

# Code & Land Development Regulation Review Report

## November 16, 2012

### Report Prepared For:

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## Introduction

This report is being prepared for the Town of Haverhill (hereinafter referred to as the Town) in response to the *National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) Permitting Resource Manual* issued by the Florida Department of Environmental Protection (DEP), NPDES Stormwater Program, Division of Water Resource Management dated April 30, 2012. Per Component 2, Areas of New Development and Significant Redevelopment, a local municipality is required to "Conduct an inter-departmental review of the permittee's current local codes and land development regulations to determine where changes can be made to reduce the stormwater impact of new development and areas of significant redevelopment." In particular, a local municipality is required to focus on changes to the code that will promote the following:

- Reductions in impervious surfaces;
- The use of swales;
- The incorporation of low impact development principles;
- Reduction in flow and volume of stormwater;
- Increase in natural hydrology;
- Adherence to the principles of the Florida Yards and Neighborhoods program in new landscaping.

Prior to getting into more detail on the Town's codes and land development regulations compliance with the above items we feel that it is prudent to discuss the character of the Town's development as that will set the framework for the review. Per Table 3-4 of the support documentation provided in the most recent Evaluation and Appraisal Report (EAR) based amendments to the Future Land Use Element of the Town's Comprehensive Plan adopted in April 2009 the Town was 93% built out with only 26.29 vacant acres available for new development. Therefore, there is minimal area within the Town for new development.

Relative to neighboring land in unincorporated Palm Beach County that is primarily of a suburban style of development the Town has been developed in more of a rural nature. From a pervious vs. impervious perspective, the majority (79%) of the Town's total developed area of 354.68 acres has been developed in what would be classified as low density/intensity. Below is a breakdown of what percentages of the developed area have been developed as low density/intensity and those that have been developed in a medium/high density/intensity.

- Low Density/Intensity
  - Low Density Residential: 222.77 acres
  - Recreation/Open Space: 29.10 acres
  - Public Buildings & Grounds: 0.92 acres
  - Other Public Facilities: 14.96 acres
  - Conservation (Water): 12.22 acres
  - Total Acreage: 279.97 acres
  - Percentage of Developed Area (354.68 acres): 79%

- Medium/High Density/Intensity
  - Medium Density Residential: 6.13 acres
  - High Density Residential: 0.62 acres
  - Commercial: 14.91 acres
  - Transportation: 52.05 acres
  - Total Acreage: 73.71 acres
  - Percentage of Developed Area (354.68 acres): 21%

The above paragraphs describing the availability of land for development and the style of development in the Town are meant to set the framework for the explanations below. This report details the review by our office of the Town's Comprehensive Plan and Code of Ordinances.

### Analysis

While there have been provisions in the Town's Code of Ordinances related to stormwater management since 1990 the most relevant provisions related to this review was adopted in 2010. Those provisions adopted in 2010 are commonly referred to as the "Town of Haverhill Landscape Code." For brevity this review will only briefly describe relevant provisions and the complete sections of the relevant provisions of the Town's Code of Ordinances will be attached for reference.

The Town has historically used and continues to use grassed swales to convey stormwater. There are provisions in Chapter 18 of the Code of Ordinances related to the Environment which regulate the maintenance of swales and drainage ditches within the Town. See attached provisions from Section (Sec.) 18-57 and 18-58 for reference. Furthermore, the Town has an entire chapter, Chapter 50, dedicated to Stormwater Management. While the majority of this chapter deals with the technical aspects of managing stormwater there are some provisions related to water reuse and conservation. For instance, Sec. 50-40.(13) states that, "Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development." See attached Chapter 50 for reference.

Next, as stated previously, the most relevant provisions related to this review are in Division 6 of Chapter 58 and are commonly referred to as the "Town of Haverhill Landscape Code." The stated purpose and intent of this division is (1) to improve aesthetics, (2) to improve environmental quality, (3) to promote water conservation, (4) to encourage the preservation and planting of native vegetation and plants, (5) to promote efficient development, (6) to maintain and increase land value and human value, (7) encourage the eradication of prohibited plant species and (8) encourage innovative design. Highlights of the Town's Landscape Code relative to stormwater management are as follows:

- In low density and medium density residential sod is required in the front setback and within 35 feet of the perimeter of the sides and rear of a home (except where other plantings are required);
- In high density residential and nonresidential sod is required everywhere where there are not structures or other plantings required;

- A minimum of 50% of all trees, shrubs and vines used to satisfy the requirements of the Town's Landscape Code are required to be native and drought-tolerant;
- All landscape plans have to meet a minimum standard on a set water conservation point scale;
- A minimum of 10% of the gross land area of any property is required to be landscaped and maintained as a pervious surface area;
- Minimum landscape buffers are required around the perimeter of residential and non-residential projects; and
- Lakes areas in excess of one-half acre are required to be planted to create a habitat that provides the optimal environment for aquatic and other species.

Next, it should be noted that there are no wetlands, coastal vegetation, flood plains, or beaches within Haverhill and, as such, there is no natural hydrology to be increased.

Lastly, the Town is currently in the process of drafting regulations governing the use of fertilizers, pesticides, etc. These regulations are in reference to Section 403.9337, *Florida Statutes*, which require a municipal government to adopt the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

### **Conclusion**

While not as stringent as some green building regulations (i.e, those supported by Leadership in Energy and Environmental Design [LEED] or the United States Green Building Council [USGBC]) the Town's Landscape Code is sufficient in guiding responsible development within the Town. Furthermore, while not specifically detailed in the Town's Code the Town does not discourage pervious pavement, green roofs, rain barrels/cisterns and/or bio-retention facilities/areas. As such, at this time, it is our recommendation that the Town not propose any amendments to the Town's Code (other than those required to comply with Section 403.9337, *Florida Statutes*) but continue to monitor any changing conditions within the Town that may necessitate revisiting the Town's Code.