

MEETING DATE
April 24, 2017
Subject: Wetlands Protection Ordinance



AGENDA REPORT

AGENDA
Section:
Item #: 3

Department/Office: Public Works

Requested Action or Motion: Move to introduce an ordinance on first reading amending Chapter 8 Article IV of the Code of Ordinances of the City of Maitland providing for protection of wetlands; and, set the Public Hearing for May 8, 2017.

Summary Explanation & Background:

On December 6, 2016, the City's Lakes Advisory Board recommended that the City Council adopt a wetlands protection ordinance. Two versions were drafted by the City Attorney's Office:

Option A - included the protection of wetlands, which are impacted by any proposed development in or near the wetlands.

Option B - included the same protections as Option A and the creation of an Environmental Improvement Trust Fund.

On January 9, 2017, after discussing the two options and receiving information from Drew Smith, City Attorney regarding the advantages and disadvantages of each option; the City Council unanimously selected Option A and directed staff to forward the wetland protection ordinance to the Planning and Zoning Commission for review.

The ordinance intends to provide for protection, maintenance, and utilization of wetlands within the City, while recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the right of all citizens to protection of the purity of the waters of the City and their associated wetland ecosystems.

The ordinance addresses several priorities. First, the ordinance establishes a mechanism to delineate the boundaries of wetlands located on property to be improved and establishes a wetlands protection zone. The ordinance specifies those activities that are prohibited or restricted within a wetland protection zone; describes activities which are exempt from regulation by the ordinance; provides for a City of Maitland Wetland Alteration Permit, with criteria for review; establishes mitigation measures (with criteria), provides for violations, penalties and stop work orders; and sets forth an appeal process to the Development Review Committee (DRC) for appeals of administrative decisions.

On April 6, 2017, the Planning & Zoning Board reviewed the proposed Wetlands Protection Ordinance. After making minor changes, the board recommended the ordinance be forwarded to City Council for approval.

One outstanding issue which requires clarification from the City Council is how existing single family lots are addressed as opposed to new subdivisions and site plans. At the initial hearing, it appeared that City Council was reluctant to impose these requirements on existing single family lots due to the time and expense to meet the requirements. The Lakes Advisory Board concurred with this assessment. As the ordinance is written (Section 8-26(7)), single family homes are included on the list of exemptions provided they do not encroach on the wetland protection zone. If this type of construction impacts the wetland protection zone then all provisions of the ordinance will be enforced. Although this section is entitled Exemptions, the definition of this "exemption" actually enforces the new requirements on existing single-family lots. If it the intent to exempt existing single family lots, the two conditions in Section 8-26(7) should be removed.

It is anticipated that the application fee will be \$100.00 based upon the staff time estimated to review each application.

Fiscal Impact:

N/A

Exhibits: WPO.A.PZ.Revised 4-10-2017 (PDF)

Contact Person: Paul Ritter,

Commission/Board: Lakes Advisory Board

Phone #:

Reviewed by City Attorney

Yes N/A