶

Analysis of suitability of soils to development.¶

Legal Constraints:¶

Identify environmental constraints based upon law or regulation, including comprehensive plan performance standards.¶

Identify the nature and boundaries of the legal constraints (i.e., Department of Environmental Protection, St. Johns River Water Management District, and Army Corps of Engineers jurisdictional boundaries).¶

Wildlife Habitat:¶

Demonstrate what wildlife nest, feed, reside on or migrate to the site and describe measures to be taken to protect this wildlife and their habitat areas.¶

Inventory wildlife areas.¶

Map habitat areas for species of special concern, threatened species, and enda... [26]

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Policy 4.1.1. of the Future Land Use Element designates environmentally sensitive lands.

The enhancement of natural resources, specifically environmentally sensitive lands, is accounted for by Goal 4 of the Futu... [27]

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AIR QUALITY

GOAL 8.

MAINTAIN THE PRESENT HIGH LEVEL OF AIR QUALITY FOR HUMAN HEALTH, SAFETY, AND WELFARE, AND PROTECTION OF THE NATURAL ENVIRONMENT.

OBJECTIVE 8.1.

Prevent the degradation of the City's air quality below baseline standards.

POLICY 8.1.1.

No industrial or commercial business which emits air pollutants which would degrade the City's ambient air quality will be permitted unless it can be proven to the City that all available pollution control devices and practices will be installed as a part of the development upon occupancy.

POLICY 8.1.2.

The City shall encourage alternative modes of transportation by promoting the use of bicycles by building more bike lanes, bike paths, and bike racks, and requiring more improved pedestrian sidewalks.

Deleted: by, at minimum: setting up a City-wide car pooling information network, promoting

POLICY 8.1.3.

The City shall support, by Resolution, an inspection program by the Police Department to identify vehicles which fail to meet pollution control standards as mandated by Florida Statutes.

POLICY 8.1.4.

New facilities housing the young, the elderly or the handicapped shall be prohibited from locating near point air pollution sources and vice versa. Playgrounds and active recreation areas shall also be located a safe distance from these sources.

POLICY 8.1.5.

Construction, excavation, and land clearing activities shall minimize the exposed ground surface area. Any area that is to be exposed for an extended time period shall be mulched or sodded.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 8.1.6.

In the interest of safety and air quality control, residential development shall construct a system of bikeways or provide for bicycles in the construction of the internal roadway system which will provide bicycle travel between:

- a. Homes and schools
- b. Homes and employment centers
- c. Homes and neighborhood commercial centers.

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POLICY 8.1.7.

External bicycle systems which provide for bicycle traffic to adjacent residential, employment, and educational centers shall be connected by development and the provision for facilitating the movement of bicycle traffic to nearby external residential, employment and educational centers shall be considered during the site plan review process.

POLICY 8.1.8.

Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities.

POLICY 8.1.9.

The City shall continue to require all buildings scheduled for demolition or renovation be surveyed by the applicant for the presence of asbestos. Asbestos shall be removed prior to demolition. Any asbestos removal and disposal shall be performed by a contractor licensed by the Florida Department of Professional Regulation.

POLICY 8.1.10.

The City shall enforce Section 104.1.10 of the currently adopted Florida Building Code in regard to asbestos removal during demolition or construction activities.

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OBJECTIVE 8.2.

The City shall review through the site plan review process the change in levels of air pollutants considered hazardous to health or damaging to property (including but not limited to carbon monoxide, sulfur oxides, hydrocarbons, particulates, nitrogen oxides, photochemical oxides); the effective or visual aesthetics, in terms of opacity and shade of emitted smoke plumes.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 8.2.1.

The City shall require all industrial and certain commercial development and residential development to prepare an Environmental Assessment Report to analyze and estimate the net change in levels and distribution of pollution caused by the development activity.

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POLICY 8.2.2.

The shade and opacity of smoke emitted from developments can be quickly determined by a trained inspector making comparisons with a Ringelmann Chart, which is simply a set of illustrations of different densities.

POLICY 8.2.3.

Development activity which creates an odor on the scale of 2, 3, or 4 shall be located at sufficient distances from residential neighborhoods to reduce the odor to, at minimum, a level of 1.

The intensity of odors can most simply be determined by using a zero-to-four scale, as follows:

- 0 No sensation of odor.
- 1 Just detectable odor (the threshold dilution).
- 2 Distinct and definite odor whose unpleasant characteristics are revealed or foreshadowed (the recognition threshold).
- 3 Odor strong enough to cause a person to attempt to avoid it completely.
- 4 Odor so strong as to be overpowering and intolerable for any length of time.

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POLICY 8.2.4.

Air modeling shall be accomplished using guidelines adopted by the FDEP or, if none are adopted, using a methodology agreed upon by the City, Volusia County, and FDEP. If the air modeling specified above results in any predictions of one hour or eight hour CO concentrations at or above the Federal and State standards, then ambient air monitoring for CO will be conducted at an appropriate locations(s) determined by the City of Ormond Beach, Volusia County, FDEP and the East Central Florida Regional Planning Council. This monitoring will meet all applicable State and Federal standards for CO monitoring including season, location, duration, instrumentation, quality control and quality assurance.

POLICY 8.2.5.

Should the air monitoring specified above indicate that a violation of Florida Ambient Air Quality (FAAQ) standards has occurred, and the modeling indicates that ten (10%) percent or more of the CO is attributable to project traffic, then the applicant shall pursue one or any combination of the following until modeling indicates that the FAAQ's will be achieved:

- a. Not commence the next development or monitoring phase;
- b. Participate in cost-sharing of roadway improvements;
- c. Implement an active Transportation System Management program.

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MINING AND MINERALS

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GOAL 9.

MINING EXTRACTION ACTIVITIES SHALL BE CONDUCTED IN A MANNER THAT MINIMIZES IMPACT ON THE ENVIRONMENT AND SURROUNDING LAND USES.

OBJECTIVE 9.1.

Mineral extraction activities shall be accomplished in a manner consistent with applicable aesthetic, engineering, environmental, health, noise, recreation, and safety standards.

POLICY 9.1.1.

The City shall maintain the provisions of the Land Development Code concerning effective mineral extraction to achieve the following:

The City shall achieve an aesthetically pleasing landscape compatible with adjacent land uses and to minimize soil erosion by the use of native vegetative buffers. Buffers shall also be established between the mining activity and adjacent existing and planned future land uses.

POLICY 9.1.2.

On a continuous basis, the City shall coordinate with local governments, the FDEP and SJRWMD to ensure that the mined areas are reclaimed in accordance with current law and permit conditions.

POLICY 9.1.3.

If a mine requires “dewatering”, the discharge shall occur from one cell of the project site to another cell. Off-site discharge shall be prohibited.

OBJECTIVE 9.2.

Mineral extraction activities shall “respect” paleontological, archaeological, and historic sites.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 9.2.1.

The City shall initiate cooperative efforts with other government agencies and private organizations to identify and evaluate existing or potential extraction sites that are likely to contain significant paleontological, archaeological or historical resources.

POLICY 9.2.2.

Any excavation or mining activity which uncovers or appears to be disturbing archaeological or paleontological resources shall be held in abeyance until a preliminary assessment can determine the probability of significant archaeological or paleontological assets.

POLICY 9.2.3.

The City shall maintain the regulations in the Land Development Code that regulate the process for dealing with potential archaeological or paleontological resources. This shall include cooperation with the Museum of Arts and Sciences, the Volusia Anthropological Society, and the State Bureau of Historical Resources.

OBJECTIVE 9.3.

Mineral extraction activities will generate a net benefit to the community.

POLICY 9.3.1.

The City shall require developers or owners to provide restoration plans for new or currently active borrow pits, so that once the material extraction has been completed, the former pits will continue to benefit the overall community.

POLICY 9.3.2.

The City shall require dry hydrants be installed at appropriate sites adjacent to strategically located borrow pits, to ensure an adequate fire protection capacity.

POLICY 9.3.3.

Mining operators shall demonstrate financial responsibility to pay for necessary corrective actions or repairs to roadways, buildings, other structures, groundwater, or surface water and to reclaim the site to prescribed specifications upon completion of mineral extraction activities.

OBJECTIVE 9.4.

Mining activities shall not adversely affect the quality of air, groundwater and surface water and land and wildlife.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 9.4.1.

Phasing of extractive activities shall be used as a device to assure that only small areas are affected by such activities at one time.

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Mining activities will not be allowed in groundwater recharge areas or in Class I, Class II, or Class III wetlands. Class IV wetlands shall not be excavated if they are connected to another wetland.¶

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POLICY 9.4.2.

The City shall require that a geophysical log series (from wells or other acceptable means) be prepared for the proposed site to assess the hydrogeologic character of the site.

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POLICY 9.4.3.

Mineral and sand extraction activities shall not remove or disturb any impervious layer (e.g., clay) that naturally segregates the surficial aquifer from the Floridan Aquifer.

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POLICY 9.4.4.

Once extraction ceases, appropriate usage limits regarding septic and stormwater systems are to be implemented to ensure protection of surface water, groundwater and the Volusia-Floridan Sole Source Aquifer.

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POLICY 9.4.5.

Formerly mined areas may not be incorporated into a stormwater retention or detention system until an engineering, hydrologic, or hydrogeologic determination has been made showing an adequate confining layer, segregating water in the pit from the Volusia-Floridan Sole Source Aquifer.

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HAZARDOUS WASTES

GOAL 10.

THE CITY SHALL ENSURE THAT THE GENERATION, USE, STORAGE, TRANSPORTATION, AND COLLECTION OF HAZARDOUS OR TOXIC CHEMICALS, MATERIALS, OR SUBSTANCES WITHIN THE CITY SHALL CONSTITUTE NO SIGNIFICANT THREAT TO THE GENERAL HEALTH, SAFETY, AND WELFARE.

OBJECTIVE 10.1.

The City shall ensure compliance with SARA Title III provisions and shall ensure the proper management of hazardous materials to protect the public health, safety, and welfare and to protect natural resources.

POLICY 10.1.1.

The City shall continue to identify all industries and businesses within its boundaries which generate, use, or store hazardous or toxic chemicals, materials, or wastes.

POLICY 10.1.2.

The Fire Department shall maintain the information from Policy 10.1.1 (above) in its computer database.

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POLICY 10.1.2.

The City shall continue a public information campaign oriented to industries, businesses, and homes to educate people about safe use and disposal of hazardous or toxic substances.

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The City shall continue to obtain interlocal agreements to a) identify potential hazardous or toxic contaminants in those jurisdictions which might significantly affect the City; and, b) prepare joint contingency plans for such an event.¶

POLICY 10.1.3.

The City, in conjunction with the Central Florida Local Emergency Planning Committee (LEPC) shall regulate and manage hazardous waste to protect the public health, safety and welfare and to protect natural resources as per the standards and guidelines established under Goal 3.2 in the Utilities Element.

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OBJECTIVE 10.2.

The City shall be fully prepared for a hazardous or toxic accident or incident, with up-to-date plans, training, and equipment.

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

POLICY 10.2.1.

On a continuous basis, the appropriate personnel shall be kept abreast of the appropriate accident/incident response training.

POLICY 10.2.2.

On a continuous basis, up to date monitoring and accident/incident response equipment shall be maintained in quantities specified by Federal or State guidelines.

POLICY 10.2.3.

The City shall update its Hazardous Materials Response Plan on a continuous basis.

POLICY 10.2.4.

The City shall attempt to recover from any potentially liable third party any cost that it incurs from any hazardous or toxic accident/incident.

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SOIL AND EROSION

GOAL 11.

THE CITY SHALL ENSURE THE APPROPRIATE CONSERVATION AND USE OF SOIL RESOURCES.

OBJECTIVE 11.1.

Incorporate the inherent limitation of existing soils in land planning and development, and minimize impacts, which result in soil erosion.

POLICY 11.1.1.

Prior to any land disturbance associated with land development activities, except in previously approved subdivisions, the applicant shall indicate on a site plan those areas of highly erodible soils, as defined by the U.S. Department of Agriculture Soil Conservation Service, and avoid and minimize disturbance to those areas to the maximum extent feasible.

POLICY 11.1.2.

Building and other construction in soils which are determined to be hydric in character, as defined by the USDASCS and the Florida Department of Agriculture, shall be prohibited except to accommodate an overriding public interest and except as allowed within the wetland regulations.

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POLICY 11.1.3.

The City shall require excavation sites to be designed and executed to resemble and function as natural systems.

POLICY 11.1.4.

Residential site design shall be based on data contained in the U.S. Soil Conservation Service's soils report, unless a detailed soils analysis is undertaken and accepted by the City and the USDASCS regional field or State soil scientist.

POLICY 11.1.5.

The applicant of proposed development activities shall be responsible for implementing measures prior to and during construction activities on the project site to ensure that

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**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

sedimentation and/or erosion problems are not created in receiving wetlands or other water-bodies.

POLICY 11.1.6.

Septic tanks shall not be located in areas designated by the U.S. Soil Conservation Service as having severe or moderate limitations for septic tank development.

POLICY 11.1.7.

In connection with development, all swales, retention, and detention areas shall be sodded or vegetated to help prevent erosion and facilitate efficient maintenance.

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**LOW IMPACT
DEVELOPMENT**

GOAL 12.

FOR NEW DEVELOPMENT AND REDEVELOPMENT, APPLY BETTER SITE DESIGN AND LOW IMPACT DEVELOPMENT (LID) TECHNIQUES, AND PURSUE COMMITMENTS TO REDUCE STORMWATER RUNOFF VOLUMES AND PEAK FLOWS, TO INCREASE GROUNDWATER RECHARGE, AND TO INCREASE PRESERVATION OF UNDISTURBED AREAS.

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OBJECTIVE 12.1.

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By 2010 the City shall amend the Land Development Code to implement Low Impact Development techniques.

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POLICY 12.1.1.

Integrate into the Land Development Code (LDC) the source control concept which places a greater importance on managing smaller, cost-effective landscape features located on each lot rather than through costly pipe and pond stormwater management design.

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POLICY 12.1.2.

Maintain or improve infiltration, frequency and volume of discharges, and groundwater recharge by placing greater emphasis on reducing pervious surfaces, functional grading, open channel sections, and the increase use of bioretention/filtration landscaped areas.

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POLICY 12.1.3.

Integrate alternative stormwater management practices such as on-lot microstorage, functional landscaping, open drainage swales, reduced imperviousness, flatter grades, increased runoff travel time, and depression storage into a multifunctional site design.

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POLICY 12.1.4.

Reduce the use of centralized best management practices (BMPs) such as storm water ponds through the use of Integrated Management Practices (IMPs) which are distributed in small portion of a lot or parcel and near the source of impacts.

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POLICY 12.1.5.

Amend the LDC and Construction Details to permit LID designs that can significantly reduce development costs through smart site design by:

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- Reducing impervious surfaces (roadways), curb, and gutters
- Decreasing the use of storm drain piping, inlet structures, and
- Eliminating or decreasing the size of large stormwater ponds.

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	OBJECTIVE 2.3.	10
	POLICY 2.3.1.	10
	POLICY 2.3.2.	10
	POLICY 2.3.3.	10
	POLICY 2.3.4.	11
	POLICY 2.3.5.	11
	POLICY 2.3.6.	11
	POLICY 2.3.7.	11
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	POLICY 5.2.15.	21
Page 5: [6] Deleted		Author	
	POLICY 5.4.36.	29
	POLICY 5.4.37.	30
	POLICY 5.4.38.	30
	POLICY 5.4.39.	30
	POLICY 5.4.40.	30
	POLICY 5.4.41.	31
	POLICY 5.4.42.	31
	POLICY 5.4.43.	31
	POLICY 5.4.44.	31
	POLICY 5.4.45.	32
	POLICY 5.4.46.	32
	POLICY 5.4.47.	32
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	OBJECTIVE 6.2.	39

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POLICY 7.2.2. 42

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POLICY 1.2.6.

The City shall continue to require and enforce the provision and maintenance of adequate and undisturbed upland buffers of native vegetation adjacent to the Halifax River, the Tomoka River, and all of their associated tributaries and wetlands.

A minimum shoreline requirement shall be applied for all new development to protect wildlife and marine life habitat areas and the adjacent surface water quality. The minimum shoreline setbacks shall be as follows:

Tomoka River and the Little Tomoka River: A minimum of 120 feet from the mean high water mark or 50 feet from the upland/wetland interface line, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten feet (10') above the mean high water mark exists along the river.

Halifax River: A minimum of 30 feet from the mean high water line or upland/wetland interface, or as stipulated by a specific zoning district rear yard setback contained in the Land Development Code, whichever is greater. The minimum setback may be reduced where a planned overlay district is approved for sites where a bluff of ten (10') feet above the mean high water mark exists along the river.

Mosquito Control Ditches; Strickland, Dodson, and Thompson Creeks; and Misner's and Groover Branches: A minimum of 60 feet from the mean high water mark or 50' from the upland/wetland interface line, whichever is greater.

For those waterways listed under "c" above, the shoreline and wetland setback may be adjusted downward on a case-by-case basis, to be no less than 30 feet from the mean high water mark or no less than 25 feet from the upland/wetland interface, whichever is greater. A request for a reduction may be considered, provided that the associated wetland and upland buffer areas are predominantly herbaceous in nature, and the functioning values of the wetland and upland buffer areas are poor for such factors as wetland wildlife quality, and quantity, and sediment and turbidity control and surface water runoff control. A determination to allow a reduction in the buffer width shall be based on a finding of conformance to all of the following criteria as conducted through the development review process:

- 1. The developable portion of the property is less than 150 feet deep for existing lots of record, as of the date of adoption of the Comprehensive Plan.

The proposed development shall be connected to a central water and sewer system.

The proposed development shall not adversely impact the hydroperiod and other functioning values of the adjacent wetland as determined by review of a Wetlands Management Plan, which is required to be submitted under the Wetlands Protection Ordinance.

The proposed development shall provide one-to-one mitigation for reduction in standard, by enhancing the functioning values of the on-site upland and wetland buffer areas.

OBJECTIVE 2.2.

The City shall protect the natural functioning values of the floodplains to the maximum extent feasible through buffer requirements, fill limitations, conservation easements, and tree protection ordinances.

POLICY 2.2.1.

New developments along Strickland, Thompson, and Dodson Creeks shall maintain an undisturbed buffer.

For those waterways listed above, the shoreline and wetland setback may be adjusted downward on a case-by-case basis, to be no less than 50 feet from the mean high water mark or no less than 25 feet from the upland/wetland interface, whichever is greater. A request for a reduction may be considered, provided that the associated wetlands and upland buffer area are predominantly herbaceous in nature, and the functioning values of the wetland and upland buffer areas are poor for such factors as wetland wildlife quality, and quantity, and sediment and turbidity control and surface water runoff control. A determination to allow a reduction in the buffer width shall be based on a finding of conformance to all of the following criteria as conducted through the development review process:

The developable portion of the property is less than 150 feet deep for existing lots of record, as of the date of adoption of the Comprehensive Plan.

The proposed development shall be connected to a central water and sewer system.

The proposed development shall not adversely impact the hydroperiod and other functioning values of the adjacent wetland as determined by review of a Wetlands Management Plan which is required to be submitted under the Wetlands Protection Ordinance.

The proposed development shall provide one-to-one mitigation for reduction in standard, by enhancing the functioning values of the on-site upland and wetland buffer areas.

POLICY 2.2.2.

New developments along the Tomoka River shall maintain undisturbed vegetative buffers which are at a minimum 120 feet from the mean high water mark or 50 feet from the upland/wetland interface, whichever is greater.

POLICY 2.2.3.

All preserved wetlands shall be protected through public or semi-public ownership (such as a conservation easement granted to the City by homeowners' associations, etc.). Where semi-public ownership is allowed, it shall be accompanied by a conservation easement in favor of a public agency for purposes of enforcement. The City shall ensure that all such wetlands in developed areas of the City are either under public ownership or semi-public stewardship.

POLICY 2.2.4.

By 2004, the City shall inventory and identify all wetlands within existing residential developments and determine whether the present method of protection is consistent with policies and regulations that assure their proper maintenance.

POLICY 2.2.5.

Floodplains whose functional values have been degraded or destroyed through human intervention should be restored, if possible, by acquisition of historic floodplain lands. Various State, regional, and local land acquisition programs shall be used for this purpose.

POLICY 2.2.6.

There shall be no alteration of sand dunes which would increase potential flood damage.

Page 23: [11] Deleted	Author
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An adequate upland buffer shall be established around preserved wetland areas to meet wetland setback requirements or open space requirements. The following criteria shall apply in implementation of this policy:

The width of the buffer area shall be consistent with the standards of the wetland classification and shall not be less than an average of twenty-five (25') feet or not more than an average of one hundred (100') feet between the wetland and upland development activities.

The width of the buffer may be established on a site-specific basis in accordance with the methodology set forth by the report entitled "Buffer Zones for Water, Wetlands, and Wildlife in the East Central Florida Region." The width of the buffer may exceed the buffer requirements, for that particular wetland system if needed to minimize groundwater drawdown; control sediment and turbidity and surface water runoff; and protect wildlife habitat.

Upland buffer areas shall be preserved in perpetuity by, at a minimum, a conservation easement or deed restriction.

To help protect the water quality of the Tomoka River and ensure the functional value of Class I wetlands, intensive land uses shall be directed away from the landward edges of these wetland systems.

All Class I wetlands as defined by the most landward extent of DEP, or ACOE jurisdictional boundaries for connected wetlands or those Class I wetlands as identified by the City shall be preserved (no construction activities allowed).

Road crossings shall be prohibited unless shown to be in the overriding public interest, such as a necessary collector or arterial road linkage. When allowed, road crossings shall occur at the narrowest point and be elevated on a bridge structure and designed so that water flow and wildlife movement are uninterrupted.

An undisturbed upland buffer zone of native vegetation shall extend not less than 50 feet or greater than 100 feet landward of the upland/wetland interface, with no construction activities allowed in this district, with the exception of those activities relating to passive recreational uses and limited private access to a water body.

The buffer width may be established on a site specific basis based on methodology contained within the report entitled: "Buffer Zones for Water, Wetlands, and Wildlife in the East Central Florida Region."

Hookups to central utilities shall be required when available for non-rural residential development occurring within the immediate drainage basin of the Tomoka River and its tributaries.

All Class I Wetlands shall be under public ownership, or semi-public stewardship such as a homeowners' association (HOA), to ensure their preservation. Where HOA ownership is involved, a conservation easement to a public agency shall also be included.

Elevated wooden "catwalks" designed to minimize disturbance to the wetland system shall be allowed to provide limited river access.

Any wetlands that are disturbed shall be mitigated by creation of new wetlands at a compensatory wetland mitigation ratio of four (4) to one (1) or by preservation of significant adjacent upland areas at two (2) to one (1). The ratios may be increased due to site-specific conditions.

Naturally functioning Class II isolated wetland systems include, but are not limited to, isolated cypress swamps, bay swamps and gum swamps. These wetlands shall be protected in order to maintain their ability to handle drainage. The following criteria shall apply in the implementation of this policy:

Naturally functioning Class II wetlands shall be preserved so that not more than ten (10%) percent of the cumulative Class II system, within property boundaries, is disturbed, whether filled, cleared, or otherwise altered. Such wetland impacts will

be reviewed by the Development Review Board and approved by the City Commission under the Conditional Use Permit or Planned Development process. Any wetlands that are disturbed shall be mitigated by creation of new wetlands at a compensatory wetland mitigation ratio of 2 to 1 or by preservation of significant upland areas at 1 to 1. The ratios may be increased due to site-specific conditions.

Road crossings shall be allowed only when it is shown to be a vital link to a substantial portion of the development and no other practical alternative exists. When allowed, road crossings shall occur at the narrowest point of the wetland system and be elevated and designed so that water flow and wildlife movement are unimpeded to the maximum extent feasible.

An undisturbed upland buffer of native vegetation of an average 30' but not less than 25' shall be required landward of the upland/wetland interface and shall consist of non-impervious surface and natural vegetation around the perimeter of the protected wetland system.

Stormwater runoff into the cypress system should not be channelized or forced, to ensure that natural surface water fluctuation cycles are undisturbed.

Class III, Isolated Transitional Wetland/Pine Swamp areas have a high wildlife habitat value. Because of lower development potential of the soils associated with Pine/Cypress or Pine/Bay communities, combined with higher wildlife habitat values, the Class III system is ideally suited for preservation as natural open space and a wildlife buffer to urban development and shall therefore be protected. The following criteria shall apply in the implementation of these criteria:

Class III communities shall be maintained as much as possible for open space and wildlife habitat.

Road crossings shall occur at the narrowest section of the wetland system and be designed to minimize disturbance.

A limited amount of modification is allowed, not to exceed 20% of the cumulative wetland system within property boundaries, including fill, clearing, and excavation for stormwater retention. Said wetland impacts will be reviewed by the Development Review Board and approved by the City Commission under the Conditional Use Permit or Planned Development process.

An undisturbed upland buffer of native vegetation shall extend an average of 25 feet but not less than 20 feet upland from the upland/wetland interface of all protected wetland systems.

Any wetlands that are disturbed shall be mitigated by creation of new wetlands at a compensatory wetland mitigation ratio of one (1) to one (1) or by preservation of significant adjacent upland areas at one (1) to one (1). The ratios may be increased due to site-specific conditions.

Class IV, Wetland systems, usually recently cleared areas consisting mostly of open water, grasses, and shrubs, need to be distinguished from whether they are connected to a Class I, II, or III swamp, or are isolated. The latter form is a prime target for excavation for retention ponds to be constructed somewhat deeper than the existing natural depth. Those areas of disturbed swamps connected to other, more established swamps, have a reasonable chance to become reestablished, and destruction of which shall be carefully considered in terms of impacting the adjoining communities. The following criteria shall apply in the implementation of this policy:

Class IV wetland systems, where attached to a Class I, II, or III wetland, shall be preserved as a buffer. A limited amount of modification is allowed not to exceed twenty (20%) percent of the cumulative wetland system, when reviewed by the Development Review Board and approved by the City Commission under the Conditional Use Permit or Planned Development process.

Isolated Class IV wetlands could be utilized as stormwater retention.

Disturbance of Class IV wetlands greater than one quarter (1/4) acre in size, not utilized as a retention pond, shall be mitigated by creation of new wetlands at a compensatory mitigation ratio, of one (1) to one (1) or by protection of significant adjacent upland areas at one (1) to one (1).

The City shall prohibit construction projects utilizing any dewatering process from discharging into a designated wetlands area.

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Limit the extensive utilization of fill material in uplands, if its utilization results in extensive or significant wetland alteration.

Proposed activities which would destroy or degrade the function of wetlands shall not be permitted except where such activities are not contrary to the public interest and where there is no practical alternative which reduces or avoids impacts to wetlands. Unavoidable losses of viable wetlands should be mitigated through the demonstrably successful restoration, creation or (where no other alternative is feasible) preservation of wetlands whose functional values are at least comparable 1:1 to those of the wetlands lost. A compensatory wetland mitigation ratio of wetlands created to wetlands destroyed or disturbed shall be utilized except for Class IV wetlands which is 1:1. An alternative 2:1 ratio of significant uplands preserved such as xeric Oak or mesic communities to wetlands destroyed shall also be employed. The ratio may be increased depending upon site-specific conditions.

All new development shall submit to the City a description of all watercourses, water bodies and wetlands on or adjacent to the site or into which surface waters flow. Information regarding their water quality and the current water quality classification, if any, given them by the Florida Department of Environmental Regulation, Army Corps of Engineers, St. Johns River Water Management District, and the Florida Department of Environmental Protection shall be included.

Page 25: [21] Deleted

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Wetlands shall not be used as primary sediment traps during development. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and the wetlands.

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The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 300 feet, unless the St. Johns River Water Management District and/or the City accepts tests, calculations or other information furnished by the applicant through the permitting process which clearly demonstrates that deviation from the 300 feet distance would not degrade the wetlands in any way.

Page 26: [23] Deleted

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A Wetland Management Plan shall be required for all development that may adversely affect wetland systems.

The Wetland Management Plan should include, but not be limited to, a detailed analysis of the following:

A description of all water bodies, watercourses, and wetlands on-site and a general description of wetlands immediately adjacent to the site.

A map of the natural systems on the site.

The existing and historic environmental and hydrologic conditions of the site.

A plan for control of erosion and sedimentation, which describes in detail the type and location of control measures and provisions of maintenance.

A detailed description of methods to be utilized in meeting the following criteria:

The ability of the wetland to receive, store and discharge surface water runoff so as to contribute to hydrological stability and control of flooding and erosion;

The ability of the wetland to recharge the groundwater as demonstrated by reliable available information;

The ability of the wetland to provide filtration and nutrient assimilation from surface water runoff;

The ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife, or other forms of animal or plant life;

The ability of the wetland to function as an integral part of any waters, water body, or watercourse;

The cumulative impacts of the proposed development on the wetland system in combination with other developments which have been or shall be proposed in the same drainage basin;

The technical feasibility of any proposed wetland mitigation plans and the likelihood of their success in restoring or replacing the environmental benefit altered by the development; and

The capacity of the existing wetland to provide environmental benefits because of such factors as maturity, size, degree of prior alteration, physical relationship to other water systems, and adjacent land uses.

Page 27: [24] Deleted

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POLICY 5.4.36.

The purpose of mitigation is to offset unavoidable environmental impacts. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:

Avoiding the impact altogether by not taking a certain action or parts of an action;

Minimizing impacts by limiting the degree or magnitude of the action or its implementation;

Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

Compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or re-establishment of wetlands or significant upland areas which are no longer functioning due to significant alteration in the past.

Page 27: [25] Deleted

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POLICY 5.4.37.

Where all or part of a wetland is destroyed or substantially altered by development, an acceptable mitigation plan shall include at least:

Compensatory wetland mitigation ratios shall be consistent with the ratio established for each wetland classification. Wetland-to-wetland compensation should be like kind replacement, i.e., saltwater system for saltwater system, freshwater for freshwater where practicable;

Specific design requirements based upon conditions of the site and the type of wetland to be treated or restored;

Periodic monitoring to remove exotic or nuisance vegetation;

Monitoring and replacement to assure a survival rate of 80% wetland vegetation for a minimum of three (3) years; and

An upland habitat as an adjacent buffer on mitigated sites.

POLICY 5.4.38.

An acceptable mitigation plan shall be reasonably and technically feasible. Mitigation through restoration of other degraded wetlands or preservation of significant upland areas is preferred over wetland creation.

POLICY 5.4.39.

Mitigation shall take place on site or in close proximity and within the same drainage basin or sub-basin except as provided for in Policy 5.4.47.

POLICY 5.4.40.

An applicant who carries out a compensatory mitigation plan shall at least grant to the City a conservation easement on the newly created or restored wetland and buffer or preserved significant upland area to protect it from future development. A legal mechanism which protects the area in perpetuity other than a conservation easement may be deemed appropriate on a case by case basis to carry out the purpose of the subsection.

POLICY 5.4.41.

A mitigation plan approved by a Federal, State or regional agency shall be presumed to be acceptable provided, however, if no such mitigation plan is required by the approved permit from the Federal, State, or regional agency, then the local government may at its option adopt a mitigation plan in compliance with this section.

POLICY 5.4.42.

Mitigation should not contribute to the production of mosquitoes by creating mosquito larvae habitat or by eliminating habitat for predatory fish.

POLICY 5.4.43.

In order to properly identify and delineate wetland systems and their boundaries, field surveys shall be conducted to determine wetlands delineation in accordance with the following review process:

The applicant submits a preliminary natural systems map.

Boundaries of the wetlands on the project site are flagged and reviewed by City staff, the Army Corps of Engineers, the Department of Environmental Protection, the SJRWMD, and the applicant.

The applicant submits a detailed survey of wetlands with evidence and documentation.

After the applicant has submitted the map of wetlands and evidence documenting the results of the boundary survey, the Planning Department and the SJRWMD verify the accuracy of information and may render adjustments to the boundary delineation.

In the event the adjusted boundary delineation is contested by the applicant, staff may attempt to set agreeable boundaries.

When negotiations fail to reach a solution, the staff may, at the applicant's sole expense, obtain outside expert services to render a final decision.

POLICY 5.4.44.

It is the policy of the City to require proper planning to avoid or minimize damage to wetlands; to require that activities not dependent upon a wetland location be located at upland sites; to allow wetland losses only where all practicable measures have been applied; to reduce those losses that are unavoidable and in the public interest; to require silviculture to comply with all requirements; to provide for mitigation in the form of wetland restoration, wetland creation or upland preservation; to offset further losses; to promote economic development that creates long-term, value added jobs by allowing wetland impacts in excess of minimum requirements under certain conditions for commercial, industrial, and office/professional land uses; and to provide for the protection of wetlands under the City's land development regulations to be adopted and implemented consistent with Section 163.3202, F.S.

POLICY 5.4.45.

No activities in or affecting wetlands shall destroy natural wetland functions important to the general welfare by:

Decreasing breeding, spawning, nesting, wintering, feeding, or other critical habitat for fish and wildlife, including rare, threatened and endangered plant and animal species, commercially and recreationally important fish and wildlife and species of special concern;

Interfering with the natural exchange of nutrients needed by fish and other forms of wildlife;

Reducing groundwater recharge;

Destroying sites needed for educational and scientific research.

POLICY 5.4.46.

In order to control shoreline erosion, maintain water quality and protect fish and wildlife habitat, the removal or control of native species of emergent, submersed or floating vegetation in natural waters of the State (s. 403.031(12), F.S.) shall be limited to that necessary to provide for reasonable and beneficial uses of surface waters consistent with FDEP rules for aquatic plant control permits (Chapter 16C-20, F.A.C.). The FDEP, WMDs, RPC and City should ensure, to the greatest degree practicable and where appropriate, that native aquatic vegetation is not managed inappropriately as a part of their planning, project review, project approval, project inspection and law enforcement operations.

POLICY 5.4.47.

Wetland impacts may be allowed in excess of the percentage limitations established for isolated Class II, III, and IV wetlands under certain conditions in order to encourage industrial land development within the City's industrial parks. The following criteria shall apply in implementation of this Policy:

The provisions of this policy shall only apply to industrial land uses within the existing industrial parks currently owned by the City and are known as the "Airport Business Park Phase I & II".

Impacts to certain wetlands are excluded such as Class I wetlands (which are hydrologically connected to waters of the State), a mixed hardwood hammock wetland one (1) acre or greater, and any wetland system five (5) acres or more in size.

The request for alteration of wetlands in excess of those percentages permitted under the Comprehensive Plan shall be processed as Planned Industrial Developments (PIDs), which will require public hearings by the Development Review Board (DRB) and the City Commission.

The proposed wetland impacts shall be appropriately mitigated through compensatory wetland creation, enhancement, or preservation.

The amount of wetland disturbance or alteration should be the minimum amount necessary to accomplish the site development objectives through the use of creative site planning and innovative design techniques.

Mitigation is based on the City's compensatory mitigation ratios at a minimum. Wetland mitigation required by another permitting agency may be acceptable, if it meets the City's standards and is located within the City.

For that amount of wetland, impacts not appropriately mitigated within the City limits and exclusive of the percentage limitations allowed per wetland classification, a Development Opportunity Fee (DOF) will be assessed. The DOF will be established by the City Commission and included in the Fee Schedule of the Land Development Code. The DOF will be determined after due consideration of the following: current Property Appraiser records relative to the value of properties designated as "Open Space/Conservation" on the Future Land Use Map as well as other properties

considered to be environmentally sensitive and appropriate for acquisition; and an evaluation of the funds available from the City's Conservation Lands impact fee fund and from other governmental agencies, for the purchase of off-site wetlands. The DOF, as established, shall be reviewed annually and any necessary adjustments considered. The City shall place all DOF monies into a trust fund for the express purpose of acquiring, preserving, or enhancing wetlands. In lieu of paying the Development Opportunity Fee (DOF), the applicant may provide off-site wetland mitigation within the City limits equivalent to the required mitigation ratios.

The following criteria shall apply in implementation of this policy:

Floodplains:

Identify boundaries on a site plan and determine amount of acreage in and out of the floodplain.

Demonstrate compliance to Flood Damage Control Ordinance that limits fill.

Discuss methods which will be used to compensate for the potential flood hazards.

Vegetation:

Provide a survey of specimen trees and demonstrate compliance to the City Tree Protection Standards.

Map of natural systems.

List of vegetation and identification of endangered and threatened species or species of special concern; specify their ecological function, health, and condition.

Indicate acres of each natural system found on the site.

Describe what alterations and disturbances to the wetlands are proposed and what areas will be preserved in their natural state.

Prepare a wetland management plan, if necessary.

Soils:

Identify and describe soils on the site.

Map of soils and soil borings.

Analysis of suitability of soils to development.

Legal Constraints:

Identify environmental constraints based upon law or regulation, including comprehensive plan performance standards.

Identify the nature and boundaries of the legal constraints (i.e., Department of Environmental Protection, St. Johns River Water Management District, and Army Corps of Engineers jurisdictional boundaries).

Wildlife Habitat:

Demonstrate what wildlife nest, feed, reside on or migrate to the site and describe measures to be taken to protect this wildlife and their habitat areas.

Inventory wildlife areas.

Map habitat areas for species of special concern, threatened species, and endangered species.

Archaeological and Historical Sites:

Identify and map possible sites.

Describe measures to protect sites.

Water:

Describe existing hydrologic conditions (ground and surface water) on and abutting the site.

Describe, in terms of water quality parameters, the existing ground and surface water quality conditions on and abutting the site which will be influenced by development.

Air Quality

Describe impact, if any, of the air quality index.

Describe, if applicable, the proposed industrial development plan and impacts.

Water Management Plan:

Develop a written report meeting the criteria of Chapter 2, Article V of the City Land Development Code.

Mitigation Measures: Comprehensive assessment of the impact of the proposed project on the natural values and functions of the area. Identify all the important environmental consequences that are likely to result from the development and proposed mitigation measures.

POLICY 7.2.2.

Policy 4.1.1. of the Future Land Use Element designates environmentally sensitive lands. The enhancement of natural resources, specifically environmentally sensitive lands, is accounted for by Goal 4 of the Future Land Use Element.

