

## 5. CONSERVATION ELEMENT

### Goals, Objectives and Policies

#### GOAL 5-1: TO CONSERVE THE REMAINING NATURAL AREAS, IMPROVE SURFACE WATER QUALITY CONDITIONS AND AUGMENT AND PRESERVE THE WATER RESOURCES OF THE CITY.

**OBJECTIVE 5-1.1: IMPROVE SURFACE WATER QUALITY.** It is the intent of the City to improve the quality of surface water within the City. The City will construct stormwater facilities to improve water quality conditions in the City based on revenues that are bonded from the Stormwater Utility Fees.

**Policy 5-1.1.1: Water Quality Index.** The City will use the standard of Class III Waters per Rule 62-302.530, F.A.C., as an appropriate index for testing water quality.

**Policy 5-1.1.2: Compliance with Stormwater Standards.** All new development, and redevelopment projects, will be required to meet the stormwater retention and detention requirements in the Comprehensive Plan and the Land Development Code and all applicable St. Johns River Water Management District (SJRWMD) Regulations.  
*(Revised: Ordinance 1722-18, Adopted 3/6/18)*

**Policy 5-1.1.3: Little Wekiva River Watershed Management Plan.** The City will continue to implement economically feasible recommendations as proposed in the *Little Wekiva River Watershed Management Plan* as budgeted funds permit.

**Policy 5-1.1.4: Wekiva Parkway and Protection Act.** The City will continue to implement economically feasible recommendations as proposed in the *Wekiva Parkway and Protection Act Master Stormwater Management Plan* as budgeted funds permit.

**Policy 5-1.1.5: Stormwater Utility Fee Projects.** The City will continue to develop a five-year plan for the Stormwater Utility Fee.

**Policy 5-1.1.6: Wastewater Treatment Operation.** The City will continue to operate the wastewater treatment plant in such a manner as the pollutant loading from its effluent discharge in the Little Wekiva River will not exceed permitted levels.

**Policy 5-1.1.7: Reduce Pollutant Loads on the Little Wekiva River.** In order to reduce the pollutant loading on the Little Wekiva River, the City will continue to operate Project APRICOT (the reclaimed water system) in lieu of discharging effluent into the Little Wekiva River. To further reduce pollutant loading on the Little Wekiva River, the City will pursue other forms of effluent discharge during those periods where the lack of demand on Project APRICOT results in discharge to the Little Wekiva River.  
*(Revised: Ordinance 1722-18, Adopted 3/6/18)*

**Policy 5-1.1.8: Funding for Aquatic Vegetation Management.** The City shall designate a portion of the funds generated by the Stormwater Utility Fee to re-establish emergent aquatic vegetation in selected lakes.

**Policy 5-1.1.9: Water Quality Sampling.** Implement the water quality sampling program and submit data to the Watershed Atlas.

**Policy 5-1.1.10: Wekiva Basin Management Action Plan.** Continue to participate in the development of the Wekiva Basin Management Action Plan (BMAP).

**Policy 5-1.1.11: FDEP Participation.** Actively participate in the development of TMDL (Total Maximum Daily Loads) Reports and BMAPs for waterbodies designated as impaired by Florida Department of Environmental Protection (FDEP).

**Policy 5-1.1.12: Lake Management Program.** Continue to operate the Lake Management Program on city-owned lakes or on lakes where the city owns lakefront property.

**OBJECTIVE 5-1.2: MINIMIZE GROUNDWATER WITHDRAWAL.** The City will protect groundwater resources through implementation of the following policies.

**Policy 5-1.2.1: Mandatory Connection to Project APRICOT.** All new development will be required to connect to Project APRICOT as specified in the Land Development Code.

*(Revised: Ordinance 1722-18, Adopted 3/6/18)*

**Policy 5-1.2.2: Water Conservation Education.** The City will continue its program of educating its residents in water conservation practices.

**Policy 5-1.2.3: Water Conservation Planning.** The SJRWMD and the City will cooperate in the implementation of the Emergency Water Conservation Plan. The City will enforce the Emergency Water Conservation Plan through development regulations, active inspections, and police enforcement.

**Policy 5-1.2.4: Enforcement and Incentives for Connections to Reclaimed Water System.** In order to maximize the use of the reclaimed water system, the City will continue to enforce the Land Development Code requirements for connection to the reclaimed water system and continue to offer incentives for voluntary connection to the system.

**Policy 5-1.2.5: Alternative Water Supply.** The City will cooperate with SJRWMD, FDEP, and other utility agencies to seek alternative sources of water supply in order to encourage a further reduction in groundwater usage. This shall include the Water Supply Facilities Work Plan to include the development of alternative water supplies as necessary to serve existing and new development and be consistent with the Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP), as updated. The Water Supply Facilities Work Plan is hereby incorporated into this Plan in Chapter 8, the Capital Improvement Element, Policy 8-1.2.11, and the Infrastructure Element, Exhibit 4-1. The City shall include in its annual update of the City's Capital Improvement Plan (CIP) the first five years of the Water Supply Facilities Work Plan to ensure consistency between the potable water sub-element and the Capital Improvement Element.

*(Revised: Ordinance 1722-18, Adopted 3/6/18)*

**OBJECTIVE 5-1.3: SOIL EROSION PREVENTION.** The City shall continue to control erosion along the Little Wekiva River, along the shoreline of several lakes within the corporate limits, and reduce siltation of lakes and wetlands through the implementation of the following policies:

**Policy 5-1.3.1: Coordinated Basin Improvements.** The City shall continue to work with Orange County, Seminole County, and the SJRWMD to reduce soil erosion along the Little Wekiva River basin and to improve its water quality by continuing to implement basin improvements as approved by the Little Wekiva Technical Work Group as economically feasible. ]

**Policy 5-1.3.2: Further LWRW Master Plan.** The City will continue to implement economically feasible recommendations as proposed in the SJRWMD Little Wekiva River Watershed (LWRW) Master Plan as budgeted funds permit.

**Policy 5-1.3.3: Little Wekiva River Watershed Master Plan.** The City will continue to implement economically feasible recommendations as proposed in the SJRWMD's LWRW Master Plan as budgeted funds permit.

**Policy 5-1.3.4: Continued Activities to Reduce Soil Erosion.** The City will increase efforts to minimize erosion along the shorelines of lakes within its corporate limits through enforcement of Land Development Code and implementation of drainage improvements proposed within the Drainage Sub-element.

**Policy 5-1.3.5: Sediment Monitoring Program.** Continue to implement the sediment monitoring program to record and evaluate the effectiveness of erosion countermeasures on the Little Wekiva River.

**Policy 5-1.3.6: SJRWMD and DEP Approvals Prior to Littoral Impacts.** The City shall require that all modifications to the banks of the Little Wekiva and shorelines of all lakes (i.e., littoral zones) within the City of Altamonte Springs, including but not limited to the removal of living vegetation and dredge and fill activities, be made only upon receipt of written approval of SJRWMD and FDEP.

**OBJECTIVE 5-1.4: PROTECTION OF WETLANDS.** The City will protect its wetland areas, future City wetlands, and its flood prone areas through enforcement of Flood Hazard Avoidance Regulations and, where appropriate, through the designation of Conservation Areas by implementing the following policies.

**Policy 5-1.4.1: Designated Conservation Areas.** A Conservation Area is a floodway of a river or a wetland of sufficient size to host a viable wetland habitat and may act as a wildlife corridor. A Conservation Area is regarded as environmentally sensitive land. The City's Lake Lotus parcel, the acreage owned by Florida Audubon Society, and the floodway of the Little Wekiva River will be identified on the Future Land Use Map and be subject to the limited uses as identified in the Future Land Use Element for Conservation Areas.

**Policy 5-1.4.2: Evaluation of Wetlands.** Should a proposed development contain any land use cover classification that indicates there is a wetland greater than five acres, the City will require a study of the wetlands by an ecologist, biologist or similar professional to determine whether it is of sufficient size to hold a viable wetland habitat and may act as a wildlife corridor. If the study indicates the above is valid, then the City will designate the area a Conservation Area. If it is not found to be a Conservation Area, the land will then be subject to the City's floodplain regulations.

**Policy 5-1.4.3: Avoid Impacts to Floodplains.** As both a habitat protection measure and a non-structural water quality control measure, new development, other than passive recreational or conservation uses, or if permitted by the Flood Avoidance Regulations, stormwater control

measures will be prohibited in the remaining wetlands that are under regulatory jurisdiction of the City, State and Federal Governments.

**Policy 5-1.4.4: Continue Tree City USA Designation.** The City will continue to commit to meeting the requirements for the honorary designation of "Tree City, USA".

**Policy 5-1.4.5: Tree Protection.** The City will continue to enforce its Arbor provisions in the Land Development Code for the preservation of trees, especially, as it pertains to the protection of trees on lands subject to development.

**Policy 5-1.4.6: Protection of Floodplains.** The City will continue to enforce Floodplain Management Regulations and associated regulations (open space and storm water) in the Land Development Code.

**Policy 5-1.4.7: Non-Conforming Uses in Flood Prone Areas.** All existing uses in flood prone areas which were built before the City entered into the Federal Emergency Management Agency (FEMA) program are considered non-conforming uses.

**Policy 5-1.4.8: FEMA Program.** The City will continue to participate in the FEMA program. The City will enforce new flood plain elevations as established by FEMA in the review of proposed development and for existing development will enforce the non-conforming uses regulations.

**Policy 5-1.4.9: Septic Tank Prohibition.** A combination of the following requirements governs the City's efforts to prohibit septic tanks:

- (a) The City will continue to prohibit the placement of septic tanks in flood prone areas; on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding
- (b) The City will prohibit package wastewater treatment plants and septic tanks, requiring all new development to connect to the City's central wastewater system prior to issuance of a certificate of capacity.
- (c) The City will not issue building permits for any new development, or redevelopment, using septic tanks within the City limits, except on an interim basis until the City's central wastewater system becomes available to the development, as approved by the City Engineer.

**Policy 5-1.4.10: Transfer of Development Rights.** The City will use, where appropriate, the planning tool known as "transfer of development rights" to protect Conservation Areas or wetlands.

**OBJECTIVE 5-1.5: PROTECT UPLAND WILDLIFE.** The City will protect upland wildlife and wildlife habitats from destruction due to development through the implementation of the following policies.

**Policy 5-1.5.1: Habitat Protection Efforts.** The City's preservation efforts for upland habitats, including threatened and endangered species of plants and animals, and plant and animal species of special concern, shall apply to proposed developments on vacant (undeveloped) sites of five acres or more. The City will require a tree survey and require the preservation of native trees, especially specimen trees. The site shall be inspected by an ecologist, biologist, or a similar professional for the presence of state and federally protected plant and animal species. Site Surveys shall address the size and distribution of native habitat, wildlife and listed species populations within a proposed development site, and the feasibility and viability of off-site protection

and management. The survey shall also address the appropriateness of migration to an acceptable off-site location in the event that on-site migration is shown to be ineffective. Protection of any wildlife and protected habitat will be required as part of the overall development plan submitted for development approval.

**Policy 5-1.5.2: Transfer of Development Rights.** The City will use, where appropriate, the planning tool known as "transfer of development rights" to protect or preserve uplands serving as known habitat for endangered and threatened species.

**OBJECTIVE 5-1.6: IMPROVE AIR QUALITY.** In the event that air quality monitoring stations in or adjacent to the City of Altamonte Springs indicate that air quality is below approved levels as established by Environmental Protection Agency (EPA) and FDEP, the City will implement the following policies:

**Policy 5-1.6.1: Interlocal Agreement.** The City will enter into an interlocal agreement with Seminole County to develop and implement measures to improve air quality.

**Policy 5-1.6.2: Burning Prohibition.** The City will continue to prohibit open burning in the City.

**Policy 5-1.6.3: Reduction of Vehicle Emissions.** The City will attempt to reduce vehicle emissions through the promotion of multi-modal transportation systems as proposed within the Multi-Modal Transportation Element, and the integration of land use planning with transportation systems as proposed within the Future Land Use Element.

**OBJECTIVE 5-1.7: COMMERCIALLY VALUABLE MINERALS.** The City shall regulate the excavation of clay and sand through implementation of the following policies:

**Policy 5-1.7.1: Commercial Mining Prohibited.** Commercial mining of minerals is prohibited within the City of Altamonte Springs.

**Policy 5-1.7.2: Excavation Activities.** Excavation work (the extraction of clay, soil or sand) is permitted and is subject to regulation by the City's Land Development Code.

**OBJECTIVE 5-8.1: PROTECT GROUNDWATER QUALITY AND QUANTITY.** The City will protect the quality and quantity of groundwater through the measures cited in the following policies:

**Policy 5-1.8.1: Wellfield Protection.** The City will continue to enforce the Wellfield Protection Ordinance which requires a 100-foot radius protection zone around all wells drilled prior 1983 and a 200-foot radius protection zone around all wells drilled after 1983. The ordinance also restricts specific uses, such as septic tanks, within such protection zones to support the requirements established through the development of a 200-foot wellfield protection zone.

**Policy 5-1.8.2: Prevent Well Contamination.** Wellfield standards adopted in the Comprehensive Plan and Land Development Code will restrict or regulate activities in the cones of influence in order to protect waterwells from contamination.

**Policy 5-1.8.3: Coordinate Waste Management Issues with Seminole County.** The City will continue to work with Seminole County to direct household wastes to designated County sites for proper disposal.

**Policy 5-1.8.4: Managing Hazardous Waste.** The City shall continue to enforce land development regulations which incorporate development restrictions directed toward preserving natural systems from the impacts of hazardous waste. The City shall continue to work with Seminole County and appropriate State and regional agencies in developing an improved area-wide solid waste management program which includes more innovative solid and hazardous waste management technologies that save energy, produce renewable energy and effectively manage hazardous waste.

**Policy 5-1.8.5: Projected Water Needs and Sources.** The City shall continue to master plan water resources for at least a 10-year planning horizon and consider the SJRWMD's District Water Supply Plan, as updated, as part of the planning effort. The City of Altamonte Springs's Water Supply Facility Work Plan is incorporated into this Plan in Chapter 8, the Capital Improvement Element, Policy 8-1.2.11 and the Infrastructure Element, Exhibit 4-1.

**OBJECTIVE 5-1.9: PROTECT AND PRESERVE WETLANDS.** The City shall maintain the Conservation land use designation and continue to map conservation areas on the City's Future Land Use Map for the purpose of identifying conservation areas/corridors where special zoning regulations and performance standards apply. The City shall continue to enforce land development regulations which include performance criteria designed to protect and preserve wetlands from physical and hydrologic alterations as well as specifically direct incompatible land uses away from wetlands. This objective shall be measured through the implementation of the following policies.

**Policy 5-1.9.1: Wetland Delineation (Establishing the Wetland Line).** The City shall include in the LDC a requirement that any development that contains land meeting the definition of a wetland as defined by Florida Statutes, shall conduct wetland delineation in accordance with current rules and regulations of the Florida Administrative Code. A delineation of the upland wetland boundary shall be established based upon an on-site field survey by a professional biologist or registered engineer provided by the applicant and coordinated with the SJRWM, the FDEP, and/or the U.S. Army Corps of Engineers. Furthermore, the development shall through a comprehensive planning process identify the types, values, functions, size, conditions, and specific locations of the wetlands on the site.

*(Revised: Ordinance 1734-19, Adopted 6/18/19)*

**Policy 5-1.9.2: Protection of Wetland Transition Areas.** Transition areas shall be defined as the area separating wetland and upland areas and in which development activities may be regulated to protect wetlands. The transition zone is an area having a direct groundwater or surface water influence. The transition area provides a buffer between wetlands and upland development or other land alteration activities. The purpose of the transition zone is to ensure the continuing function of respective wetland communities. The City shall retain the right to prohibit development within the wetland transition area. A field investigation shall establish the boundary of the wetland transition area. At a minimum the following uses shall be prohibited within the wetland transition areas:

- (a) All industrial uses;
- (b) Sanitary landfills;
- (c) Wastewater treatment facilities;
- (d) Incinerators;
- (e) Animal feedlots;
- (f) Petroleum or pesticide storage facilities;
- (g) Above-ground or below-ground pipes for pollutants or contaminants;
- (h) Any land use that stores, handles, or generates hazardous material or waste.

**Policy 5-1.9.3: Required Dedication of Conservation Easements or Reservations.** The City shall rely upon conservation easements or require dedication of open space areas to an appropriate agency as a tool for preserving floodplain, wetland, and ecologically significant communities. The City shall amend the land development regulations to provide for the dedication of conservation easements or reservations where the City finds that the dedication is reasonable in order to protect the value and function of a wetland.

**Policy 5-1.9.4: Administration of Wetland Development Restrictions.** Wetland development restrictions shall be administrated through the following policies. The City shall adopt land development regulations implementing these policies:

- (a) *Review Process.* The City shall coordinate with the jurisdictional agencies for purposes of rendering legal, equitable, and environmentally sensitive determinations of the development rights to be permitted on such wetlands and/or lands under the jurisdiction of the State or Federal government. The developer of a parcel of environmentally sensitive land shall be responsible for obtaining permits or exemptions from the Army Corp of Engineers and the SJRWMD as may be appropriate, prior to commencement of development. Regardless of permitting by Federal or State permitting agencies, the City shall reserve the right to determine the appropriate land use, density/intensity, and special mitigation measures including, but not limited to, the construction of culverts or other means.
- (b) *Burden on the Applicant.* The applicant shall bear the burden of proof in determining that development shall not adversely impact wetlands, transitional wetlands, and other environmentally fragile natural systems. The applicant shall prove that the type, value, function, size, and condition of the wetland will not be adversely impacted. Such determinations shall be based on physical and biological data obtained from specific site investigations by a biologist, an engineer or by another professional competent in producing data and analysis necessary to support impact assessments.
- (c) *Coordination with Other Agencies.* Seminole County as well as representatives of the FDEP, U.S. Army Corps of Engineers the SJRWMD, or the U.S. Fish and Wildlife Service may be included during the development review process to assist in identifying and delineating wetlands. Applicants shall have an opportunity to so demonstrate that any wetland designations within the confines of their property no longer function as wetlands as defined above.
- (d) *Waiver for Marginal Wetlands If Mitigated.* For small isolated marginal wetlands that the developer is providing viable compensatory preserve areas which mitigate against a loss of viable wetland systems, the City may waive the preservation requirements, in and only in, the case of an overriding public interest.

(Revised: Ordinance1676-14, Adopted 7/1/14)