



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Artificial Turf

Meeting	File No.	Application Type
May 15, 2023	2023-095-CCA-LDR	Amendment to the Land Development Regulations

Request

Provide a recommendation to the City Commission on Ordinance No. 11-23, a City-initiated request to amend Section 4.6.16, "Landscape regulations" and Appendix A – "Definitions" of the Land Development Regulations to adopt regulations governing the use of artificial turf.

Background Information

There has been a steady increase in demand for the use of artificial turf in both residential and commercial settings. The City landscape regulations were adopted prior to the proliferation of artificial turf outside of institutional uses. In the absence of definitive regulations specific to artificial turf that either prohibit or permit its use, the City has been reviewing requests for artificial turf based on an administrative interpretation of the following sections of the LDR:

- Section 4.3.4(K), Development standards matrix
- Section 4.6.16, Landscape regulations
- Appendix A, definitions of Open Space and Landscaping

The LDR sections above have been used to guide the review of proposals using artificial turf as follows:

- The required 25 percent open space area must be natural areas; the definition of open space does not allow for artificial turf.
- 20 percent of pervious areas must be planted with shrubs and ground cover; this does not include artificial turf.
- The right of way must be landscaped with natural materials; the regulation does not allow for the use of artificial turf.
- Artificial turf cannot be used on historic properties, based upon the Secretary of the Interior's Standards for Rehabilitation.

The proposed amendment will establish regulations for the use of artificial turf.

Description of Proposal

The following updates to **Section 4.6.16, "Landscape regulations"** are proposed:

Subsection (E), "Landscape design standards"

- Revises the language governing the use of turf or sod to remove ambiguities about the section's applicability to artificial turf.
- Eliminates archaic language (eg; nurse grass) and improves sentence structure for clarity.
- New artificial turf regulations:

(12) **Artificial turf.** The use of artificial turf is subject to permit. It is allowed on both residential and non-residential properties on a limited basis, as follows:

(a) Artificial turf must not be visible from or installed in a public or private right-of-way.

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Attachments:

- Ordinance No.11-23
- Summary of CLG Artificial Turf Regulations

- (b) Artificial turf is allowed in rear and interior side yards and only in side street yards when shielded from view, and in no event shall be installed closer than 5 feet to the property line or cross the front building plane.
- (c) Artificial turf areas may not be included in open space calculations.
- (d) Artificial turf cannot be used within permanent drainage features (ponds, swales, etc.).
- (e) Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by itself constitute landscaping. No more than 15 percent of the lot area remaining after building coverage, open space, and hardscaping are subtracted from the total lot area may be comprised of artificial turf.
- (f) Artificial turf materials must comply with minimum standards:
 - (i) The artificial turf system shall be lead-free and use recycled, organic plant-derived materials, and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components.
 - (ii) Permit applications shall include Total Content Leach Protocol (TCLP) test documentation that declares that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station.
 - (iii) A minimum 8-year manufacturer's warranty is required.
 - (iv) All artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Base comprising of sand only is not permitted. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water.
 - (v) Artificial turf must have a minimum permeability of 30 inches per hour per square yard.
 - (vi) Artificial turf must have a lifelike appearance.
 - (vii) Artificial turf shall not be installed directly against the trunk of trees and/or palms. A 3-foot mulch bed must be maintained.
 - (viii) An in-progress and final inspection is required.
- (g) Maintenance is required.
- (h) Natural or native plant communities are the appropriate material for properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places. Artificial turf is not an historic material, and should only be used on a limited basis in the permitted location.

- Subsection (H), "Minimum landscape requirements"

- Eliminates the language "other approved landscape materials" to make it clear that only lawn grass or approved ground cover may be used in lot areas not covered by driveways or structures.
- General clean-up of language is also proposed to improve clarity and readability.

Appendix A – "Definitions"

The following changes to definitions are proposed:

ARTIFICIAL TURF OR SYNTHETIC GRASS. An artificial grass mat manufactured with natural materials or man-made materials such as polypropylene, polyethylene, and/or other materials, which is intended to replicate the appearance of natural grass.

HARDSCAPE. Consists of the inanimate elements of landscaping, especially masonry, such as concrete or brick patios and pool decks; or ~~wood work such as concrete or brick patios and pool decks, tile paths, tile paths;~~ or and wooden decks.

OPEN SPACE. All areas of natural plant communities or areas replanted with vegetation after construction, such as: revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns. Water bodies and artificial turf areas cannot be used to calculate open space areas.

The full text of the proposed amendment is provided in the attached ordinance.

Review and Analysis

Pursuant to **LDR Section 1.1.6(A), Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).*

The current draft of Ordinance No. 11-23 is provided to the Board for discussion. After feedback from the Board, HPB, and GIAB is integrated into the proposed amendment, the Ordinance will be brought back to the Planning and Zoning Board for a formal recommendation, which will be provided to the City Commission where the amendments will be reviewed at two public meetings in May 2023 (anticipated).

Pursuant to **LDR Section 2.4.5(M)(1)**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated. In the absence of regulations governing artificial turf, the City has been reviewing requests for artificial turf based on an administrative interpretation. Due to the proliferation or requests to use artificial turf, Staff determined that it was an appropriate time to adopt regulations specific to its use to assist both the public and staff in reviewing landscape plans.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.*

The Always Delray Comprehensive Plan does not contain Goals, Objectives, or Policies specific to the proposed amendment. However, the following Objective and Policies generally support the intent of the proposed language.

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5, Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The demand for artificial turf has increased as the product has become both more realistic and more affordable for homeowners. The current landscape regulations were written before artificial turf became a common landscape treatment, and therefore do not contemplate its use.

Conservation, Sustainability, and Resiliency Element

Policy CSR 6.1.6 *Promote the use of more sustainable products, such as biodegradable straws, bags, packaging and containers as a means of reducing waste.*

Policy CSR 7.1.1 *Evaluate and update the Land Development Regulations to incorporate sustainable community development best practices identified by green industry experts and organizations.*

Objective CSR 8.4 Green Infrastructure *Protect and enhance local and regional ecosystems, optimizing the co-benefits of habitat restoration, coastal buffers, wetland mitigation, urban reforestation, and expanded green infrastructure, in order to mitigate against heat island impacts, reduce greenhouse gas emissions and provide stormwater retention benefits.*

The materials used in the production of artificial turf are only partially recycled or renewable materials, and artificial turf is generally not recycled at the end of the lifecycle.

In general, the use of other native non-turf plant materials instead of grass is both encouraged and required in the LDR as a means to conserve water. While poor lawncare practices can result in excessive water use, the use of artificial turf is not necessarily a sustainable alternative to lawns. Artificial turf generates heat (contributing to the heat island effect), and this is often mitigated by watering – which defeats any potential it may have to reduce water usage.

The proposed regulations are intended to place a limit on the use of artificial turf in order to limit its environmental impact, while allowing homeowners to use it on a limited basis where appropriate.

Historic Preservation Element

Policy HPE 1.3.3 *Evaluate and, where necessary, amend the Land Development Regulations to ensure the protection of historic resources.*

Objective HPE 1.4 Historic Preservation Planning *Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.*

Policy HPE 1.4.1 *Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.*

Historic Preservation Staff conducted research on artificial turf regulations with Florida Certified Local Governments. Many Certified Local Governments prohibit or strictly limit the use of artificial turf. A summary of requirements in other Florida jurisdictions is provided as an attachment.

Additionally, the Secretary of the Interior publishes standards and guidelines for historical properties. "Altering buildings and their features or site features which are important in defining the overall historic character of the property, so that, as a result, the character is diminished," is not recommended. Conversely, "identifying, retaining, and preserving features of the building site that are important in defining its overall historic character" is recommended. This includes site features such as "...trees, shrubs, grass, orchards, hedges, windbreaks or gardens; landforms, such as hills, terracing, or berms..."

Review by Others

The proposed amendment was reviewed by the following boards:

Green Implementation Advancement Board (GIAB) on March 16, 2023. GIAB was generally supportive of the proposed amendment. A recommendation was made to add language regarding materials.

Historic Preservation Board (HPB) on April 29, 2023. The HPB did not support the complete prohibition of artificial turf on historic properties, as presented to the Board. The Board recommended that the ordinance be updated to afford historic properties the same privileges as non-historic properties.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 11-23, amending Section 4.6.16, "Landscape regulations" and Appendix A, "Definitions" of the Land Development Regulations to adopt regulations related to the use of artificial turf, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 11-23, amending Section 4.6.16, "Landscape regulations" and Appendix A, "Definitions" of the Land Development Regulations to adopt regulations related to the use of artificial turf, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 11-23, amending Section 4.6.16, "Landscape regulations" and Appendix A, "Definitions" of the Land Development Regulations to adopt regulations related to the use of artificial turf, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.