

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, CITY OF WINTER PARK CODE OF ORDINANCES, LAND DEVELOPMENT CODE; AMENDING SECTION 58-95 AND ADDING SECTION 58-170 GOVERNING ARTIFICIAL TURF REQUIREMENTS; PROVIDING FOR DEFINITIONS; PROVIDING REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF IMPERVIOUS AND PERVIOUS ARTIFICIAL TURF; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Land Development Code currently limits the amount of impervious surface that may be utilized in residential and commercial development; and

WHEREAS, the City wishes to clarify that artificial turf, which is a grass mat manufactured with man-made materials used to replicate natural grass, can constitute an impervious surface subject to the relevant City regulations; and

WHEREAS, the City further wishes to clarify and enact regulations governing the installation of artificial turf; and

WHEREAS, the City finds that this Ordinance advances the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Amendment of City Code. Section 58-95 of Chapter 58, Article III of the City Code of Ordinances is hereby amended, and a new Section 58-170 is hereby created in Chapter 58, Article V, Division 1 of the City Code of Ordinances, all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars * * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

Sec. 58-95. - Definitions.

For the purposes of this article, certain terms or words used herein shall be interpreted as follows:

* * * *

Artificial Turf or synthetic grass means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass.

* * * *

Impervious coverage means the percentage of the lot land area that is covered with impervious materials such as building, swimming pools (including pool water and pool decks), decks, patios, driveways, etc. Artificial turf shall also be considered an impervious coverage unless specifically designed and permitted with a proper porous permeable underlying material such as gravel. Standard engineering coefficients of permeability shall be utilized for mixed surfaces. Land located across a street and separated from the building site shall not be included in the available land area calculation.

* * * *

Sec. 58-170. – Artificial Turf Installation. The following requirements shall govern the installation of artificial turf.

a) Impervious installations

- 1) A permit shall be required to install.
- 2) New total impervious area coverage to include the artificial turf shall be submitted with the permit application.
- 3) Proof of permeability is not required.
- 4) The first one inch of stormwater runoff from the artificial turf must be retained on site in accordance with Sec. 58-163.
- 5) Installations are not allowed under tree canopies.

b) Pervious installations

- 1) A permit shall be required to install.
- 2) Artificial turf shall have a backing of a uniform (every square inch) woven material, which precludes the use of a solid backed material with periodic holes.
- 3) The required minimum rate of permeability shall be 30 inches per hour uniformly (every square inch) across the artificial turf.
- 4) Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) shall be included in the design per the manufacturer's specifications to meet the minimum rate of permeability.
- 5) Prior to installation of artificial turf, the property owner shall enter into an agreement, with and in a form acceptable to the City, providing for property

owner's and its successors' and assigns' scheduled maintenance activities and annual reports thereof to the City. Among other things, such agreement may provide for: (i) property owner's requirement to remove and/or replace the artificial turf in the future if the artificial turf ceases to function as designed and permitted, is not properly maintained and/or if the expiration of the artificial turf's life expectancy occurs; (ii) the City's remedies in the event property owner fails to comply with its maintenance, repair and replacement obligations; and (iii) property owner's indemnification and hold harmless of the City and its officials and employees with respect to the artificial turf installation, maintenance and repair, including any drainage problem that may arise therefrom.

c) Maintenance of artificial turf. The property owner shall routinely maintain artificial turf, including cleaning, brushing, debris removal, repairing and replacement. Such maintenance activities shall ensure that artificial turf continues to function as designed and permitted. The property owner's failure to maintain, repair and/or replace artificial turf in compliance with this section or any agreement entered into with the City as required herein shall constitute a violation of this subsection.

SECTION 3. Codification. Section 2 of this Ordinance shall be codified into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida (the "Effective Date"), and shall apply to all applications for permits received on or after the Effective Date.

ADOPTED this ____ day of _____, 2021, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION
CITY OF WINTER PARK

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

S:\AKA\CLIENTS\Winter Park\Public Works Department W600-26039\Artificial turf ordinance\Ord. for Artificial Turf Regulations 12-4-2020.docx