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**Alachua County  
Board of County Commissioners**

**ORDINANCE 2023-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; AMENDING CHAPTER 77, WATER QUALITY STANDARDS AND MANAGEMENT PRACTICES, OF THE ALACHUA COUNTY CODE OF ORDINANCES RELATING TO LANDSCAPES AND IRRIGATION: AMENDING SECTION 77.03, DEFINITIONS; MODIFYING ARTICLE VI LANDSCAPE IRRIGATION DESIGN AND MAINTENANCE STANDARDS; REORDERING SECS 77.54 - 77.66; REVISING COUNTYWIDE STANDARDS FOR THE EFFICIENT INSTALLATION AND MAINTENANCE OF PERMANENT IRRIGATION SYSTEMS BY LIMITING THE AREA THAT CAN BE PERMANENTLY IRRIGATED AND CLARIFYING MAINTENANCE RESPONSIBILITIES; MODIFYING SEC 77.66 AND CREATING AN ALACHUA COUNTY WATER CONSERVATION FUND; AMENDING SEC 77.69 DEED RESTRICTIONS AND COVENANTS TO REQUIRE HOMEOWNER ASSOCIATION REGISTRATION WITH THE COUNTY; CREATING SEC 77.71 USE OF AWARDS; AMENDING TITLE 40, LAND DEVELOPMENT REGULATIONS; MODIFYING SEC 406.59.1; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; ALLOWING FOR MODIFICATION OF THE LANGUAGE OF THE ORDINANCE DUE TO CONSIDERATIONS ARISING AT A PUBLIC HEARING; PROVIDING EFFECTIVE DATES.

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**WHEREAS**, Article VIII, Section 1(g), Florida Constitution, provides that Charter Counties have all powers of local self-government not inconsistent with general law; and

**WHEREAS**, through the approval of the Alachua County Charter Amendment 1, on November 7, 2000, the voters of Alachua County, Florida elected to give the Board of County Commissioners of Alachua County, Florida the authority to establish countywide standards for protecting the environment by prohibiting or regulating air or water pollution; and

**WHEREAS**, located within the north Florida regional water supply planning area. As the first-ever regional water supply plan for that area, the North Florida Regional Water Supply Plan was approved in 2017 and was developed through a highly collaborative process among the Suwannee River and St. Johns River water management districts, the Florida Department of Environmental Protection, local governments, public supply utilities, environmental advocates, and other stakeholders; and

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42           **WHEREAS**, the North Florida Regional Water Supply Plan determined that fresh  
43 groundwater alone cannot supply the projected increase in water demand for the north  
44 Florida area through 2035; and

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46           **WHEREAS**, section 373.228, Florida Statutes, recognizes landscape irrigation as  
47 a significant source of water use and directs local governments to improve landscape  
48 irrigation systems and design standards; and

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50           **WHEREAS**, the significant amount of water used by irrigation systems throughout  
51 Alachua County causes nutrient run-off to flow from the irrigated land and its surroundings  
52 to the County's water resources, where the increased nutrients in the water have an  
53 adverse effect on the environment and water quality; and

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55           **WHEREAS**, protection of Florida's water supplies and resources is better  
56 accomplished by prevention of contamination and environmental degradation, rather  
57 than attempting to clean up contamination and restore degraded environments after the  
58 fact; and

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60           **WHEREAS**, it is the desire of the Alachua County Board of County Commissioners  
61 to proactively reduce nutrient pollution resulting from fertilizer and water use within  
62 Alachua County to protect and preserve water resources; and

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64           **WHEREAS**, Alachua County implements an education and outreach program  
65 which includes the promotion of Florida Friendly Landscaping and principles; and

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67           **WHEREAS**, the Alachua County Board of County Commissioners hereby finds  
68 and declares that adoption of this ordinance is necessary, appropriate, and in the public  
69 interest of citizens of this community.

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71           **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**  
72 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**

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74           SECTION 1. The Board of County Commissioners finds and declares that all  
75 statements in the preamble of the ordinance are true and correct.

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77           SECTION 2. Section 77.03 of the Alachua County Code is amended to read:

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79           Sec. 77.03. - Definitions.

80           *Address* means the house number of a physical location of a specific property. This  
81 includes "rural route" numbers but excludes post office box numbers. If a lot number in  
82 a mobile home park or similar community is used by the U.S. Postal Service to

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83 determine a delivery location, the lot number shall be the property's address. An "even  
84 numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters  
85 A—M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7,  
86 9 or the letters N—Z.

87 *Alachua County Stormwater Treatment Manual* means the Alachua County  
88 Stormwater Treatment Manual (2018).

89 *Alteration* means any dredging, filling, excavation, construction of new structures,  
90 expansion of existing structures, installation of utilities, roads, personal wireless service  
91 facilities, stormwater management systems, septic tanks, bulkheading, land clearing,  
92 tree cutting, mechanized vegetation removal and the disposal of solid or liquid waste.

93 *Application* or *apply* means the actual physical deposit of fertilizer to turf or  
94 landscape plants.

95 *Applicator* means any person who applies fertilizer on turf and/or landscape plants  
96 in Alachua County.

97 *Automatic irrigation system* means an irrigation system designed to operate  
98 following a preset program entered into an automatic controller.

99 *Best management practices (BMPs)*, for the purposes of Article III Stormwater  
100 Treatment Code, means the non-structural and structural practices described in the  
101 most recent edition of the Alachua County Stormwater Treatment Manual. Generally,  
102 best management practices means structural and non-structural control techniques  
103 used for a given set of site conditions that based on research, field-testing, and expert  
104 review, have been determined to be effective and practicable for improving water  
105 quality, preventing erosion and sedimentation, conserving water supplies and protecting  
106 natural resources. Best management practices include, but are not limited to, site  
107 planning, turf and landscape practices, structural stormwater management facilities,  
108 maintenance procedures, prohibitions of practices, spill and leak control, and other good  
109 housekeeping measures for pollution prevention. Best management practices may be  
110 implemented individually or as a combination of practices such as a stormwater  
111 treatment train.

112 *Bubblers* means ~~water an~~ emission device that floods the soil, discharging greater  
113 than 6.3 gallons per hour (24 liters per hour) when operated at 30 psi (206.8 kpa) and  
114 distributing water primarily through capillary action. ~~that tends to bubble water directly to~~  
115 ~~the ground or that throws water a short distance, about one foot, (300 millimeters) before~~  
116 ~~water contacts the ground surface. Bubblers are typically used for establishing trees.~~

117 *Commercial fertilizer applicator*, except as provided in 482.1562(9) F.S., means any  
118 person who applies fertilizer for payment or other consideration to property not owned  
119 by the person or firm applying the fertilizer or the employer of the applicator.

120 *Compost* means a mixture of decaying organic matter, as from leaves and manure,  
121 used as an amendment to improve soil structure and provide nutrients. The composting  
122 process is largely the result of the activity of aerobic organisms. Compost reduces the  
123 need to fertilize because nutrients are supplied in a slow-release manner. Compost

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124 does not include material that ~~have~~ has been modified by the addition of inorganic  
125 fertilizers.

126 *Daylight Savings Time* means the time during which clocks are set one hour ahead  
127 of Eastern Standard Time.

128 *Department* means the Alachua County Environmental Protection Department.

129 *Distribution equipment* means the water emitters on irrigation systems, including  
130 but not limited to sprinklers, rotors, spray heads and micro-irrigation devices.

131 *Eastern Standard Time* means the standard time in the eastern U.S.; not Daylight  
132 Savings Time.

133 *Excavation* means the disturbance or removal of earth materials.

134 *Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf,  
135 specialized turf, or landscape plants.

136 *Fertilizer* means any substance or mixture of substances that contains one or more  
137 recognized plant nutrients and promotes plant growth, or controls soil acidity or  
138 alkalinity, or provides other soil enrichment, or provides other corrective measures to  
139 the soil.

140 *Florida-Friendly Landscape* means a quality landscape that conserves water,  
141 protects the environment, is adaptable to local conditions, and is drought tolerant. The  
142 principles of such landscaping include planting the right plant in the right place, efficient  
143 watering, appropriate fertilization, mulching, attraction of wildlife, responsible  
144 management of yard pests, recycling yard waste, reduction of stormwater runoff, and  
145 waterfront protection. Additional components include practices such as landscape  
146 planning and design, soil analysis, the appropriate use of solid waste compost,  
147 minimizing the use of irrigation, and proper maintenance. [Ref. section 373.185 (1)  
148 Fla.Stat.]

149 *Florida Water Star<sup>SM</sup>* means a program for new residential and commercial  
150 construction that is intended to provide indoor and outdoor water efficient options and  
151 help prevent leaks.

152 *Florida Water Star Irrigation and Landscape Accredited Professional* means a  
153 landscape or irrigation professional who has successfully passed the Florida Water Star  
154 Accredited Professional exams for landscaping and irrigation and is currently in good  
155 standing with the program.

156 *Groundwater* means water in a saturated zone or stratum beneath the surface of  
157 land or water, whether or not it is flowing through known and definite channels.

158 *Hazardous materials* means those materials listed in section 353.26, "Materials  
159 regulated," of the Alachua County Hazardous Materials Management Code.

160 *Head to head coverage* means the spacing of sprinkler heads so that each  
161 sprinkler throws water to the adjacent sprinkler. This spacing must occur in all directions  
162 that the nozzle is throwing.

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163 High-efficiency Spray (HES) sprinkler nozzles means a sprinkler that has an  
164 application rate (precipitation rate) of 0.5 inches per hour or less.

165 *High volume irrigation* means an irrigation system with a minimum flow rate per  
166 emitter of more than 30 gallons per hour ("GPH") or higher than 0.5 gallons per minute  
167 ("GPM"). High volume emitter flow rates are usually measured in GPM.

168 *Institutional applicator* means any person, other than a non-commercial or  
169 commercial applicator (unless such definitions also apply under the circumstances), that  
170 applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional  
171 applicators shall include, but shall not be limited to, owners and managers of public  
172 lands, schools, parks, religious institutions, utilities, industrial or business sites and any  
173 residential properties maintained in condominium and/or common ownership.

174 *Irrigation professional* means any person installing or maintaining an irrigation  
175 system in Alachua County for payment.

176 *Irrigation system* means a set of components that may include the water source,  
177 water distribution network, control components, and other general irrigation equipment  
178 which has been installed to provide irrigation.

179 *Landscape irrigation* means the outside watering of plants in a landscape such as  
180 shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such  
181 flora that are situated in such diverse locations as residential areas, public, commercial,  
182 and industrial establishments, and public medians and rights-of-way. "Landscape  
183 irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course  
184 greens, tees, fairways, primary roughs, and vegetation associated with recreational  
185 areas such as playgrounds, football, baseball and soccer fields.

186 *Landscape plant* means any native or exotic tree, shrub, or groundcover (excluding  
187 turf).

188 ~~*Landscaped area* means the entire parcel less the building footprint, driveways,  
189 hardscapes such as decks and patios, and other non-planted areas. The county  
190 encourages leaving natural vegetation, however this is not considered landscaped area.  
191 Water features are included in the calculation of the landscaped area. Landscaped area  
192 includes Florida-Friendly landscaped areas.~~

193 *Licensed irrigation professional* means irrigation specialty contractors who obtain  
194 the irrigation specialty license from The Florida Construction Industry Licensing Board  
195 and maintain continuing education requirements.

196 *Litter* means any garbage, rubbish, trash, refuse, can, bottle, container, paper,  
197 tobacco product, tire, appliance, mechanical equipment or part, building or construction  
198 material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft,  
199 farm machinery or equipment, sludge from a waste treatment facility, water supply  
200 treatment plant, or air pollution control facility, or substance in any form resulting from  
201 domestic, industrial, commercial, mining, agricultural, or governmental operations.

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202        *Low impact design* means an approach to land development and stormwater  
203 management that preserves and protects natural resource systems and water  
204 resources using various site planning and stormwater management approaches and  
205 technologies to simultaneously conserve and protect natural resource systems and to  
206 reduce the average annual stormwater pollutant loading discharged off-site. The  
207 approach uses site planning to minimize runoff and a suite of engineered small-scale  
208 hydrologic controls distributed throughout the site and integrated as a BMP treatment  
209 train to replicate the replicate the natural hydrologic functioning of the landscape  
210 through infiltrating, filtering, storing, evaporating, and detaining runoff close to its  
211 source.

212        *Low maintenance zone* means an area a minimum of ten feet wide adjacent to  
213 water courses which is planted and managed in order to minimize the need for  
214 fertilization, watering, mowing, etc.

215        *Low volume irrigation* means any emitter or sprinkler that applies less than 30 GPH  
216 or 0.5 GPM.

217        *Matched precipitation* means irrigation in which all of the sprinklers in a particular  
218 zone apply similar amounts of water to a given area.

219        *Micro-irrigation* means the frequent application of small quantities of water directly  
220 on or below the soil surface or plant root zone, usually as discrete drops, tiny streams,  
221 or miniature sprays through emitters placed along the water delivery pipes. Micro-  
222 irrigation encompasses a number of methods or concepts, including drip, subsurface,  
223 bubbler and micro-spray irrigation, previously known as trickle irrigation. Micro-irrigation  
224 is typically a form of low volume irrigation.

225        *Minimal impact activity* is an activity that will have no significant adverse impact on  
226 the resource. Such activities may include installation of navigational aids marked  
227 consistent with the requirements of Section 327.40, Florida Statutes; construction and  
228 maintenance of public or private nature trails not more than ten feet in width, and other  
229 similar activities.

230        *Municipal separate storm sewer system* or *MS4* means a conveyance or system of  
231 conveyances like roads with stormwater systems, municipal streets, catch basins,  
232 curbs, gutters, ditches, constructed channels, or storm drains: (a) owned or operated by  
233 the United States, a state, city, town, county, special district, association, or other public  
234 body (created pursuant to state law) having jurisdiction over management and  
235 discharge of stormwater and which discharges to surface waters of the state; (b)  
236 designed or used for collecting or conveying stormwater; (c) which is not a combined  
237 sewer; and (d) which is not part of a publicly owned treatment works (POTW). POTW  
238 means any device or system used in the treatment of municipal sewage or industrial  
239 wastes of liquid nature which is owned by a "state" or "municipality." This definition  
240 includes sewers, pipes, or other conveyances only if they convey wastewater to a  
241 POTW providing treatment.

242        *Non-residential landscape irrigation* means the irrigation of landscape not included  
243 within the definition of "residential landscape irrigation," such as that associated with

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244 public, commercial and industrial property, including commercial or transient housing  
245 units, hotel and motel units, and public medians and rights-of-way.

246 *NPDES* means National Pollutant Discharge Elimination System (NPDES).

247 *Off-site compensating treatment facilities* means off-site stormwater treatment  
248 facilities used when on-site treatment is not sufficient to meet the required performance  
249 standards. The off-site compensating treatment facilities may be established by the  
250 private sector, the public sector, or as a private-public partnership.

251 *Pasture* means land used for livestock grazing that is managed to provide feed  
252 value.

253 *Permeable area* means the entire parcel less the building footprint, driveways, paved  
254 or impervious surfaces, hardscapes such as decks and patios (whether pervious or  
255 impervious), pools, waterbodies, stormwater basins, or any protected conservation  
256 resources or natural areas. Specifically, any permeable surface that is typically covered  
257 with planted vegetation, turfgrass, landscaping, gardens or mulch on a given lot or parcel.

258 *Person* means any and all persons, natural or artificial, including any individual,  
259 firm, or association; any municipal or private corporation organized or existing under the  
260 laws of Florida or any other state; any county of the state; and any governmental  
261 agency of the state or the federal government.

262 *Pollutant* means any substance, contaminant, or manmade or man-induced  
263 alteration of the chemical, physical, biological or radiological integrity of ground or  
264 surface water in quantities or levels which are or may be potentially harmful or injurious  
265 to human health or welfare, animal or plant life, or property, including outdoor  
266 recreation.

267 *Post-development* means land use, hydrologic conditions, and pollutant loading  
268 existing after proposed development activities are completed.

269 *Pre-development* means land use, hydrologic conditions, and pollutant loading  
270 existing prior to conducting proposed alteration or development activities.

271 *Prohibited application period* means the time period during which a flood watch or  
272 warning, or a tropical storm watch or warning, or a hurricane watch or warning, is in  
273 effect for any portion of Alachua County, issued by the National Weather Service, or if  
274 rainfall greater than or equal to two inches in a 24-hour period is likely.

275 *Project area* means the limits of a project parcel(s) or phase that is within the  
276 sensitive karst area excluding offsite areas, areas dedicated to LID techniques and  
277 stormwater management facilities. Open space and common areas may be excluded  
278 from the project area if they are maintained in a natural condition or in a condition that  
279 requires no fertilization.

280 *Rapid infiltration retention basin* means a constructed vertical drainage connection  
281 between the retention basin and a more pervious underlying geological formation,  
282 typically the Floridan aquifer. It typically incorporates removal and replacement of a  
283 semi-confining or confining soil layer with a more permeable material. The vertical

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284 drainage connection shall not meet the definition of an underground injection control  
285 well as codified in 40 CFR 144.3.

286 *Redevelopment* means any construction or improvement performed on sites where  
287 the existing site's impervious area exceeds 40 percent.

288 *Residential landscape irrigation* means the irrigation of landscape associated with  
289 any housing unit having sanitary and kitchen facilities designed to accommodate one or  
290 more residents, including multiple housing units and mobile homes.

291 *Retention* means a stormwater treatment system designed to prevent the discharge  
292 of a given volume of stormwater runoff, such as the required treatment volume, into  
293 surface waters by complete on-site storage of that volume.

294 *Rotors* means sprinkler heads in lawn areas that provide water as they rotate  
295 through a set arc of operation.

296 *Saturated soil* means a soil in which the voids are filled with water. Saturation does  
297 not require flow. For the purposes of this chapter, soils shall be considered saturated if  
298 standing water is present or the pressure of a person standing on the soil causes the  
299 release of free water.

300 *Sensitive karst areas (SKAs)* means the areas designated as "high vulnerability" or  
301 "vulnerable" zones of the Floridan Aquifer as defined by the Alachua County  
302 Stormwater Treatment Manual, and with soil types classified as "excessively drained",  
303 "somewhat excessively drained", or "well drained" as defined by the U.S. Department of  
304 Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey  
305 Geographic (SSURGO) Database for Florida.

306 *Significant adverse impact* means the contamination, alteration, or destruction, or  
307 that which contributes to the contamination, alteration, or destruction, of a natural  
308 resource, or portion thereof, to the degree that its environmental benefits are or will be  
309 eliminated, reduced, or impaired, such that the activity will cause long term negative  
310 impacts on the natural resource.

311 *Sinkhole* means a depression in the land's surface which has been created by  
312 dissolution of underlying limestone or other soluble rocks and the collapse of the  
313 overlying surficial material into the underlying solution cavities.

314 *Slow or controlled release fertilizer* is a fertilizer containing a plant nutrient in a form  
315 which delays its availability for plant uptake and use after application, or which extends  
316 its availability to the plant significantly longer than a reference rapidly available nutrient  
317 fertilizer.

318 *Soil moisture sensor* means a soil-based device that assesses the available plant  
319 soil moisture to minimize the unnecessary use of water and optimize the effectiveness  
320 of an irrigation system.

321 *Sports turf* means non-agricultural land planted exclusively for golf courses, parks  
322 and athletic fields.



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323 *Spray heads* means irrigation heads that pop up with water pressure and provide a  
324 continuous spray pattern throughout a given arc of operation.

325 *Sprinkler means* an emission device consisting of a sprinkler body with one or more  
326 orifices to convert irrigation water pressure to high velocity water discharge through the  
327 air, discharging a minimum of 0.5 gallons per minute (gpm) at the largest area of  
328 coverage available for the nozzle series when operated at 30 pounds per square inch  
329 (psi) or more with a full-circle pattern.

330 *Stormwater* means the flow of water which results from, and which occurs  
331 immediately following, a rainfall event.

332 *Stormwater management system* means a system which is designed and  
333 engineered to control discharges which are necessitated by rainfall events,  
334 incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse  
335 water to prevent or reduce flooding, overdrainage, environmental degradation, and  
336 water pollution or otherwise affect the quantity and quality of discharges from the  
337 system.

338 ~~*Substantial modification* means any modification to existing irrigation systems such~~  
339 ~~that 50 percent or more of the irrigation system (by area) is replaced or altered.~~

340 *Surface waters* means, but shall not be limited to, rivers, lakes, streams, springs,  
341 ponds, intermittent water courses and associated wetlands, and all other waters or  
342 bodies of water found on land surface.

343 *Temporary establishment irrigation* means the temporary use of irrigation for the  
344 establishment of new vegetation that shall be removed once the plants are established  
345 or within ~~two~~ one years, whichever occurs first. The department may grant an extension  
346 if it is deemed necessary for tree establishment or in periods of severe drought.  
347 Temporary establishment irrigation must clearly be separate from a permanent irrigation  
348 system.

349 *Total maximum daily load (TMDL)* means the maximum allowable average annual  
350 loading to an impaired water body that will allow the water body to meet its applicable  
351 water quality standards. A TMDL is adopted by FDEP and represents the sum of the  
352 individual wasteload allocations for point sources, the load allocations for nonpoint  
353 sources, and natural background for an impaired water body or water body identification  
354 number. A TMDL includes either an implicit or explicit margin of safety or a  
355 consideration of seasonal variations. (Chapter 62-302.200, F.A.C).

356 *Turf* means a piece of grass-covered soil held together by the roots of the grass.

357 *Verified impaired water body* means a water body or water body segment that does  
358 not meet its applicable water quality standards as set forth in Chapters 62-302 and 62-  
359 4, F.A.C., as determined by the methodology in Part IV of Chapter 62-303, F.A.C., due  
360 in whole or in part to discharges of pollutants from point or nonpoint sources.

361 *Water body identification number (WBID)* means a water body assessment unit  
362 representing a relatively homogenous and hydrologically distinct segment of a major

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363 surface water body. Each assessment unit is represented by a unique waterbody  
364 identifier (WBID number) and is characterized by waterbody type (including  
365 rivers/streams, lakes, estuaries, coastal waters, and beaches) and a waterbody class.

366 *Weather based controller* means a smart irrigation controller that uses weather data  
367 to calculate evapotranspiration to adjust irrigation schedules to deliver only enough  
368 water to meet the plant needs.

369 *Well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted,  
370 or otherwise constructed when the intended use of such excavation is to conduct  
371 groundwater from an aquifer or aquifer system to the surface by pumping or natural  
372 flow, to conduct waters or other liquids from the surface into any area beneath the  
373 surface of land or water by pumping or natural flow, or to monitor the characteristics of  
374 groundwater within an aquifer system(s). For the purposes of this chapter, geotechnical  
375 borings greater than 20 feet in depth shall be included in the definition of "well."

376 *Well not in use* means a well from which water has not been or cannot be  
377 withdrawn for a period of one year. This definition does not include properly maintained  
378 monitoring and backup publicly owned and operated supply wells.

379 *Wetlands* as defined in F.S. § 373.019(17), means those areas that are inundated  
380 or saturated by surface water or ground water at a frequency and a duration sufficient to  
381 support, and under normal circumstances do support, a prevalence of vegetation  
382 typically adapted for life in saturated soils. Soils present in wetlands generally are  
383 classified as hydric or alluvial, or possess characteristics that are associated with  
384 reducing soil conditions. The prevalent vegetation in wetlands generally consists of  
385 facultative or obligate hydrophytic macrophytes that are typically adapted to areas  
386 having soil conditions described above. These species, due to morphological,  
387 physiological, or reproductive adaptations, have the ability to grow, reproduce or persist  
388 in aquatic environments or anaerobic soil conditions. Florida wetlands generally include  
389 swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies,  
390 riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove  
391 swamps and other similar areas. Florida wetlands generally do not include longleaf or  
392 slash pine flatwoods with an understory dominated by saw palmetto.

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394 SECTION 3. Article VI LANDSCAPE IRRIGATION AND MAINTENANCE  
395 STANDARDS of the Alachua County Code is amended to read:

396 **Sec. 77.54. Intent and purpose.**

397 It is the intent and purpose of this article to promote increased water conservation  
398 and improve water quality throughout Alachua County by increasing irrigation efficiency  
399 and limiting harmful nutrient run-off.

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400 **Sec. 77.55. Territorial jurisdiction.**

401 The Alachua County Environmental Protection Department (hereinafter "the  
402 department") shall administer the provisions of this article in unincorporated and  
403 incorporated Alachua County.

404 **Sec. 77.56. Applicability.**

405 The provisions of this article shall apply to all new residential and commercial  
406 irrigation systems, whether operated automatically or manually, and ~~substantial~~  
407 modification of existing irrigation systems that increase the irrigated area or render the  
408 system less efficient. Retrofits and repairs that result in greater efficiencies are  
409 considered regular maintenance and are not subject to review. This article applies to  
410 irrigation systems regardless of whether the irrigation systems were installed by  
411 property owners, irrigation professionals or any other person. This article applies to all  
412 irrigation systems using water sources, including, but not limited to: reclaimed water,  
413 municipal water, well water, surface water, stormwater, gray water, and rainwater. This  
414 article applies to irrigation systems installed ~~in~~ on public or private properties, including  
415 common areas and open space within residential and commercial developments, as  
416 well as private residential lots individual landscaped areas. The standards in this article  
417 do not apply to temporary establishment irrigation used for new vegetation. Compliance  
418 with this article shall not exempt an individual from any other local, state, or federal  
419 requirements.

420 **Sec. 77.57. Exemptions**

421 (a) The following are exempted from the provisions of this Article, but best  
422 management practices apply:

- 423 (1) Landscaping having no supplemental irrigation beyond the project's defined  
424 establishment period through a permanent in-ground system. Temporary  
425 irrigation may be provided to establish landscaping and must comply with  
426 Section 77.60(a). Temporary establishment irrigation, as defined in Sec. 77.03,  
427 means the temporary use of irrigation for establishment of new vegetation that  
428 shall be removed or disabled once the plants are established or within one  
429 year, whichever occurs first.
- 430 (2) Bona fide agricultural activities;
- 431 (3) Vegetable gardens and fruit and nut trees;
- 432 (4) Athletic fields;
- 433 (5) Golf course play areas including greens, fairways, driving ranges and practice  
434 putting greens;
- 435 (6) Cemeteries; and

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436 (7) Nurseries.

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438 **Sec. 77.578. Irrigation professional registration.**

439 All irrigation professionals installing or maintaining landscape irrigation systems  
440 within Alachua County must complete the Alachua County Irrigation Professional  
441 Notification Form, as provided by the department, for their business prior to working on  
442 irrigation systems within Alachua County. This section requires registration of  
443 businesses but does not require irrigation professionals to obtain certifications or  
444 training. Property owners installing or maintaining irrigation systems on their own  
445 property do not have to register with the county, but shall comply with the other  
446 provisions of this article.

447 **Sec. 77.589. Florida Water Star<sup>SM</sup> Certification.**

448 The Florida Water Star Certification program is a voluntary statewide water  
449 conservation certification program for new and existing homes and commercial  
450 developments. Residential and commercial properties obtaining Florida Water Star Gold  
451 Certification will ~~exceed~~ provide equivalent water conservation benefits to the  
452 requirements of this article. During the pendency of a Florida Water Star application,  
453 applicants must submit the Alachua County Application Review Form as outlined in  
454 section 77.6059. The irrigation system sketch, application review fee, inspection, and  
455 inspection fee required under this article are temporarily waived during the pendency of  
456 the Florida Water Star Certification application and permanently waived if Florida Water  
457 Star Gold Certification is granted. Applicants who do not receive Florida Water Star  
458 Gold Certification must comply with all provisions of this article within 90 calendar days  
459 of receiving notice that their application for Florida Water Star Certification was denied.  
460 Applicants who do not pursue or apply for Florida Water Star Gold Certification must  
461 comply with all provisions of this article, as set forth herein.

462 (Ord. No. 2019-09A, § 6, 4-9-19)

463 **Sec. 77.6059. Irrigation system approval process.**

464 (a) Applicants proposing temporary irrigation systems as defined in Section 77.03 must  
465 complete the temporary irrigation form and submit it to the department within  
466 fourteen (14) days of installation of the system to satisfy the requirements of this  
467 article. There is no fee for this process.

468 (b) Prior to the installation of or ~~substantial~~ modification (addition) to an permanent  
469 irrigation system, the proposed system must be approved by the department  
470 through the irrigation system approval process. As part of the approval process, an  
471 applicant proposing a new irrigation system or any additions ~~substantial~~  
472 ~~modification~~ to an existing system (additional zones or heads, or replacement of

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473 components that would decrease the water efficiency of the system) must provide  
474 the department with the following:

- 475 (1) The application review form, as provided by the department;  
476 (2) ~~Irrigation system sketch~~ Application Review Fee;  
477 (3) ~~Application review fee~~; and Authorization to the County to access the property.  
478 (4) Irrigation system sketch. An irrigation sketch is not required to be submitted for  
479 systems with 3 zones or less and under 1,500 sq feet of permanently irrigated  
480 area. The requirements in Section 77.62(d) still apply.  
481 (5) Inspection fee. The inspection fee is waived for irrigation systems that are self-  
482 inspected by a licensed Florida Irrigation professional Specialty Contractor or  
483 a current Florida Water Star Accredited Irrigation and Landscape Professional,  
484 in good standing with the County, as described in sSection 77.62e.

485 (b) When required, the irrigation system sketch shall:

- 486 (1) Indicate existing and proposed buildings, driveways, and other impervious  
487 surfaces.  
488 (2) Delineate existing and proposed vegetated groupings such as turf grass,  
489 shrubs, and trees.  
490 (3) Identify the location of the soil moisture sensor or rainfall shut-off device/rain  
491 sensor weather based controller, the irrigation controller, sprinkler zone valves,  
492 wells, backflow prevention devices, rotor heads, spray heads, bubblers, low  
493 volume irrigation areas, irrigation zones, temporary irrigation areas, and high  
494 volume irrigation areas.  
495 (4) Indicate water source for the irrigation system.  
496 (5) Include the estimated total site area, permeable area, and of the total  
497 permanently irrigated landscaped area and areas with high volume irrigation.

498 (c) The department shall take action on any complete application within 15 calendar  
499 days of submittal for residential private lots and 30 calendar days of submittal for  
500 commercial and common areas/open spaces for subdivisions. Installation approval  
501 is valid for a period of ~~24~~ 12 months from the date of its issuance. The department  
502 may, at its discretion, extend this time limit for any reasonable period of time not to  
503 exceed an additional 12 months.

504 **~~Sec. 77.60. Irrigation system inspection.~~**

505 (a) ~~New or substantially modified irrigation systems shall be inspected by the~~  
506 ~~department within 30 calendar days of installation of or modification to the irrigation~~  
507 ~~system or through the self-inspection process as outlined below. The department~~  
508 ~~may review a sub-set of self-inspection sites to evaluate compliance rates and to~~  
509 ~~determine if licensed irrigation professionals and Florida Water Star Accredited~~  
510 ~~Professionals will be permitted to continue to self-inspect systems.~~

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511 ~~(1) Irrigation professionals who submit proof of a current Florida Irrigation~~  
512 ~~Specialty Contractor license or proof of current Florida Water Star Accredited~~  
513 ~~Irrigation and Landscape Professional accreditation may obtain authorization~~  
514 ~~from the department to conduct self-inspections of irrigation systems which~~  
515 ~~they install. The department may revoke an irrigation professional's~~  
516 ~~authorization for self-inspection for failure to comply with this article, material~~  
517 ~~misstatement or misrepresentation, or failure to pay required approval fees. A~~  
518 ~~licensed irrigation professional or Florida Water Star Accredited Irrigation and~~  
519 ~~Landscape Professional shall complete the self-inspection process by~~  
520 ~~completing a self-inspection checklist, as provided by the department.~~

521 **Sec. 77.61. Irrigation design standards.**

522 (a) As landscape irrigation comprises a significant portion of water use, permanent  
523 irrigation systems shall be designed and installed to minimize water waste, in  
524 accordance with the following standards as follows:

525 (1) Irrigation zones shall be divided according to vegetated groupings (e.g.,  
526 turfgrass, shrubs, native plants, trees) and the water requirements of the  
527 plants. Turf grass and landscaped beds, such as trees, shrubs, and  
528 groundcover beds, shall not be irrigated in the same zone as each other, with  
529 the exception of bubblers used for tree establishment on residential lots as  
530 described in (b)3 below. The maximum total irrigated area on residential lots,  
531 regardless of lot size, shall not exceed 0.5 acres. This provision does not apply  
532 to temporary irrigation such as portable hoses and sprinklers.

533 (2) Sprinkler heads such as spray heads and rotors, shall not be mixed in the  
534 same zone. High volume irrigation area shall not exceed 60 percent of the  
535 landscaped area. This standard is applicable on residential lots over one-  
536 eighth acre and commercial lots over one-eighth acre. This standard applies to  
537 common areas and open space in developments. This standard excludes  
538 vegetable gardens and fruit or nut trees on individual lots or community  
539 gardens.

540 (3) Narrow areas, four feet wide or less, shall not be irrigated unless correctly  
541 installed low volume irrigation is used. Permanent irrigation is not permitted in  
542 small islands (surrounded by impervious surface) less than 9 square feet in  
543 size, except for properly installed tree wells.

544 (4) Surface mounted and pop-up heads shall be installed on swing joints or flexible  
545 pipe. High volume irrigation shall not be used for trees, shrubs, or groundcover  
546 beds, with the exception of bubblers used for the temporary establishment of  
547 trees. Permanent low volume irrigation may be used in these areas. The  
548 county encourages the use of temporary establishment irrigation.

549 (5) The pop-up height for sprays, rotators and rotors shall be adequate to prevent  
550 being obstructed by the grass blades: 6-inch height for St. Augustine, Zoysia  
551 and Bahia, 4-inch height for Bermuda, Centipede and Seashore Paspalum.

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- 552 ~~Irrigation zones shall be divided according to vegetated groupings (e.g.,~~  
553 ~~turfgrass, shrubs, native plants, trees) and the water requirements of the~~  
554 ~~plants. Turf grass and landscaped beds, such as trees, shrubs, and~~  
555 ~~groundcover beds, shall not be irrigated in the same zone as each other, with~~  
556 ~~the exception of bubblers used for the temporary establishment of trees.~~
- 557 (6) Microirrigation tubing must be installed and properly capped or sealed per  
558 manufacturer's specifications. ~~Sprinkler head types, such as spray heads and~~  
559 ~~rotors, shall not be mixed in the same zone. Bubblers used for the~~  
560 ~~establishment of trees may be on a zone with sprays or rotors if they are~~  
561 ~~adjustable and will be turned off once the tree is established.~~
- 562 (7) Distribution equipment in a given zone shall have matched precipitation rates.
- 563 (8) Rotors and spray sprinkler heads in turfgrass areas shall be spaced to provide  
564 head to head coverage, except in ~~–~~ Areas of turf that are between 4—8 feet  
565 wide, which shall may have single row spacing unless otherwise approved by  
566 the County. ~~Common examples of such include narrow side yards graded for~~  
567 ~~drainage and right-of-ways between the sidewalk and street.~~
- 568 (9) A minimum separation of six ~~four~~ inches shall be required between distribution  
569 equipment and pavement edges. ~~Where drop-type or Miami curb and gutter~~  
570 are used, permanent irrigation other than tree bubblers shall not be permitted  
571 within 4 feet of the curb.
- 572 (10) A minimum separation of 24 inches shall be required between distribution  
573 equipment and buildings and other vertical structures, except fences.  
574 Structures that apply to this requirement are any conditioned space and  
575 enclosed structures such as garages. Porches and patios are exempt from this  
576 design standard.
- 577 (11) A functioning soil moisture sensor and soil moisture sensor-based controller or  
578 a weather-based controller accompanied by a rainfall shut-off device/rain  
579 sensor that inhibits or interrupts operation of the system during periods of  
580 sufficient moisture shall be required on all irrigation systems installed after  
581 October 1, 2019 ~~to avoid irrigation during periods of sufficient rainfall.~~ Irrigation  
582 systems installed prior to October 1, 2019, must have technology that inhibits  
583 or interrupts operation of the system during periods of sufficient rainfall  
584 moisture. Soil moisture sensors and ET sensors shall be installed and  
585 monitored per manufacturer's guidelines per Florida Statutes, Section 373.62  
586 requirements. Rainfall shut-off devices must be properly installed and placed  
587 where they will receive unobstructed rainfall, with consideration to vegetation  
588 growth.
- 589 (12) ~~Permanent irrigation systems shall be equipped with an~~ For new installations,  
590 the automatic control system shall be located outside in an area readily  
591 accessible to County staff for inspection. ~~to provide the following minimum~~  
592 ~~capabilities:~~

- 
- 593 a. ~~Ability to be programmed in minutes, by day of week, season, and time of~~  
594 ~~day;~~
- 595 b. ~~Ability to accommodate multiple start times and programs;~~
- 596 c. ~~Automatic shut off after adequate rainfall;~~
- 597 d. ~~Ability to maintain time during power outages; and~~
- 598 e. ~~Operational flexibility to meet applicable year round water conservation~~  
599 ~~requirements.~~

600 (13) Check valves ~~which are~~ capable of holding a minimum of a five-foot head shall  
601 be used in low-lying areas to prevent head drainage.

602 (14) Irrigation system equipment shall be installed in accordance with  
603 manufacturer's specifications.

604 (15) ~~No direct~~ Overspray shall not be allowed onto impervious surfaces such as  
605 walkways, buildings, roadways and drives.

606 (16) Pipelines shall be designed to provide the system with the appropriate  
607 pressure required for maximum irrigation uniformity.

608 (17) All sprinkler heads with spray nozzles ~~(non-rotary)~~ shall be pressure-regulated  
609 at the head and/or valve. Adequate pressure, per the manufacturer's  
610 specifications, must be achieved throughout an entire zone.

611 (18) All irrigation system underground piping shall have minimum soil cover of 18-  
612 30 inches for vehicle traffic areas and 6-24 inches for non-vehicle traffic areas  
613 based on pipe size and in accordance with Appendix F of the Florida Building  
614 Code six inches.

615 (b) ~~Compliance with this article shall not exempt an individual from any other local,~~  
616 ~~state, or federal requirements.~~ Residential Lots.

617 In addition to the standards in (a) above, the following standards apply to irrigation  
618 systems on private residential lots:

619 (1) The maximum total irrigated area on residential lots, regardless of size, shall not  
620 exceed fifty (50) percent of the permeable area or 0.25 acres, whichever is less.

621 (2) If any areas outside of the private lot are proposed to be irrigated by the lot  
622 irrigation system, those areas shall be quantified separately and counted  
623 towards the maximum irrigated area for the irrigation system.

624 (3) Bubblers used for the establishment of trees may be on a zone with sprays or  
625 rotors if they are adjustable and will be turned off once the tree is established.

626 (4) The lot owner shall be responsible for clearly marking the property boundaries  
627 (corners) in the field prior to the installation of the irrigation system. This  
628 requirement does not apply to projects where irrigation pipes are more than 20 ft  
629 away from any property boundary.

630 (c) Commercial projects (including common areas in residential development).



- 
- 631 In addition to the standards in (a) above, irrigation systems in residential and  
632 commercial developments shall comply with the following standards:
- 633 (1) No more than fifty (50) percent of the permeable area within residential or  
634 commercial developments (including right-of-ways or easements) may be  
635 permanently irrigated.
- 636 (2) Trees shall be separate from other zones to ensure adequate watering for  
637 establishment.
- 638 (3) When permanently irrigated, turf areas within commercial developments shall  
639 utilize high efficiency spray sprinkler nozzles.

640 **Sec. 77.62. Completion of installation and irrigation system inspection or**  
641 **substantial modification.**

- 642 (a) ~~A property owner or irrigation professional who installs an irrigation system~~  
643 Applicants shall conduct final testing and adjustments to achieve design  
644 specifications prior to completion of the system, including. ~~A property owner or~~  
645 ~~irrigation professional who installs or performs work on an automatic irrigation~~  
646 ~~system shall testing~~ for the correct operation of each technology that inhibits or  
647 interrupts operation of the system during periods of sufficient moisture and ensuring  
648 the rainfall shut-off device is set to active at the controller. If such devices or  
649 switches are not installed in the system or are not in proper operating condition, the  
650 property owner or irrigation professional shall install new ones or repair the existing  
651 ones and confirm that each device or switch is in proper operating condition before  
652 completing other work on the system.
- 653 (b) Applicants shall notify the department within fourteen (14) days of system  
654 installation/modification so that an inspection can be scheduled. Upon completion  
655 of the irrigation system, an irrigation professional shall provide the property owner  
656 with a copy of the site irrigation sketch, modified to illustrate how the system was  
657 actually installed, and self-inspection checklist, if applicable, the date installed, the  
658 number of zones, the recommended run times post establishment, the installer's  
659 names, and the manual for the irrigation controller.
- 660 (c) Irrigation systems shall be inspected by the department within thirty (30) calendar  
661 days of receipt of notification of completion or through the self-inspection process  
662 as outlined below. The department may review a sub-set of self-inspection sites to  
663 evaluate compliance rates and to determine if licensed irrigation professionals and  
664 Florida Water Star Accredited Professionals will be authorized to continue to self-  
665 inspect systems.
- 666 (1) Irrigation professionals who submit proof of a current Florida Irrigation  
667 Specialty Contractor license or proof of current Florida Water Star Accredited  
668 Irrigation and Landscape Professional accreditation may obtain authorization  
669 from the department to conduct self-inspections of irrigation systems which  
670 they install. The department may revoke an irrigation professional's

- 
- 671 authorization for self-inspection for failure to comply with this article, material  
672 misstatement or misrepresentation, or failure to pay required approval fees.
- 673 (2) A licensed irrigation professional or Florida Water Star Accredited Irrigation and  
674 Landscape Professional shall complete the self-inspection process by  
675 completing a self-inspection checklist, as provided by the department, within  
676 fourteen (14) days of installation completion.
- 677 (d) Upon completion of the irrigation system, the irrigation professional shall provide  
678 the property owner with the following, a copy of which may be requested by the  
679 department:
- 680 (1) Irrigation system checklist with date of system installation, number of zones,  
681 recommended run times post establishment, installer's name and contact  
682 information.
- 683 a. For residential lots, a Homeowner Irrigation Summary containing the above  
684 information shall be posted at the controller and a copy provided to the  
685 homeowner, if applicable.
- 686 (2) As-built site irrigation sketch, clearly identifying each irrigation zone.
- 687 (3) Irrigation maintenance information that includes a recommended schedule,  
688 proper irrigation system settings according to season, recommendations for  
689 checking rainfall shut-off devices and/or soil moisture sensors, filter cleaning  
690 recommendations, if applicable, and information on the current watering  
691 restrictions. Distribution of Alachua County's Irrigation System Maintenance  
692 brochure would satisfy this requirement.
- 693 (4) Manual for the irrigation controller.
- 694 (e) For new construction, if the system passes inspection, the builder/developer is  
695 responsible for ensuring the system remains in compliance with this Article,  
696 operational and free of leaks until it is purchased.

697 **Sec. 77.63. Maintenance of irrigation systems.**

- 698 (a) Within sixty (60) calendar days after installation, the property owner shall ensure  
699 that the irrigation controller is adjusted to operate according to normal, established  
700 landscape conditions and may not exceed current irrigation restrictions. An  
701 irrigation professional responsible for installing or substantially modifying an  
702 irrigation system shall provide the property owner with a maintenance checklist  
703 affixed to or near the controller and accompanied by a recommended maintenance  
704 schedule, proper irrigation system settings according to season, recommendations  
705 for checking technology that inhibits or interrupts operation of the system during  
706 periods of sufficient moisture, filter cleaning recommendations, if applicable, and  
707 information on the current water restrictions.
- 708 (b) A The property owner shall be responsible for the continued operation and  
709 maintenance of the ensure that irrigation systems to ensure efficient water use and

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710 ~~prevent wasteful practices. This includes but is not limited to: on their property are~~  
711 ~~inspected at least annually for leaks, overspray, maladjusted heads, and heads that~~  
712 ~~may be capped due to changes in the landscape, such as maturity or changes in~~  
713 ~~plants. Technology that inhibits or interrupts operation of the system during periods~~  
714 ~~of sufficient moisture may need to be replaced every few years and shall be~~  
715 ~~correctly functioning to be in compliance with this article. Irrigation systems with~~  
716 ~~known leaks shall not be operated until the leaks are repaired, except for testing~~  
717 ~~purposes.~~

718 (1) Resetting the automatic controller according to season and irrigation  
719 restrictions.

720 (2) Cleaning irrigation filters.

721 (3) Testing the rainfall shut-off device regularly, and replacing as needed, in  
722 accordance with State Law. If such devices or switches are not installed in the  
723 system or are not in proper operating condition, the property owner or irrigation  
724 professional shall install new ones or repair the existing ones and confirm that  
725 each device or switch is in proper operating condition before completing other  
726 work on the system.

727 (4) Ensuring the system is inspected annually, at a minimum, to monitor for leaks,  
728 overspray, maladjusted heads, and heads that may be capped due to changes  
729 in the landscape, such as maturity or changes in plants.

730 ~~(c) Within 60 calendar days after installation, the property owner shall ensure that the~~  
731 ~~irrigation controller is adjusted to operate according to normal, established~~  
732 ~~landscape conditions or irrigation restrictions, if the irrigation system is installed as~~  
733 ~~part of newly established landscaping. Irrigation systems with known leaks shall not~~  
734 ~~be operated until the leaks are repaired, except for testing purposes.~~

735 (d) Repairs to irrigation components shall be done with equivalent components or  
736 those with greater efficiency.

737 (e) The property owner is responsible for ensuring that the irrigation system remains  
738 functional and free of leaks following improvements to the property that may  
739 damage the irrigation system, such as fence installation or gutter system  
740 installation.

741 (f) Commercial systems (including common areas in residential development) shall  
742 register with the county and submit documentation of an annual irrigation system  
743 inspection/audit detailing water conservation activities such as:

744 (1) Repair of leaks (using equivalent or higher efficiency components).

745 (2) Tree and shrub irrigation schedule adjustments to ensure watering needs are  
746 met to support establishment.

747 (3) If bubblers are used for tree and shrub establishment, they shall be routinely  
748 adjusted and repositioned away from the base of the tree to supply water to the  
749 entire root ball.

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750 **Sec. 77.64. Exemptions**

751 ~~(a) The following are exempted from the provisions of this Article, but should follow~~  
752 ~~applicable Florida Friendly Best Management Practices for Protection of Water~~  
753 ~~Resources by the Green Industries:~~

754 ~~(1) Bona fide agricultural activities;~~

755 ~~(2) Vegetable gardens and fruit and nut trees;~~

756 ~~(3) Athletic fields;~~

757 ~~(4) Golf course play areas;~~

758 ~~(5) Cemeteries; and~~

759 ~~(6) Nurseries.~~

760 ~~(7) Temporary establishment irrigation (as defined in section 77.03).~~

761 **Sec. 77.645. Alternative compliance.**

- 762 (a) An applicant may submit a proposal that varies from the strict application of the  
763 requirements of this article (also known as "alternative compliance") in order to  
764 accommodate unique site features or characteristics, utilize innovative design,  
765 prevent extraordinary hardship, or to promote the overriding public interest or  
766 general public welfare. Diminished value of property or inconvenience is not  
767 considered extraordinary hardship.
- 768 (b) An applicant seeking authorization for alternative compliance shall have the burden  
769 of demonstrating to the Department ~~that~~ the reasons why the strict application of  
770 the requirements of this Article should not apply.
- 771 (c) Requests for alternative compliance shall be submitted as part of the irrigation  
772 system approval process.
- 773 (d) The department may approve an alternative compliance plan upon finding that the  
774 alternative compliance plan fulfills the purpose and intent of this article at least as  
775 well as a plan that strictly adhered to the requirements of this article.
- 776 (e) ~~The department may require a site inspection and corresponding site inspection fee~~  
777 ~~for systems which are installed according to a department-approved alternative~~  
778 ~~compliance plan.~~ In evaluating proposed alternative compliance irrigation plans,  
779 considerations shall be given to proposals which maximize preservation of  
780 existing vegetation on the site and utilize Florida-Friendly Landscaping™  
781 practices and other low water use landscape design and irrigation principles to  
782 minimize water use.
- 783 (f) Alternative compliance may also be granted to projects that demonstrate superior  
784 water conservation practices through community scale water conservation plans.
- 785 (g) The department may require a site inspection and corresponding site inspection fee  
786 for systems which are installed according to a department-approved alternative  
787 compliance plan.

788 **Sec. 77.656. Enforcement.**

789 Violation of any provision of this article shall be subject to penalties as provided in  
790 Chapter 24, Alachua County Code or any other penalty available at law or equity.

791 **Sec. 77.66. Use of Awards.**

- 792 (a) Any money recovered by the county in an action against any person who was  
793 found in violation of this article shall be used for water conservation projects in  
794 Alachua County.
- 795 (b) There is hereby created the Alachua County Water Conservation Fund, which is  
796 to be supervised and used by the county for water conservation and resilient  
797 landscaping projects and programs to the extent of money available in the fund.  
798 The fund shall consist of all money specified in subsection (a).

799 SECTION 4. Section 77.69 of the Alachua County Code is amended to read:

800 **Sec. 77.69. Deed restrictions and covenants.**

- 801 (a) A deed restriction or covenant may not prohibit or be enforced so as to prohibit any  
802 property owner from implementing Florida-friendly landscaping on his or her land or  
803 create any requirement or limitation in conflict with any provision of Title 7, Chapter  
804 77, any provision of part II of Chapter 373, Florida Statutes, or any other provision,  
805 of the Alachua County Code.
- 806 (b) A deed restriction or covenant recorded after October 1, 2019 may not require a  
807 property owner to have a permanent irrigation system on his or her land.
- 808 (c) All Homeowner Associations that are governed by deed restrictions or covenants  
809 must keep a current contact on file with Alachua County.

810

811 SECTION 5. Section 77.71 of the Alachua County Code is created to read:

812 **Sec. 77. 71 Use of awards.**

- 813 (a) Any money recovered by the county in an action against any person who was  
814 found in violation of this article shall be deposited in the Water Conservation  
815 Fund used for water conservation projects in Alachua County.

816 SECTION 6. Section 406.59.1 of the Alachua County Code is amended to read:

817 **Sec. 406.59.1. Additional protection standards.**

818 The following additional standards apply to development activities within high  
819 aquifer recharge areas and Outstanding Florida Springs Priority Focus Areas.

- 820 (a) Outdoor water conservation for new development.

821 (1) The following additional standards shall be incorporated into homeowner  
822 association codes, covenants and restrictions (CCR) documents and shall  
823 apply to development activities for new subdivisions within high aquifer  
824 recharge areas. Outdoor water conservation for new development shall be  
825 maximized. Permanent irrigation systems shall not be required and the  
826 use of temporary irrigation systems for establishment shall be encouraged.  
827 When provided, the use of permanent irrigation shall be minimized, and  
828 systems must comply with Chapter 77, Article VI, Landscape Irrigation  
829 Design and Maintenance Standards. All other provisions of the Water  
830 Quality Standards and Management Practices as set forth in Chapter 77 of  
831 the Alachua County Code of Ordinances shall also be followed, including  
832 limits on the use of fertilizer, operation and maintenance of the automatic  
833 irrigation system, and Florida-Friendly Landscaping provisions.

834 ~~Irrigation shall be minimized and permanent high volume irrigated areas~~  
835 ~~shall not exceed sixty (60) percent (Florida Water Star 2011 Silver basic~~  
836 ~~prerequisite) of the landscaped area. This standard is applicable on new~~

837 ~~residential lots over one-eighth (1/8) acre. The maximum total irrigated area~~  
838 ~~on residential lots, regardless of lot size, shall not exceed one-half (1/2)~~  
839 ~~acre (Florida Water Star 2011 standard). This requirement excludes~~  
840 ~~agriculturally zoned lots and vegetable gardens and fruit or nut trees on~~  
841 ~~individual lots.~~

842 ~~(2) TNDs, TODs and mixed use development shall utilize the standards in~~  
843 ~~Subsection (a)(1) above, excluding designated recreational areas.~~

844 (b) The use of rapid infiltration basins or percolation ponds for wastewater effluent  
845 disposal is prohibited. Use of wetland treatment systems, such as infiltrating  
846 wetlands, that are designed to lower nutrient concentrations by denitrification  
847 and promote aquifer recharge are allowed.

848 (c) New sites for land application of Class A and B residuals (biosolids) are  
849 prohibited.

850 (d) New sites for land application of septage are not allowed in high aquifer  
851 recharge areas.

852 (e) In addition to the golf course design and monitoring requirements of Chapter  
853 404, golf courses shall be designed and operated to be protective of springs  
854 (for example, capture and recycle nutrient laden water or implement other  
855 nutrient reduction techniques) to minimize the potential for nutrients to degrade  
856 surface waters, springs, or the Floridan aquifer.

857 SECTION 7. Severability. It is the declared intent of the Board of County  
858 Commissioners that, if any section, subsection, sentence, clause, phrase, word or  
859 provision of this ordinance, or the application of this ordinance to any person or  
860 circumstance, is held invalid or unconstitutional by a court of competent jurisdiction,  
861 such invalidity or unconstitutionality shall not be so construed as to render invalid or  
862 unconstitutional the remaining provisions of this ordinance and, to this end, the  
863 provisions of this ordinance are declared severable.

864  
865 SECTION 8. Inclusion in the Code. It is the intent of the Board of County  
866 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions  
867 of this ordinance shall become and be made part of the Alachua County Code of  
868 Ordinances of Alachua County, Florida; that the Code may be renumbered or relettered  
869 to accomplish this intent and that the word "ordinance" may be changed to "section",  
870 "article", or other appropriate designation.

871  
872 SECTION 9. Modification. It is the intent of the Board of County Commissioners that  
873 the provisions of this ordinance may be modified as a result of considerations that may  
874 arise during public hearings. Such modifications shall be incorporated into the final  
875 version of the ordinance adopted by the Board and filed by the Clerk to the Board.

876  
877 SECTION 10. Effective Date. A certified copy of this ordinance shall be filed with the  
878 Department of State by the Clerk of the Board of County Commissioners within ten days  
879 after enactment by the Board of County Commissioners, and shall take effect per the  
880 implementation schedule below:

881  
882 Article VI Landscape Irrigation Design and Maintenance Standards modification of  
883 installation and maintenance standards takes effect June 12, 2023.  
884

885  
886 All other sections take effect immediately.  
887

888  
889  
890 DULY ADOPTED in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
891

892  
893  
894 BOARD OF COUNTY COMMISSIONERS OF  
895 ALACHUA COUNTY, FLORIDA  
896

897 ATTEST:

898  
899 BY: \_\_\_\_\_  
900 Anna Prizzia, Commission Chair  
901

902 \_\_\_\_\_  
903 J.K. "Jess" Irby, Esq.  
904