

# Hillsborough County Florida

LAND DEVELOPMENT CODE

APPLICATION PACKET

FOR

ADMINISTRATIVE WETLAND SETBACK ENCROACHMENT DETERMINATION

THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED LOBBYING ORDINANCE NO. 93-8, AS AMENDED. PRIOR TO MEETING PRIVATELY WITH A BOARD MEMBER, COUNTY ATTORNEY, AND CHIEF ASSISTANT COUNTY ATTORNEY, COUNTY ADMINISTRATOR, ANY ASSISTANT COUNTY ADMINISTRATOR OR ANY DEPARTMENT HEAD, YOU MAY BE REQUIRED TO REGISTER AS A LOBBYIST.

Section 4.01.07 of the Land Development Code identifies specific activities which may be allowed within setbacks for Conservation and Preservation Areas listed as wetlands or natural water bodies. This application should only be used to address setback encroachments which may specifically be approved administratively and which have not been shown on other land development applications processed through Hillsborough County.

APPLICATION PACKET FOR  
WETLAND SETBACK ENCROACHMENT PROPOSALS

1. APPLICATION INFORMATION SHEET
2. OFFICIAL PLANNING AND GROWTH MANAGEMENT APPLICATION FORM
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4. CROSS SECTION EXAMPLE
5. WETLAND SETBACK ENCROACHMENT VEGETATIVE COMPENSATION GUIDELINES

**Please return the completed application to the following address:**

**Natural Resource Section  
Planning and Growth Management Department  
P. O. Box 1110  
Tampa, FL 33601**

**APPLICATION**

**OFFICIAL USE ONLY**

APPLICATION #: \_\_\_\_\_ FEES: Environmental Protection Commission \$270

ACREAGE: \_\_\_\_\_ FOLIO #: \_\_\_\_\_

SECTION: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_

GENERAL LOCATION: \_\_\_\_\_

STAFF PROCESSOR: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: ( ) \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: ( ) \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

(Contact Person)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: ( ) \_\_\_\_\_

Project Title (if applicable): \_\_\_\_\_

Address of Property: \_\_\_\_\_

Size of Property: \_\_\_\_\_ Zoning: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Block: \_\_\_\_\_ LDT: \_\_\_\_\_

Section/Township/Range: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Folio #: \_\_\_\_\_

Directions to Property: \_\_\_\_\_

Is the property being rezoned? \_\_\_\_\_ If so, to what zoning district? \_\_\_\_\_

Zoning Petition Number: \_\_\_\_\_

Current Land Use of Property: \_\_\_\_\_

Has this property been reviewed under the:

Site Development Ordinance [ ] Subdivision Regulations [ ]

Specific Variance Requests: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I HEREBY CERTIFY that this application, as well as any plans and tree survey submitted herewith, are a true representation of all facts concerning the requested waiver/adjustment. This application is made with my approval as Owner or Authorized Agent for the Owners, as evidence by my signature below.

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Signature of the Applicant

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Type or Print Name Legibly

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Date

I ASSUME LEGAL RESPONSIBILITY FOR ANY AND ALL VIOLATIONS OF THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE, DIVISION 4.0 ON THE PROPERTY DESCRIBED HEREIN.

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Signature of the Owners

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Type or Print Name Legibly

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Date

PLANNING AND GROWTH MANAGEMENT  
DATE STAMP:

STAFF NOTES:

LEGAL DESCRIPTION (If not enough space for description, attach a separate sheet):

WETLAND SETBACK ENCROACHMENT SUFFICIENCY CHECKLIST REQUIREMENTS

Applicant  
Initials

Staff  
Initials

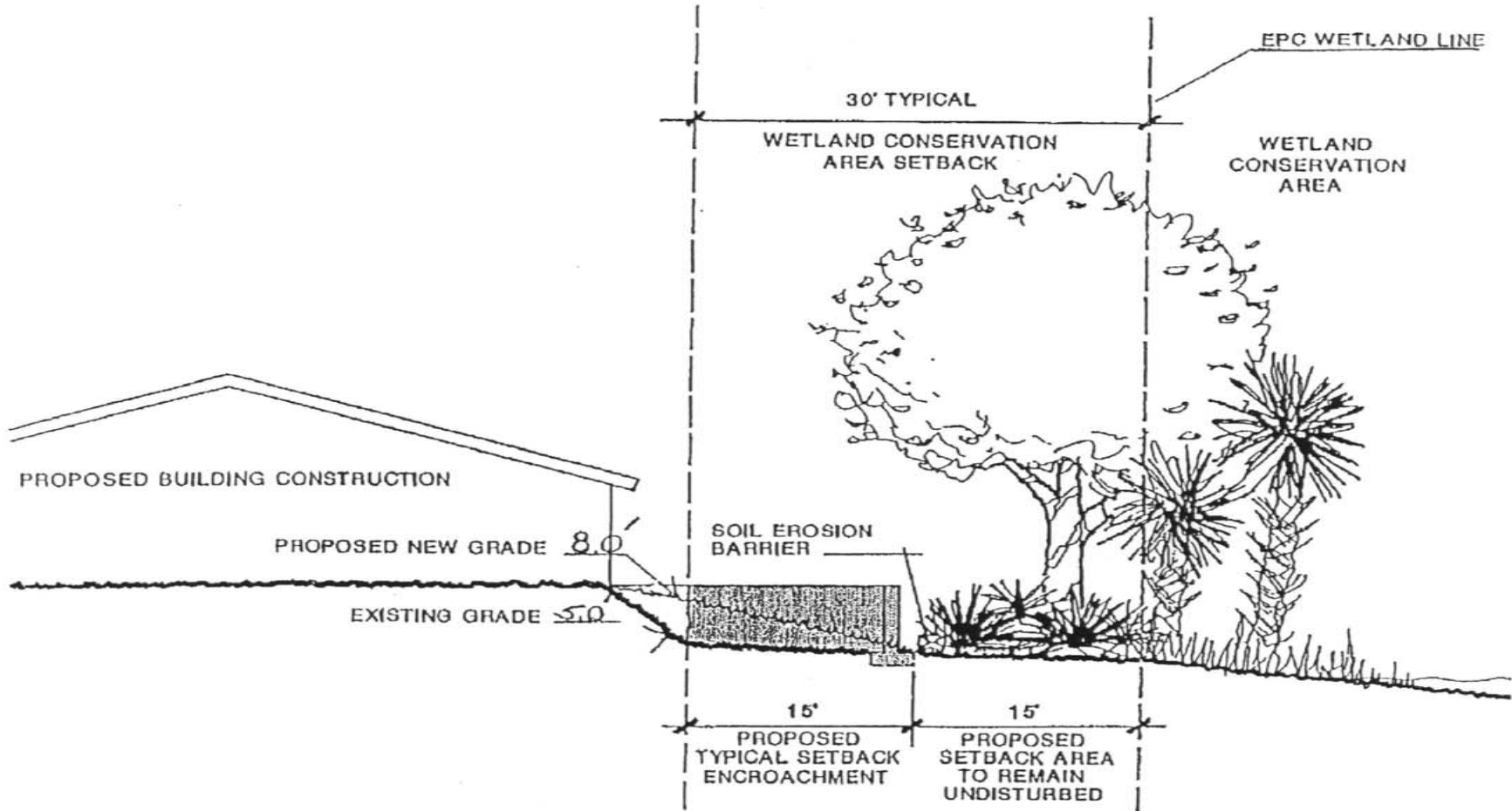
- |       |       |    |  |
|-------|-------|----|--|
| <hr/> | <hr/> | 1. | Submit an attachment describing the following: <ul style="list-style-type: none"><li>- The particular hardship and justification for the request including alternatives considered.</li><li>- The reason the adjustment or waiver is warranted.</li><li>- The facts to support how the petitioner is substantially affected.</li></ul>   |
| <hr/> | <hr/> | 2. | Any correspondence from other jurisdictional agencies pertinent to the request.  |
| <hr/> | <hr/> | 3. | Property Legal Description   |
| <hr/> | <hr/> | 4. | Two copies of a scaled site plan identifying the improvements on the property including the improvements proposed within the wetland setback. The site plan should be a property boundary survey identifying these improvements. The surveyed wetland line and the wetland setback line must be shown on the scaled site plan.   |
| <hr/> | <hr/> | 5. | Official Environmental Protection Commission (EPC) acceptance of the Wetland line. A signed EPC acceptance of the wetland line must be provided unless the property is a platted subdivision lot with an official date of recording 5 years or less from the date of this application.   |
| <hr/> | <hr/> | 6. | Requests for Wetland Conservation/Preservation Area setback encroachments shall include the following information on the site plan: <ul style="list-style-type: none"><li>- Tree survey identifying the location of trees 5 inches DBH (tree trunk diameter at 4.5 feet above grade) and larger throughout the area of encroachment as well as within 30 feet from the perimeter of the proposed encroachment area.</li><li>- Pertinent wetland setback line (i.e. 30 feet or 50 feet) clearly drawn and labeled.</li><li>- A cross-section of the Wetland Conservation /Preservation Area setback identifying proposed impervious improvements, existing grade elevations, proposed finished grade elevations, and any special design (i.e., stem walls) to minimize encroachments into the setback (see enclosed example).</li><li>- Label each area of the wetland setback encroachment, providing the depths and widths of the encroachment and from these dimensions calculate the actual encroachment square footage area.</li><li>- Describe the vegetative cover type within the wetland setback.</li><li>- If applicable, explanation of the type of pool filter system and how the pools filter discharge will be directed to the frontage road and not into the wetland area.</li></ul> |

\_\_\_\_\_      \_\_\_\_\_      -      Submit a Wetland Setback Encroachment Compensation Planting Plan meeting the criteria of the PGM's and EPC's Wetland Setback Encroachment Vegetation Compensation Guidelines (enclosed) if the impervious and/or pervious encroachment square footage area is 500 square feet or more. However, for residual lots a Compensation Planting Plan must be submitted if the impervious/pervious encroachment square footage area is more than 500 square feet or 10% or greater than the total square footage of the property's wetland setback whichever is less. Identify the proposed plantings by number and locations on the site plan.

\_\_\_\_\_      \_\_\_\_\_      -      Show the compensation area and label the square footage of the compensation area.

\_\_\_\_\_      \_\_\_\_\_      -      Identify vegetative cover type within the wetland setback.

# CROSS SECTION EXAMPLE



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

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## **BACKGROUND**

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

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

## **PURPOSE**

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

## **EXCEPTIONS**

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

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

## **GUIDELINES**

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

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

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

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

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

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

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

#### **WETLAND SETBACK ENCROACHMENT COMPENSATION PLANTING REQUIREMENTS:**

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

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

#### **MONITORING REQUIREMENTS:**

Monitoring of planted areas shall consist of the following:

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

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

**Table 1.**

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