

**CHAPTER 5  
CONSERVATION**

**Goal:** To preserve, conserve, and appropriately manage all of the resources of the City of Brooksville and provide protection of unique and environmentally sensitive lands, life and property from natural and man-made hazards. [9J-5.013(2)(a)]

**Air Quality**

**Objective 1:** The City of Brooksville shall meet or exceed the minimum air quality levels established by the Florida Department of Environmental Protection. [9J-5.013(2)(b)1]

**Policy 1-1:** The City of Brooksville shall continue to cooperate with the appropriate state agencies in monitoring air quality in the City.

**Policy 1-2:** The City, through the development review committee, shall consider in coordination with the Florida Department of Environmental Protection the cumulative effects of development on air quality in project review; mitigation measures shall be implemented where needed to avoid deterioration of the ambient air.

**Policy 1-3:** The City shall reduce the potential adverse impacts of automobile emissions pollution by the following means:

- a. Promote Planned Unit Development type of land use, where feasible;
- b. Require vegetative buffer strips between arterial roadways and residential development of all types;
- c. Encourage carpooling and alternative transportation modes.

**Surface Water**

**Objective 2:** The City shall protect and properly manage the quality and quantity of all surface waters to meet or exceed the State's standards. [9J-5.013(2)(b)2]

**Policy 2-1:** The City shall support all research activities by public agencies designed to assist in the management of the Griffin Prairie and other water basins in or adjacent to the City.

**Policy 2-2:** The City shall consider entering into an agreement with Hernando County to establish best management practices (BMPs) for the protection of surface and groundwater quality of water basins within Peck Sink, Blue Sink, and Byster Lake. When research recommendations are available, they should be incorporated into the appropriate elements of the adopted Comprehensive Plan. [9J-5.013(2)(c)8]

- Policy 2-3:** The City shall adopt a stormwater management ordinance to protect the quality and quantity of water resources to supplement state and water management district regulations.
- Policy 2-4:** Incorporate applicable stormwater management technical requirements of the Southwest Florida Water Management District into the city's stormwater management ordinance.
- Policy 2-5:** The City shall investigate methods for treatment of stormwater runoff from developed areas and require BMPs for new development.
- Policy 2-6:** Stormwater management systems shall be designed to meet or exceed state water quality standards and to minimize the impacts of stormwater.
- Policy 2-7:** The City shall request technical assistance from the Southwest Florida Water Management District to create a strategy for better stormwater management.
- Policy 2-8:** The City shall continue to cooperate with SWFWMD in requiring as-built/operation permission for surface water management systems to be filed and approved before the issuance of the Certificate of Occupancy for new construction.
- Policy 2-9:** The City will consult with the County regarding the creation of an interlocal stormwater agreement that focuses on wetland protection and groundwater quality.
- Policy 2-10:** The City shall preserve the natural functions of the 100-year floodplain so that flood-carrying and flood storage capacities are maintained through the use of BMPs and proper site development review.
- Policy 2-11:** The City shall continue to regulate land use and development in flood hazard areas by requiring conformance with the provisions of the Brooksville floodplain regulations and requirements of the National Flood Insurance Program as provided by the Federal Emergency Management Agency.
- Policy 2-12:** Activities and land uses that are known to adversely affect the quality and quantity of water sources shall be regulated to protect those sources. [9J-5.013(2)(c)1]
- Policy 2-13** Wetlands and wetland functions shall be protected and conserved by restricting direct and indirect development impacts according to Policies 2-13 and 2-14, Conservation land use designations, open space requirements, and other goals, objectives and policies of this plan.

- a. General:
1. It is the policy of the City to avoid or minimize development impacts on wetlands and to direct incompatible land uses away from wetlands and to require wetland buffers; to allow wetland losses only where all practical engineering measures have been applied to avoid such losses; and to allow for effective mitigation.
  2. All development shall comply with wetland protection requirements of all federal, state and regional agencies having regulatory authority. This plan provides supplemental conservation and protection measures for wetlands pursuant to the direction of Chapter 163, Part II, F.S., and Chapter 9J-5, F.A.C. Provisions in this plan shall not conflict with other agency regulations.
  3. Land use planning and site design shall support development patterns that avoid or minimize the impact of development on wetlands.
  4. In order to properly identify and delineate wetlands prior to development, the City shall rely on the delineation of wetlands and surface waters by SWFWMD. This delineation shall be reproduced on construction plans that are submitted for review by the City. For other review purposes that do not specifically permit development (e.g., rezonings), the areal extent of on-site wetlands shall be estimated and no delineation is required unless specifically required by the City.
  5. In no instance shall these wetland policies be construed to allow development that is otherwise prohibited by the Comprehensive Plan.
- b. Land Use:
1. Existing uses in wetlands may continue, but shall not be expanded unless they are explicitly allowed, permitted or exempted by the SWFWMD regulations and/or Conservation Policies 2-13 and 2-14. Existing silviculture in wetlands shall be consistent with *Silviculture Best Management Practices* published by the Florida Department of Agriculture, 1998.
  2. New development that is allowed under Comprehensive Plan Future Land Use Map designations and that will have no significant impact on the net wetland functions will be allowed, including:
    - Water dependent uses as defined by 9J-5.003(137), F.A.C.
    - Walking trails or elevated wooden boardwalks designed to minimize disturbance to the wetland system shall be allowed to provide limited access for purposes of passive recreation or access to other portions of the site or adjacent waters that are otherwise inaccessible.
    - Insect control structures

- Temporary impacts associated with the installation of cables, conduits and pipelines that transmit electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, propane gas, or natural gas
  - Minor activities by FDOT, the City of Brooksville, and Hernando County within existing ROW or easements
  - Exemptions listed in 40D-4.051, together with projects described in SWFWMD rules 40D-4.054, 40D-40.040, and 40D-400
  - Environmental restoration, enhancement, and research uses
  - Uses allowed under the future land use designation that require the dredging and filling of less than 100 square feet of wetlands
3. Other new development shall not be allowed in wetlands, i.e., development shall occur outside of the wetland (including its upland buffer as specified below) unless explicitly permitted by the SWFWMD standards or Conservation policies 2-13 or 2-14. When one or more contiguous lots or parcels of record under common ownership or control as of the date of adoption of this Comprehensive Plan policy are evaluated under these allowances or exemptions, the lots or parcels shall be aggregated and evaluated as a single lot or parcel.
4. When wetlands are identified on a site and mitigation is not approved, new development (other than listed in 2. above) shall be clustered away from the wetlands on upland portions of a development site. Development densities/intensities may be transferred out of the undeveloped wetland areas on a one-for-one basis. However, the development density and intensity of the developed portion of the site shall not exceed 150% of the maximum density/intensity of the remaining uplands that would be otherwise allowed under the future land use category.
5. If the extent of wetlands on an individual development parcel would prevent the use of the parcel as allowed by the Future Land Use Map designation and the following applicable criteria are met, the following densities and intensities shall be allowed:
- For wetland areas less than 20 acres, a single family residence that is not part of a larger plan of common development proposed by the applicant, including associated residential improvements such as a driveway, garage and an on-site sewage disposal system, not to exceed 6,000 square feet. Structures must be elevated when possible to minimize wetland impacts.
  - For wetland areas exceeding 20 acres, residential uses at a density of one dwelling unit per twenty acres
  - Non-residential uses allowed by the future land use category when elevated above the wetland on pilings and having less than 1,000 square feet of floor space per acre

## c. Buffers:

1. Upland buffers are considered an integral component of a functioning wetland and shall be afforded the same types and levels of protection as the wetland itself. Buffers shall be an average minimum width of 25 feet beyond the perimeter of the wetland with a minimum width of 15 feet, excepting the point where permitted water conveyance facilities connect to the wetland. Buffers shall not be developed, cleared or landscaped in any fashion that would decrease their effectiveness in supporting wetland functions. Encroachment into the wetland buffers for the purpose of hydrologic connection of drainage systems and creation of mitigation areas shall require no further buffering compensation.
2. The City may require that upland buffers be extended beyond 25 feet if necessary to connect isolated wetlands with other protected wetlands existing within 100 feet, depending on the existence of listed species and habitat valuation. Greenways will be created when possible.

## d. Mitigation:

The purpose of mitigation is to offset environmental impacts. Mitigation activities approved by a federal, state or regional agency are supported by the City. However, the issuance of a permit by any other agency, with or without mitigation, does not exempt the development from the requirements and restrictions of Conservation policies 2-13 and 2-14 and other requirements of the Comprehensive Plan. Development in wetlands must be consistent with this plan to proceed.

## e. Implementation:

1. The City shall maintain a generalized wetlands map as part of this plan. This map shall be based on the 1999 Florida Land Use Cover and Forms Classification System Geographic Information System mapping by SWFWMD.
2. Wetlands that exist on a proposed development parcel shall be shown by the landowner/developer as a part of the construction plans submitted to the City for review of the proposed project. Additionally, this map must show the delineation of the upland buffer for projects that do not require a SWFWMD permit. For projects requiring a SWFWMD permit, the City shall require as a condition of development approval that wetland buffers be protected.
3. New lots shall not be created and/or platted that do not contain sufficient buildable upland areas in order to provide a reasonable use for the lot under the requirements of the Comprehensive Plan.

**Policy 2-14:** Exceptions to *Policy 2-13* (above):

## a. Isolated Wetlands:

1. Development may incorporate isolated wetlands into stormwater management systems, provided that the stormwater runoff is pre-treated prior to entering any wetland, so that the wetland is used for nutrient and volume attenuation. The City shall encourage designs that maintain the existing natural wetlands community, except where permitting agencies agree that the imposition of conditions that favor a different plant community are more desirable for the purpose of providing habitat, improving water quality or enhancing other wetland values.
2. The City shall request that SWFWMD or a professional biologist comment and render an opinion as to whether the wetland has significant wildlife values based on the following factors:
  - a. The extent to which the isolated wetland acts in concert with the broader regional landscape to provide both food web support and habitat for wildlife;
  - b. The potential cumulative impacts to isolated wetland wildlife functions at a regional level;
  - c. Individual wetland features that are important to wildlife;
  - d. Whether the isolated wetland is used by endangered or threatened species or species of special concern; and
  - e. The degree to which adjacent existing or planned development will affect the use of the wetland by wildlife.

If the biological evaluation indicates that the isolated wetland has significant and sustainable wildlife values, the wetland shall be afforded the same level of protection as all other wetlands. However, if the report indicates no significant and sustainable values, then the underlying land use category may be applied. This does not preclude the application of any regulatory requirements of other federal, state or regional agencies.

## b. Buffers:

Buffer widths shall be a minimum of 15 feet excepting permitted water conveyance facilities, and may only be adjusted downward to below a minimum average of 25 feet on a case-by-case basis if the following conditions are present:

1. The developable portion of existing lots of record as of the date of adoption of this policy does not have sufficient size or dimensions to allow for a reasonable use of the property

based on the designated land use category. In this instance, the remaining buffer shall be enhanced with native species to minimize development impacts.

2. The proposed development shall provide mitigation for reduction in standard by enhancing the functioning value of the wetland buffer area.

c. Degraded Wetlands:

If SWFWMD indicates that a wetland (or a portion thereof) is severely degraded and has minimal restoration potential and that beneficial restoration or enhancement mitigation of another wetland would be achieved as a result of mitigation that allows some development in this degraded wetland (or portion thereof) then the underlying land use category shall apply. Mitigation shall be permitted with the first priority being mitigation on site, the second priority being mitigation within the city limits, and the third priority being mitigation within Hernando County under city/county interlocal agreement.

d. Road Crossings:

Road crossings shall be allowed to access developable portions of the development parcel or if shown to be in the overriding public interest (e.g., as necessary local, collector or arterial road linkage). When allowed, road crossings shall occur at the narrowest practical point given the constraints of safe roadway design and shall provide for hydrologic connectivity and aquatic species movement.

## Groundwater

**Objective 3:** Upon plan adoption the City shall institute proper action to ensure that the quality and quantity of city groundwater resources are consistent with state water quality standards.

**Policy 3-1:** Require all development in the City to connect to city sewer service, where and when available.

**Policy 3-2:** The City shall coordinate with the Florida Department of Environmental Protection and the Southwest Florida Water Management District to identify prime recharge areas, sinkholes and potential pollution sources within or adjacent to the City.

**Policy 3-3:** The City shall cooperate with Hernando County to provide protection for all public water supply wells. [9J-5.013(2)(c)1]

**Policy 3-4:** Prior to development approval, a survey should be conducted to properly identify active drainage wells. If any wells are found, the developer shall be responsible for sealing the drainage wells.

- Policy 3-5:** The City shall cooperate, as appropriate, with the designated programs of Hernando County, Southwest Florida Water Management District and other such applicable agencies in the identification and protection of water recharge areas to ensure aquifer depletion and contamination does not occur. [9J-5.013(2)(c)1]

**Soil Erosion**

- Objective 4:** Minimize the rate of erosion caused by land development and other human activities.

- Policy 4-1:** The City shall consult with the Natural Resources Conservation Service on the use of BMPs to minimize soil erosion problems as part of the development review process.
- Policy 4-2:** The City shall consider topographic, hydrologic and vegetative cover factors in the site plan review process of proposed developments.
- Policy 4-3:** The City shall maintain a tree protection ordinance and a landscape ordinance to assist in control of soil erosion.
- Policy 4-4:** The City shall cooperate with the Southwest Florida Water Management District in the requirement of the utilization of BMPs in construction of stormwater facilities and structures.

**Flora and Fauna**

- Objective 5:** The City shall conserve, appropriately use and protect native vegetative communities and wildlife habitat and maintain programs to ensure that 90% of the canopy trees along the city rights-of-way are preserved during the planning period. [9J-5.013(2)(b)3] [9J-5.013(2)(b)4]

- Policy 5-1:** The City shall assist in the application of, and compliance with, all state and federal regulations that pertain to listed species. As part of its comprehensive plan amendment process, the City will require applicants to provide information concerning native vegetative communities, environmentally sensitive lands, wildlife habitat and listed species for proposed areas of development. As part of its development review process, the City shall address conservation and appropriate use of the above resources.
- Policy 5-2:** The City shall consult with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service prior to the issuance of a development order where endangered or threatened species are known to exist. If found to have adverse impact on the species or habitat, mitigation measures and/or compensation shall be required as determined in a Fish and Wildlife Service-approved Habitat Conservation Plan.

- Policy 5-3:** The City shall consult with the Florida Fish and Wildlife Conservation Commission, Natural Resources Conservation Service, and private land owners to develop BMPs to protect valuable relic hardwood communities and endangered and threatened species.
- Policy 5-4:** The City shall maintain a tree protection and landscape ordinance to assist in the protection of specimen trees, relic hardwood communities and wildlife habitat.
- Policy 5-5:** The City shall through proper site plan review procedure and specific implementation of the city Land Development Code provide protection of 100-year flood areas, wetlands, and other potential environmentally sensitive lands within the City. [9J-5.013(2)(c)9]
- Policy 5-6:** The City shall continue to coordinate development activities with Hernando County to ensure the conservation, protection and appropriate use of shared, unique vegetative communities such as the relic hardwood communities and Griffin Prairie.
- Policy 5-7:** Land uses that are incompatible with wetlands and wetland functions shall be directed away from wetlands on the Future Land Use Map and the Zoning Map through proper site plan review procedures. [9J-5.013(3) (a) and (b)]
- Policy 5-8:** Permit development only if it does not adversely impact the city's natural resources including minerals, soils, vegetative communities, surface water, and wildlife and is in compliance with all applicable federal, state, and local regulations. [9J-5.013(2)(c)2, 3, 5 and 6]

### **Hazardous Waste**

- Objective 6:** The City shall maintain programs so that no contamination from hazardous wastes occurs during the planning period.
- Policy 6-1:** The City shall encourage the County to apply for available state funds for the establishment of hazardous waste storage/transfer facilities.
- Policy 6-2:** The City shall assist Hernando County in its efforts to manage hazardous wastes through educational programs that advise city residents on the problems and issues of hazardous waste.
- Policy 6-3:** The City shall continue training its employees to identify and inspect wastes before they are taken to waste disposal facility sites.
- Policy 6-4:** The City shall maintain an emergency response plan to facilitate control of accidents involving hazardous wastes.

- Policy 6-5:** The City shall assist Hernando County in continuation of the Amnesty Days program for collection of hazardous waste.
- Policy 6-6:** The City shall cooperate with Hernando County in the management program for proper storage, recycling, collection and disposal of hazardous wastes.
- Policy 6-7:** City programs for the management of hazardous wastes shall focus on the protection of human and natural resources. [9J-5.013(2)(c)10]

**Aesthetics**

**Objective 7:** The City shall maintain programs to preserve, conserve, develop and improve the visual resources and aesthetics of the community.

- Policy 7-1:** The City shall maintain a tree protection ordinance to conserve and preserve certain existing trees and require the planting or replanting of trees in the City.
- Policy 7-2:** The City shall maintain a sign ordinance to enhance aesthetic qualities and protect the health, safety and welfare of its residents.
- Policy 7-3:** The City shall maintain tree protection and landscape ordinances to assist in the control of soil erosion, maintain the individual integrity of various land uses and enhance aesthetic qualities of the community as a whole.

**Water Conservation**

**Objective 8:** The City shall maintain programs to keep per capita potable water consumption rates below 1980 levels. [9J-5.013(2)(b)2]

- Policy 8-1:** The City shall research and adopt criteria for the use of wastewater reuse plans where applicable.
- Policy 8-2:** The City shall research and implement an emergency water shortage plan by 2010. [9J-5.013(2)(c)4]