

## **CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION**

### **SECTION 806. RIVERS AND SURFACE WATERS**

#### **806.1. Intent and Purpose**

It is the intent and purpose of this section to protect, maintain, and enhance the quality of riverine and surface waters by requiring mandatory setback areas , containing vegetation, from certain rivers and surface waters and to regulate the uses within those areas consistent with the intent and purpose of Policy CON 1.6.1 of the Comprehensive Plan.

#### **806.2. Applicability**

This section shall apply to all new development adjacent to the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers; Outstanding Florida Waters (Rule 62-302.700, Florida Administrative Code); and Shellfish Harvesting Areas as classified by the Florida Department of Agriculture and Consumer Services.

#### **806.3. Identification and Delineation of Rivers and Protected Water Bodies**

All applications for land use amendments, development of regional impact, zoning amendments, and all site development shall include and identify the presence, as applicable, of the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers; Outstanding Florida Waters; and Shellfish Harvesting Areas. The precise delineation of the mean annual flood line, wetland jurisdictional line, ordinary high water or mean high water, shall be determined through site specific studies and field determinations by the applicant and the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection, and/or the Army Corps of Engineers, as applicable, prior to construction plan approval.

#### **806.4. Mandatory Setback Areas**

- A. A fifty (50) foot wide area from the mean annual flood line as identified and delineated pursuant to Section 806.3 is required adjacent to the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers.
- B. A fifty (50) foot wide area from the landwardmost, wetland jurisdictional line or the ordinary high water, or mean high water of Outstanding Florida Waters and Shellfish Harvesting Areas.

#### **806.5. Restriction on Uses within River and Protected Water Body Setback Areas**

- A. Where setback areas are not platted as a separate tract, the setback areas shall not be included in the minimum lot size.
- B. The setback areas shall remain in native vegetation except where provided for below.

- C. Impervious surfaces are prohibited within the setback areas, except where appropriate to accommodate the following:
  - 1. Bona fide agricultural activities;
  - 2. Storm management facilities;
  - 3. Water access facilities, seawalls, and docks; or
  - 4. Other impervious surfaces as provided for in the Comprehensive Plan.
  
- D. Other activities and structures not requiring the use of impervious surfaces shall be allowed.