

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING CHAPTER 8, LANDSCAPE, STREETSCAPE, TREESCAPE OF THE CITY CODE OF ORDINANCES, PROVIDING FOR VEGETATION REMOVAL PERMITS, PROVIDING FOR RIGHT-OF-WAY MAINTENANCE PERMITS, AND LANDSCAPE PLANS, LAKE EDGE LANDSCAPING REQUIREMENTS PROVIDING FOR FERTILIZER RESTRICTIONS; PROVIDING FOR STANDARDS; PROVIDING FOR APPLICATION, REVIEW, AND APPELLATE PROCESS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Lakes Advisory Board has recommended the requested creation of this section of the City Code at its meeting on August 17, 2005; and

WHEREAS, the Planning and Zoning Commission has provided comment and recommended the creation of this section of the City Code at its meeting on December 3, 2009

WHEREAS, the protection of riparian and littoral zones is consistent with the City's Comprehensive Development Plan and, furthermore, that it is in the best interest of the health, safety and welfare of the City to regulate waterfront development; and

WHEREAS, policies 3.2 through 3.6 and 7.4 through 7.6 of the Conservation Element of the City of Maitland's Comprehensive Development Plan 2001 – 2020 require the adoption of an ordinance addressing shoreline protection, wetland protection, and provision of upland buffers; and

WHEREAS, the purpose of this ordinance is to establish the minimal requirements for the design of shoreline landscaping which will protect the environment and maintain traditional views of the lakes, wetlands, and flood plains within the City of Maitland; and

WHEREAS, it is necessary to maintain and improve the water quality of watercourses, lakes, wetlands, canals, and other surface waters; protect riparian and aquatic ecosystems; and provide for environmentally sound use of water and land resources within the City; and

WHEREAS, shoreline vegetation serves to enhance the environmental quality of water bodies and waterfront ecological systems by increasing nutrient uptake from surface water, providing habitat for numerous natural lake species, and providing erosion control through soil stabilization and sedimentation reduction in lakes; and

WHEREAS, the City Council finds that it is necessary and in the best interest of the public health, safety and welfare to amend Chapter 8 of the Maitland Code of Ordinances.

NOW THEREFORE BE IT ENACTED by the City Council of the City of Maitland, Florida the following:

**SECTION 1: Authority.** The City of Maitland has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

**SECTION 2: Amendment of Existing Code.** Chapter 8, Sections 8-6, 8-14 and 8-23 of the Maitland Code of Ordinances are amended as follows:

Sec. 8-6. Vegetation removal permits, right-of-way maintenance permits, and landscape plans.

(a) *Vegetation removal permit.*

(1) *Applicability.* Unless otherwise provided in this section, no person, corporation, association, public agency, or agent or employee thereof, shall effectively destroy or remove vegetation from any property within the city without first obtaining a vegetation removal permit from the building official. Vegetation removal permits, whether or not sought in conjunction with building permits, shall be obtained by making application on a form prescribed by the city, prior to the removal, relocation or replacement of vegetation from or on the following types of property:

a. All vacant or undeveloped properties, or;

b. All land currently zoned for agriculture and proposed for bona fide agricultural purposes as defined in this Chapter, or;

~~c. All developed sites. Developed single-family and duplex sites shall be exempt from the provisions of this code, or;~~

c. All rights-of-way, public or private. The City of Maitland is exempt from this provision, or;

~~e. Any clearing of vegetation from the littoral zone; properties which meet the minimum requirements established in this chapter for planting in the littoral zone, however, and will preserve a minimum seventy-five (75) per cent of the littoral zone or twenty-five feet (25'), whichever is greater, shall be exempt from this provision.~~

d. All ~~non-residential and non-duplex~~ developed sites or;

e. Any clearing of vegetation from the littoral zone or Shoreline Protection Area;

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Sec. 8-25 Shoreline Alteration and Landscaping

(A) Purpose and intent. The regulations established in this section are intended to implement policies adopted in the Conservation Element of the City of Maitland's Comprehensive Development Plan. It is the intent of the City of Maitland to promote the health, safety, and welfare of existing and future residents, property owners, and visitors to the City by establishing minimum standards for the protection of natural plant communities along

wetlands and shorelines, and the installation and continued maintenance of wetland and waterfront vegetative areas within Maitland.

The regulations in this chapter are created in order to achieve the following:

- (1) *Improve Environmental quality.* The regulations are designed to improve environmental quality by protecting vegetation in riparian and littoral zones. Such vegetation greatly benefits the environment by: (1) slowing and filtering rainfall runoff, thereby trapping and settling out sediments and pollutants and hence improving water quality; (2) maintaining permeable land areas essential to surface water management and aquifer recharge; (3) reducing and reversing air, noise, heat, chemical and nutrient pollution; through the biological capacities of trees and other vegetation; (4) providing habitat and cover and hence promoting wildlife conservation; 5) binding soil particles and holding soils together against the effects of wind, waves, and water and hence reducing erosion caused by construction, neglect, trampling, or overuse of shorelines; and (6) providing food to micro-organisms, benthic organisms, insects, and fish and hence promoting biological productivity.
- (2) *Promote water conservation.* The regulations are designed to promote conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, and encouraging the use of site-specific plant materials well-suited to soil moisture conditions.
- (3) *Preserve existing vegetation.* The regulations are designed to preserve existing natural vegetation and incorporate native plants, plant communities, and ecosystems into landscape.
- (4) *Removal of invasive species.* The regulations encourage the control of certain exotic plant species which have become nuisances due to their tendency to damage public and private works, negatively affect the public health, and/or disrupt or destroy native ecosystems.
- (5) *Human values.* The regulations provide direct and important physical, psychological, and economic benefits to human beings by regulating landscaping activities in order to ensure attractive landscapes, maintain historic waterfront views, break up the monotony and soften the harsher aspect of urban development, improve water quality, improve fisheries, improve recreational opportunities, and hence add value to homes and other waterfront property.
- (6) *Aesthetics.* Forested riparian areas and littoral zone vegetation add to the natural beauty of lakes, wetlands, and other water bodies as well as provide means for passive recreation such as fishing, bird watching, and other activities. The regulations are designed to improve the aesthetic appearance of residential and non-residential areas by providing for incorporation of natural and planned open space in ways that will harmonize and enhance the natural and artificial environment.

(7) Improved administration and enforcement. The requirements establish procedures and standards for the administration and enforcement of this chapter, integrated and consistent with other provisions of the City Code.

(B) Shoreline Alteration Permit. No person shall cause to be performed any shoreline alteration, including the removal of shoreline or waterfront vegetation, without first obtaining a City of Maitland Shoreline Alteration Permit in conformance with this section. Shoreline Alteration Permits shall be obtained in addition to Plant Management Permits issued by the Florida Fish and Wildlife Conservation Commission (FFWCC) Invasive Plant Management Section. No wetland vegetation shall be trimmed, cut, or removed from any shoreline, wetland, or waterway without a City of Maitland Shoreline Alteration Permit, unless the activity is exempt per section 1.

(1) No permit shall be required for the following:

(a) Any person clearing less than fifty (50) feet or fifty percent (50%) of the shoreline frontage, whichever is less.

(b) Any person clearing vegetation within the physical foot print of a dock, gazebo or boathouse approved for construction by the City.

(c) Lawn mowing, trimming of landscape, and other lawn maintenance activities which do not result in the clearing of vegetation below the Normal High Water Elevation.

(d) The repair or maintenance of an existing stormwater or drainage control system.

(e) Routine shoreline maintenance

(2) Applicants for a Shoreline Alteration Permit shall submit a proposed site plan, photographs or drawings showing existing conditions, and information addressing the following items:

(a) The area, and types of shoreline and waterfront vegetation proposed to be removed and to be maintained;

(b) A plant survey showing the location and size of any trees, shrubs, and clumps of vegetation in association with the shoreline and littoral zone (Shoreline area including all land six (6) inches above the Normal High Water Elevation and less to a maximum of three (3) feet of water depth below the Normal High Water Elevation);

(c) A plan showing any proposed changes in shoreline contour, including existing and proposed topographical elevations, and the location and quantities of material to be removed and/or filled, in cubic yards (Note: An approved Dredge and Fill Permit from the Florida Department of Environmental Protection, Environmental Resource Permitting Division is required prior to issuance of a City permit);

- (d) A plan showing the proposed method for erosion control, soil stabilization, sediment and turbidity control, and stormwater filtering and nutrient reduction; and
  - (e) The vegetation removal methods proposed such as hand removal, mechanical removal, or chemical treatment.
  - (f) The reasons for the request for the permit, the stated need for vegetation removal, and an explanation of the hardship incurred if a permit is not granted.
- (3) A permittee is allowed to maintain a cleared access corridor not to exceed 50 feet in width or 50 percent of the shoreline, whichever is less. Vegetation within such an access corridor may be cleared from the Normal High Water Elevation (NHWE) (listed in Table 8-1, also in Sections 11.78, et seq. of the City Code, Boat Dock Ordinance) of the lake out to navigable open water. The remainder of the shoreline must have vegetation present. In areas of shoreline where vegetation must remain present, a permittee has the option of leaving the existing plants or removing any nuisance or non-native vegetation and replanting the entire affected area with beneficial vegetation (“mitigation”), or native aquatic plants. Previously denuded areas outside of the access corridor must also be planted with native aquatic vegetation.
- (4) Wetlands preserved in their natural state shall not be required to have additional shoreline landscaping.
- (5) All cleared or trimmed vegetation shall be immediately removed from the lake, shoreline area, and dock for upland disposal offsite.
- (6) Revegetation required after clearing shall be completed within 90 days from the date the Shoreline Alteration Permit is issued. A survival rate of 80 percent shall be required to be maintained one year after planting. If compliance is not achieved within one year, additional plantings shall be required until a survival rate of 80 percent is met.
- (7) *Shoreline Planting Standards.* Littoral zones shall be planted with vegetation throughout all impacted areas outside of the access corridor. Revegetated areas shall encompass the same percentage of shoreline coverage that was previously present. All emergent aquatic plants shall be planted a maximum of two feet (2’) on center, unless, due to size or type of plantings, the City approves an alternate spacing plan.
- (8) Nothing in this ordinance is intended to relieve a property owner or contractor of any obligation under state law to obtain required permits from the Florida Fish and Wildlife Conservation Commission or other governmental authorities having jurisdiction when applicable.

(C) Shoreline Alteration Regulations. Any digging or adding of fill which alters or changes the shoreline or existing topography of the shoreline or waterfront of any water body within the City, shall be prohibited, unless done in accordance with an approved Shoreline Alteration Permit.

(1) If it is determined by the City Manager or designee that any shoreline alteration, filling, or vegetation removal is occurring or has occurred not in accordance with this chapter or the approved permit, a written notice of violation shall be issued promptly to the property owner. The notice of violation shall include the description of the property involved, the provisions or regulations that have been violated, and the remedial action required. Such remedial action may include restoration to the prior conditions, revegetation of the shoreline or waterfront, Shoreline Alteration Permit application, payment of permit fees, payment of fines, or other action which is consistent with this chapter.

(a) Fines: If any person commences any shoreline alteration or the removal of any shoreline or waterfront vegetation before obtaining the required permit, he or she shall be subject to a penalty of five (5) times the permit fee amount and additional fines, if determined appropriate by the City Manager or designee.

(b) Additional Fines: If any person fails to apply for the required permit within 30 days after receiving a written notice of a violation, such person shall be subject to an additional penalty in the amount of the permit fee for each day, or portion thereof, elapsing after the 30-day deadline and before permit application is made.

(c) Tree Removal. Removal of 4" DBH or greater trees within the Shoreline Protection Area is a violation of this section and shall be remedied by one or more of the following means, as approved by the City Manager or designee:

1. Replacement at a ratio of one time the cumulative diameter at breast height (dbh) of trees removed to the cumulative caliper of trees to be installed (20 inches removed = 20 inches replaced). Replacement trees shall be subject to City approval as sustainable in the location where the tree(s) are to be planted. Replacement trees shall have a two year warranty.

2. Payment into a dedicated lake and wetland restoration/enhancement fund equal to the cost of replacement. The cost of replacement shall be determined by the City based on the of dbh of the removed or damaged tree

- a. Trees less than 20 inches in caliper dbh: \$90 per inch
- b. Trees more than 20 inches in caliper dbh: \$360 per inch

(d) Remedial actions and replacement required under this section shall be completed within 60 days of notice from the city that such action is required. The City may require the violator to undertake remedial action immediately if trees mistreated are an immediate threat to public or private property. Due to the size limitations or

configuration of some properties, a combination of replacement and payment may be required, on a case-by-case basis, to avoid overcrowding of trees.

(e) Trees that are considered to be a hazard to life, health, or human safety are exempt from these conditions and may be removed from within the Shoreline Protection Area upon written approval by the City Manager or his designee.

(2) Revocation of Permit: Any permit issued may be revoked by the City for violation of, or noncompliance with, the provisions of a permit, this chapter, mistake of fact, or conflict with other city, county, or state regulations.

(D) Shoreline Area Planting Requirements. All development and redevelopment occurring on property adjacent to surface water bodies, wetlands, or canals, or which include a wet retention design, shall be planted with native aquatic vegetation. Property owners are encouraged to plant a variety of different aquatic species to promote biodiversity.

(1) The Florida Exotic Pest Plant Council (FLEPPC) provides biannually updated lists of species considered to be most invasive or potentially most invasive in Florida. "Category I" plants on this list are considered to be non-native invasive plants that are currently disrupting native plant communities in certain areas or throughout the state. "Category II" plants have the potential to disrupt native plant communities. No Category I or Category II plants shall be permitted to be planted on any waterfront parcel within the City of Maitland. A list of these species can be found at the City of Maitland Public Works Department. It is prohibited to install any aquatic plant listed on the prohibited aquatic plant list established by the Florida Department of Environmental Protection or Florida Fish and Wildlife Conservation Commission. A copy of the FLEPPC list can be obtained at the Maitland Public Works Department.

(2) The Normal High Water Elevation elevations for the City's lakes are listed in Table 8-1. For waterbodies not shown on the table but connected hydrologically, the elevations for the appropriate, connected lake shall be used. For wetlands and other water bodies, a formal wetland delineation may be required.

<b>Table No. 8-1 – Lake Elevations</b>		
<u>Lake</u>	<u>Normal High Water Elevation (NHWE)</u>	<u>100-Year Flood Elevations</u>
<u>Catherine</u>	<u>69.20</u>	<u>71.40</u>
<u>Charity</u>	<u>67.50</u>	<u>73.20</u>
<u>Destiny</u>	<u>89.40</u>	<u>91.00</u>
<u>Eulalia</u>	<u>69.20</u>	<u>71.40</u>
<u>Faith</u>	<u>71.30</u>	<u>73.40</u>
<u>Gem</u>	<u>70.00</u>	<u>73.00</u>
<u>Harvest</u>	<u>90.27</u>	<u>92.00</u>
<u>Hope</u>	<u>67.50</u>	<u>74.30</u>

<u>Hungerford</u>	<u>93.44</u>	<u>96.00</u>
<u>Jackson</u>	<u>81.34</u>	<u>84.40</u>
<u>Lily</u>	<u>71.10</u>	<u>73.40</u>
<u>Lomond</u>	<u>89.40</u>	<u>91.00</u>
<u>Love</u>	<u>72.70</u>	<u>74.00</u>
<u>Lucien</u>	<u>91.42</u>	<u>94.00</u>
<u>Maitland</u>	<u>66.50</u>	<u>70.00</u>
<u>Minnehaha</u>	<u>66.50</u>	<u>68.30</u>
<u>Nina</u>	<u>66.50</u>	<u>68.30</u>
<u>Park</u>	<u>71.51</u>	<u>73.00</u>
<u>Shadow</u>	<u>82.60</u>	<u>84.60</u>
<u>Sybelia</u>	<u>71.00</u>	<u>78.00</u>
<u>Seminary</u>	<u>82.50</u>	<u>86.90</u>
NOTE: All elevations in feet above sea level, National Geodetic Vertical Datum of 1929 (NGVD29).		
<u>This table is based on the best available data and will be updated as needed to be consistent with federal flood regulations and Water Management District Rules and guidelines.</u>		

(E) Sand beaches and play areas. Sand brought in to the Shoreline Protection Area must be stabilized and retained above the Normal High Water Elevation to prevent migration into the water body. The intent of this portion of the ordinance is to preserve the natural shoreline ecosystem by ensuring that upland landscape designs, including sand, stabilize the yard and shoreline in such a manner that it shall not be carried into the lake or onto adjacent properties. Sand entering the lake accelerates the natural filling of the water body, alters the shape of the natural shoreline, and negatively impacts benthic organisms and littoral zone plants. To stabilize sand, these requirements must be met:

- (1) A berm and swale system, designed to contain the sand, shall be installed parallel to the shoreline in such a manner that it retains the sand in place during a rain event.
- (2) A containment barrier made of railroad ties, landscape logs, or similar structures made of concrete, vinyl, or stone shall be installed parallel and perpendicular to the shoreline in a manner that retains the sand in place above the NHWE during a rain event.

(F) Fences and Walls. Fences, walls and hedges shall not protrude into the lake beyond the Normal High Water Elevation (NHWE) of the lake. See also Section 21-5 (III) of the Maitland City Code.

(G) Retaining Walls and Seawalls. All seawalls are required to be landscaped with aquatic vegetation along the entire length of the littoral zone except for within the access corridor which may be maintained clear for swimming and recreational purposes. For the purposes of this ordinance, the access corridor shall include any areas devoted to docks, boathouses, or

other waterfront structures. All seawalls and retaining walls shall be constructed in accordance with Chapter 11 Section 11-79 of the Maitland City Code.

(H) Chemicals in the Shoreline Protection Area. The intent of this section is to reduce the amount of chemicals and nutrients leaching through upland soils and entering lakes and waterways. In lakes, terrestrial chemicals not designed for aquatic use can stimulate algal growth, kill invertebrates and small fish, and destroy lake edge landscaping and desired aquatic plants.

(1) The use of all fertilizers as well as reclaimed water is hereby prohibited within the 25 foot setback from the water's edge within the Shoreline Protection Area. Only herbicides labeled for aquatic use shall be applied below the NHWE of a waterbody in strict accordance with Chapter 62C-20.0055 of the Florida Administrative Code and per the Aquatic Plant Management Permit issued by Florida Fish and Wildlife Conservation Commission.

(2) A twenty-five-foot (25) Fertilizer Free Shoreline Protection Area is hereby required wherein no fertilizers shall be applied. The twenty-five-foot setback shall be established upland from the Normal High Water Elevation.

(3) Upland Waterfront Areas shall be fertilized in strict accordance with Chapter 15 Article XVII of the Orange County Code of Ordinances.

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Section 8-33. Definitions. **Only added and modified definitions have been included.**

*Aquatic plant.* Any plant (including any part or seed of such plant) which grows in or is closely associated with an aquatic environment. (Includes floating, emersed, submersed, or ditch bank species.)

*Benthic organisms.* The community of organisms living on or at the bottom of a body of water composing a wide range of plants, animals and bacteria from all levels of the food web, divided into three distinct communities:

Infauna: Plants, animals and bacteria of any size that live in the sediment

Epifauna: Plants, animals and bacteria that live on the sediment surface

Demersal: Bottom-feeding or bottom-dwelling fish that feed on the benthic infauna and epifauna

~~Berm. Created mound of dirt used to enclose of buffer.~~ A man made mound of earth added to the landscape to enclose, buffer, or retain stormwater. A berm is typically accompanied by a swale.

Chemical free. Shall mean no non-aquatic use chemicals including, but not limited to pesticides (including herbicides) and fertilizers that can be applied by any means of application to land in the 25 ft. area designated as the Shoreline Protection Area.

Emergent (emersed) wetland plants. Plants which are rooted in the ground with the lower portion of the plant growing below and the upper portion growing above the water.

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Fertilizer. Means any substance or mixture of substances, excluding pesticides, organic composts, and fertilizer derived from biosolids, that contains one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

Fill. The deposit of material, including but not limited to: dirt, sand, gravel, stone, crushed stone, concrete, rubble, mulch, wood, or railroad ties, which results in changes to the topography or vegetation that exists in the area where the deposit occurs.

Floating wetland plants. Plants which are rooted in the lake bottom with leaves floating on the water's surface or that float free on the surface with roots dangling in the water.

Geo Tube. Specially fabricated containers made of high-strength, woven geotextile, with special high strength seaming to resist pressures during pumping operations reclaiming lake bottom materials, used as integral components in the construction of a variety of marine and hydraulic structures.

Habitat. The environmental home of an animal or plant that provides the vital resources needed for life, including food, water, shelter, and a safe place to exist and breed.

Invasive plant. An exotic or nuisance plant that disrupts naturally occurring native plant communities.

Lake edge. The shoreline, or area typically about two to three feet above and below the Normal High Water Elevation, where trees and emergent and submerged aquatic vegetation are located which provide or protect aquatic life habitat.

Littoral zone. Shoreline area including all land six (6) inches above the Normal High Water Elevation and less to a maximum of three (3) feet of water depth below the Normal High Water Elevation.

Native aquatic vegetation. Indigenous aquatic plant species that provide fish and wildlife habitat, water quality protection, and shoreline stabilization.

Normal High Water Elevation (NHWE). The average height of the high waters over a 19-year period. For shorter periods of observation, "Normal High Water Elevation" means the height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value. Source: FLORIDA STATUTES CHAPTER 177, PART II, COASTAL MAPPING ACT.

Noxious aquatic plant. Any part, including, but not limited to, seeds or reproductive parts, of an aquatic plant which has the potential to hinder the growth of beneficial plants, interfere with irrigation or navigation, or adversely affect the public welfare or the natural resources of this state.

Removal. Includes the actual displacement and effective displacement through damaging, even when the plant is to be replanted on the same site. Use of mechanical, non-mechanical, or chemical means to up root, tear out, kill, smother or destroy plant life so that it no longer exists in an area.

Retaining wall. A man made structure built of materials such as, but not limited to, large stones, cement, rubble, railroad ties, cement blocks, or wooden planks that form a wall to hold upland soil in place, preventing its erosion into a water body. It is built landward of a surface water's Normal High Water Elevation and the Wetland Delineation Line, established by the Florida Department of Environmental Protection.

Revegetation. Replanting an area, where existing plants were formerly removed by mechanical, non-mechanical, or chemical means, with approved plants. It requires the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and non-emergent, associated with waterfront and shoreline environments and excludes the use of exotic and invasive species.

Riparian zone. A transitional area between terrestrial and aquatic ecosystems that is distinguished by gradients in biophysical conditions, ecological processes, and biota, through which surface and subsurface hydrology connect water bodies with their adjacent uplands. The riparian zone includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).

Riprap. Broken rock, cobbles, or boulders placed in front of seawalls to slow down wave action and reduce the wave's energy being carried shoreward.

Routine shoreline maintenance. A situation in which exotic or nuisance vegetation is being controlled or removed but no revegetation is necessary due to a pre-existing state of compliance with Chapter 8.

Seawall. A man-made wall structure made of materials such as, but not limited to, cement block, concrete, galvanized steel, wood, or metal that some portion of which touches the surface water of a lake or waterway. The structure is designed and placed such that it prevents shoreline erosion by dispersing the energy of a wave's action elsewhere on the shoreline.

Shoreline. The area where land and water meet. For the purposes of this ordinance, the area shall include the littoral zone, the riparian zone, and the Shoreline Protection Area.

Shoreline alteration: any change in the appearance, form, or condition of the area from twenty-five (25) feet upland of the Normal High Water Elevation down to and including the littoral zone of a water body.

Shoreline Alteration Permit. A permit issued by the designated City Official prior to any removal of vegetation or maintenance dredging in any of Maitland's natural or artificial bodies of water, including retention ponds.

Shoreline protection area. The area extending twenty-five (25) feet landward from Normal High Water Elevation.

Shoreline vegetation. Plant life that grows or exists near to or below the Normal High Water Line of a waterway. It includes terrestrial and aquatic plants, both emergent and non-emergent, that are associated with wetlands.

Submerged (submersed) wetland plants. Plants which grow entirely underwater and cannot survive out of water.

Swale. A shallow trench which has sides and slopes flatter than three feet horizontal to one foot vertical. They are designed and created to slow and direct the flow of stormwater in a desired direction, preventing its rapid flow into a waterway, thereby reducing stormwater pollutant loading in a lake. A swale typically is accompanied by a berm.

Upland waterfront area. All area above the Shoreline Protection Area.

Waterfront vegetation. Submerged and emergent aquatic or wetland vegetation including wetland forest species and revegetation.

Wetland delineation line. Wetland edge based on soil, vegetation, and hydrology per the methodology contained in the Florida Wetlands Delineation Manual and Chapter 62-340, F.A.C.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity portion thereto.

**SECTION 6.** This ordinance shall become effective immediately upon its adoption.

**ADOPTED** by the City Council of the City of Maitland, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF MAITLAND, FLORIDA**

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**MAYOR**

**ATTEST:**

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**CITY CLERK**