

Implementation Summary of 2030 Comprehensive Plan Wetlands, Water Quality and Listed Species/Habitat Policies

FLORIDA COMMUNITY PLANNING ACT – CHAPTER 163, FLORIDA STATUTES

Comprehensive Plans Requirements

1. Contain principles, guidelines and standards to protect and conserve wetlands and their natural functions;
2. Direct incompatible land uses away from wetlands;
3. Consider the type, intensity or density, extent, distribution and location of allowed land uses permitted within wetlands;
4. Consider the types, values, functions, sizes, conditions and location of wetlands when directing land uses away from wetlands; and
5. Where incompatible land uses are permitted within wetlands, mitigation shall be one means to compensate for loss of functions.

2030 COMPREHENSIVE PLAN WETLANDS POLICY SUMMARY

The Conservation/Coastal Management Element (CCME) houses policies regarding protection of the City's wetlands under Goal 4.

Goal 4

To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetlands resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

Overview of Comprehensive Plan Goal 4 and Related Policies

- Requires coordination with applicable regional, state and federal agencies charged with regulatory responsibilities in order to achieve wetlands protection.
- Defines the three wetlands categories (Policy 4.1.1)
 - Category I – Saltwater Marshes
 - Category II – Riverine/Estuarine
 - Category III – All other wetlands
- Requires delineation of wetlands for proposed development prior to issuance of development orders that permit site alteration. (Policy 4.1.2)
- Establishes general performance standards that apply to all development in all wetlands categories, less public utilities and roadways. (Policy 4.1.3)
- States that the city shall compliment rather than duplicate existing wetland protection programs of the Florida Department of Environmental Protection, SJRWMD and the US Army Corps of Engineers. (Objective 4.3)

- Establishes the list of permitted uses within the three wetlands categories. (Policies 4.1.5 and 4.1.6)

Goal 4 Policy Implementation

1. Sets out general performance standards that apply to all development in all wetlands categories, less public utilities and roadways. (Policy 4.1.3)
 - Encroachment – least damaging/no practicable onsite alternative
 - Policy 4.1.10 provides encroachment guidance;
 - Achieves no net loss of wetland functions;
 - Complies with Floodplain regulations (Chapter 652);
 - Complies with stormwater quality requirements;
 - Complies with septic tank regulations; and
 - Maintains site hydrology.
2. Defines how issuance of a dredge and fill or management and storage of surface waters permit relates to the general standards. (Policy 4.3.3)
 - Satisfies the following general standards:
 - Encroachment
 - No net loss
 - Stormwater treatment
 - Hydrology
 - Cumulative impacts
 - Mitigation.
 - Does not satisfy the following general standards:
 - Permitted land uses within in wetland category
 - Septic tank requirements
 - Dredge and fill percentages
 - Density
 - Vegetation
 - Boat facilities siting and operation
3. Permitted Uses within each wetlands category, subject to the general performance standards in Policy 4.1.13 and any additional standards specifically listed in each wetlands category.
 - **Category I – Saltwater Marshes (Policy 4.1.5)**
 - Conservation
 - Dredge/fill up to 5% of on-site wetlands; and
 - Maintain native vegetation outside of the development area
 - Residential
 - Lots located totally within wetlands
 - Limited to one unit per five acres
 - Cluster buildings together
 - Dredge/fill up to 5% of on-site wetlands
 - Maintain native vegetation outside of the development area

- Water-dependent/water-related uses
 - Maintain native vegetation outside of the development area
 - Boat facilities must:
 - Comply with the Manatee Protection Plan
 - Provide adequate upland support services
 - Protect against natural hazards and hazardous materials
 - Maintain adequate depth for vessel access
 - Minimize or mitigate environmental disruptions
- Access to a permitted use
- Any use demonstrated to be clearly in the public interest
- **Category II – Riverine/Estuarine (Policy 4.1.5)**
 - Conservation
 - Dredge/fill up to 5% of on-site wetlands; and
 - Remove up to 10% of vegetation outside of the development area
 - Residential
 - Lots located totally within wetlands
 - Limited to one unit per five acres
 - Cluster buildings together
 - Dredge/fill up to 5% of on-site wetlands
 - Remove up to 10% of vegetation outside of the development area
 - Water-dependent/water-related uses
 - Maintain native vegetation outside of the development area
 - Boat facilities must:
 - Comply with the Manatee Protection Plan
 - Provide adequate upland support services
 - Protect against natural hazards and hazardous materials
 - Maintain adequate depth for vessel access
 - Minimize or mitigate environmental disruptions.
 - Silviculture subject to best management practices established by the Division of Forestry
 - Access to a permitted use
 - Any use demonstrated to be clearly in the public interest
- **Category III – All other wetlands (Policy 4.1.6)**
 - Silviculture subject to best management practices established by the Division of Forestry
 - Agriculture subject to best management practices established by the Division of Forestry and in compliance with Florida Administrative Code rules
 - Any use not otherwise mentioned

4. Policy 4.3.3 states that permits from the relevant permitting agencies satisfies encroachment, no net loss, stormwater treatment, hydrology, cumulative impacts and mitigation requirements as listed in Policy 4.1.3 general performance standards.

However the following policies provide guidance on application of the general performance standards.

- a. Policy 4.1.10 provides guidance on encroachment analysis subject to consideration of the following information:
 - i. Least damaging and no practicable on-site alternative;
 - ii. Consider land use of site and surrounding parcels;
 - iii. Consider alternative designs; and
 - iv. Consider wetland functions.
 - b. Policy 4.1.11 states that mitigation should be last resort based on encroachment analysis and replacement of habitat and function.
 - c. Policy 4.1.12 calls for consideration of cumulative impacts when reviewing development in wetlands.
5. Development review and development order related requirements:
 - a. Wetlands boundaries must be delineated where city data indicates potential for wetlands for all land use amendments, rezonings and site plan applications. (Policy 4.1.7)
 - b. Applications for final development orders must include wetlands boundary delineations and a listing of all dredge/fill and storage of surface water permits. (Policy 4.3.2)
 - c. City will sponsor placing environmentally sensitive lands into conservation where there is a willing land owner and encourage placing such lands into conservation as part of land use amendment, rezoning and site plan approval applications. (Policies 4.1.19, 4.4.1 and 4.4.4)
 - d. Policy 4.1.9 calls for amending the Land Development Regulations to include a 15 foot upland buffer between developed areas and Category I and II wetlands and to provide a low maintenance zone adjacent to water bodies pursuant to Chapter 366.
 6. Monitoring
 - a. Policy 4.1.14 states that the city shall assess and evaluated the success or failure of the 2030 Comprehensive Plan to protect the natural functions of wetlands as part of the evaluation of the Plan.

2030 COMPREHENSIVE PLAN – FUTURE LAND USE ELEMENT (FLUE) POLICY SUMMARY

- The FLUE contains policies that complement the CCME policies.
- Calls for revisions to the Land Development Regulations to protect wetlands from development within and adjacent to wetlands. (Policy 1.5.9)
- Recognizes the three wetland categories and the limitations on uses within those categories consistent with the CCME policies. (Policy 4.1.10)
- States that the City shall consider how wetlands impacts related to land use amendments and land development regulations impact the river and its tributaries. (Policy 7.1.1)
- Allows for transfer of residential densities between contiguous parcels under a PUD zoning districting. The PUD must state the parameters of the density transfer and designation of the wetlands as preservation or conservation areas or as easements. (Policy 7.2.1)
- Provides for a description of wetlands under the listing of plan categories, but clarifies that these areas are depicted under the appropriate land use category for which surrounding areas may be developed and that determination of the exact boundaries are subject to detailed site surveys.

2030 COMPREHENSIVE PLAN – CONSERVATION/COASTAL MANAGEMENT ELEMENT (CCME) WATER QUALITY AND LISTED SPECIES POLICY SUMMARY

- Objective 2.7 and the related policies establish the intent to protect hydrological and ecological benefits of flood plains through identification and through the creation of appropriate protection measures. Protection measures may include conservation easements, setbacks/open spaces, low density zoning, or flood plain development regulations (Chapter 652, Ordinance Code).
 1. Land use amendment and zoning applications are reviewed in relation to flood zones and wetlands.
 2. If a site is located within any of these areas the staff reports provide:
 - Location maps;
 - Identify the flood zone and/or wetland category;
 - Analyze the potential impacts in relation to policy; and
 - Provide recommendations and conditions of approval based upon compliance with policy.
- Objectives 3.2, 3.3 and 3.5 and the related policies seek to increase public awareness and protection of environmentally sensitive vegetation, wildlife and wildlife habitat.

1. Land use amendments and rezoning applications for sites 50 acres and greater are required to provide a wildlife survey to determine if the site provides habitat for or contains listed species. Surveys related to land use map amendments are provided to the Florida Fish and Wildlife Conservation Commission for review and comment. Applications may be amended based on comments.
 2. Land use amendment and rezoning applications are evaluated for proximity to preservation and recreation lands. If a site is adjacent to such an area, applications are routed to the appropriate regulatory agency for review and comment and staff reports include:
 - Location maps;
 - Agency comments;
 - Analysis of the potential impacts in relation to policy; and
 - Recommendations and conditions of approval based upon compliance with policy and agency comments.
- Objective 3.7 and the related policies refer to the Manatee Protection Plan (MPP). The MPP addresses long-term manatee protection including habitat protection and boat facility siting regulations.
 1. Land use amendment and rezoning applications for sites located adjacent to a navigable waterway are reviewed for compliance with the MPP. Recommendations will include disclosure of any limitations on boat facility siting based on consistency with the MPP.
 - Objective 6.7 and the related policies require consideration of the impact of development on the river.
 1. Land use amendment applications and rezoning applications must include a water/sewer availability letter to determine the point of connection.
 - Access to water and sewer determines the permitted density of development and requirements for connection to utilities based on policies in the Infrastructure Element and the land use category descriptions. Staff reports for land use amendment and rezoning applications will include analysis and recommendations based on density limitations.
 2. Applications are also evaluated in relation to septic tank failure areas.
 - Applications for sites within such areas include policy statements related to compliance with Chapter 751, The Wastewater System Improvement Program.
 3. Land use amendment and zoning applications will also consider policies related to wetlands and flood plains and include policy and recommendations based on compliance with related policies.

4. Land use amendment applications for sites greater than one acre in size that are located adjacent to a waterway or that contain Category I or Category II wetlands are presented to the Waterways Commission for review and comment. Applications may be amended or recommendations made based on the Waterways Commission recommendations.
- Objective 11.3 and the associated policies seek to minimize or eliminate the risk of flood in coastal areas. These areas may include wetlands, flood zones, Coastal High Hazard Areas (CHHA), and Adaptation Action Areas (AAA). Related policies call for setbacks, open space, low density zoning, and conservation as well as engineering solutions for development.
 1. Reports for land use and zoning applications for sites within these areas include:
 - Location maps;
 - Identification of the associated flood hazard; and
 - Policy analysis to formulate recommendations and conditions.