

**RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 40D-24
XERISCAPE INCENTIVE PROGRAM**

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40D-24.001 Policy and Purpose

(1) The Governing Board finds that water conservation is critical to ensure an adequate water supply for the citizens of the District. The Governing Board further finds that the implementation and use of Xeriscape landscaping, as defined in section 373.185, F.S., significantly contributes to the conservation of water. The Governing Board further supports adoption of local government ordinances as a significant means of achieving water conservation through Xeriscape landscaping.

(2) The Governing Board intends for the program created by this chapter to encourage all local governments within the District to adopt new ordinances or amend existing ordinances, as expeditiously as possible, to require Xeriscape landscaping for development permitted after the effective date of the new ordinance or amendment.

Specific Authority: 373.044, 373.113, 373.185 F.S. Law Implemented: 373.185 F.S. History--New 8-23-92.

40D-24.010 Definitions.

(1) As used throughout this chapter:

(a) "Local government" means any county or municipality of the state whose seat of government is located within District boundaries,

(b) "Xeriscape Landscape" means a type of quality landscaping that conserves water and protects the environment by using site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches (which may include the use of solid waste compost) and proper maintenance,

(c) "Xeriscape ordinance" means any new ordinance, landscape code or amendment to an existing ordinance or code that requires all development permitted after the effective date of the new ordinance, code or amendment to use Xeriscape landscaping.

Specific Authority: 373.044, 373.113, 373.185 F.S. Law Implemented: 373.185 F.S. History--New 8-23-92.

40D-24.020 Incentive Program.

(1) Any local government within the District which is considering adopting a Xeriscape ordinance is eligible for the District's incentive program.

(2) The District's incentive program consists of the following:

(a) Providing information on the merits of Xeriscape landscaping - The District shall provide to each local government that qualifies for the District's Xeriscape Incentive Program information on the merits of Xeriscape landscaping. This information shall explain the principles of Xeriscape landscaping which include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. This information may be in the form of brochures, demonstrations, memos, technical publications, technical assistance or oral communication with District staff. To the greatest extent possible, this information will be tailored to the specific problems and environmental conditions of the local government.

(b) Cost-benefit analysis - Sections 125.568 and 166.048, F.S., require the governing body of every local government to consider enacting a Xeriscape ordinance by October 1, 1992. If the governing body of a local government within the District determines that the benefits of adopting a Xeriscape ordinance outweigh the costs, sections 125.568 and 166.048, F.S., require that local government to adopt a Xeriscape ordinance. For each local government that qualifies for the District's Xeriscape Incentive Program, the District will assist that local government in determining whether the benefits of requiring Xeriscape landscaping outweigh the costs within that local government's jurisdiction. The District's assistance to the local government may consist of technical information on the costs and benefits of Xeriscape landscaping, or referral to other agencies that can provide information the local government may need to perform its cost-benefit determination.

(c) The amount, type, and form of the information on the merits of Xeriscape landscaping and the cost-benefit analysis assistance the District provides to the local government shall be determined by District staff based on the needs of the local government and the availability of District resources.

(d) For those local governments which have a water use permit which requires the preparation of a Water Conservation Plan, the District will provide an incentive to encourage these local governments to adopt a Xeriscape ordinance by allowing these local governments to adopt a Xeriscape ordinance as part of their Water Conservation Plan.

Specific Authority: 373.044, 373.114, 373.185 F.S. Law Implemented: 373.185, F.S. History--New 8-23-92.

40D-24.030 Incentive Program - Qualifying.

(1) To qualify for the District's Xeriscape Incentive Program, a local government must submit to the District a draft Xeriscape ordinance along with a letter from an authorized member of that local government's governing body stating that the local government is considering adopting the draft Xeriscape ordinance and requesting that the local government be qualified under the District's Xeriscape Incentive Program.

(2) The draft Xeriscape ordinance the local government submits to the District to qualify for the District's Xeriscape Incentive Program must include, at a minimum, the following:

(a) Landscape design, installation, and maintenance standards that result in water conservation. Such standards shall address the use of site specific plants based on adaptability to the site's climate, soils, geology, and topography, the use of plant groupings based on watering needs, soil analysis including the promotion of the use of solid waste compost, efficient irrigation systems or methods, mulching where compatible with plants and soil type, and other water-conserving practices.

(b) Identification of plant species that are prohibited or have been designated as "invasive" plant species.

(c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.

(d) A provision specifying the maximum percentage of turf and the maximum percentage of impervious surfaces allowed in a Xeriscape landscape area and addressing the practical selection, installation and irrigation of turf. A program to encourage the preferential use of pervious surfaces and drought resistant turf grass over impervious surfaces and traditional turf grasses.

(e) Specific standards for land clearing and requirements for the preservation of existing native vegetation as a priority over the installation of irrigated turf areas.

(f) A monitoring program for ordinance implementation and compliance.

(3) The District has developed a model landscape code which incorporates the principles of Xeriscape landscaping. A draft Xeriscape ordinance submitted by a local government which contains substantially the same requirements as the District's model code shall be presumed to satisfy the requirements of subsection 40D-24.030 (2), F.A.C., and qualify the local government for the District's Xeriscape Incentive Program.

(4) District staff shall determine whether the letter submitted by the local government satisfies the requirements of subsection 40D-24.030 (1), F.A.C., and whether the draft Xeriscape ordinance submitted by the local government complies with subsection 40D-24.030 (2), F.A.C.

Specific Authority: 373.044, 373.113, 373.185 F.S. Law Implemented: 373.185 F.S. History--New 8-23-92.