



## **PLANNING & ZONING STAFF REPORT**

### **I. DESCRIPTION**

Petition: Ordinance No. 2019-01- Amendments to Chapter 30, Article II (Nuisances) of the Wellington Code of Ordinances.

Applicant: Village of Wellington (Planning, Zoning and Building Department)

Project Manager: Robert E. Basehart, AICP

Request: Approval of Ordinance No 2019-01 to clarify, simplify and strengthen maintenance standards for both developed and undeveloped properties.

### **II. BACKGROUND**

Chapter 30 of the Wellington Code of Ordinances is dedicated to the provision of our environmental standards and regulations; including nuisances, stormwater management, industrial activity, spills and dumping, and water conservation. Article II (Nuisances) of this Chapter is the subject of proposed Ordinance 2019-01. More particularly, the focus of these amendments is the maintenance standards and requirements for the control of grass, weeds and other noxious vegetation. The effected sections of this Article were originally adopted in 1996 and have not been changed since original adoption. Over the past year our Code Compliance office has experienced a surge in citizen complaints about lack of maintenance of large vacant properties and closed golf course land. During the processing of these cases we have recognized some of the standards of maintenance need to be improved to adequately protect the health, safety, general welfare and ability of residents adjoining these properties to enjoy there yards and homes.

### **III. SUMMARY AND ANALYSIS**

Currently, the provisions of Sections 30-53 and 30-54 in Article II of Chapter 30 require grass, weeds and low growing vegetation to be kept at six (6) inches or less for properties that are ½ acre or less. For larger properties portions of a property within sixty (60) feet of the perimeter must be kept at six (6) inches, and eighteen (18) inches beyond that point if it is developed property; except for properties located outside of the Urban Services Boundary (EOZD Subareas C & E), which must limit vegetation height to eighteen (18) inches for within sixty (60) feet of the perimeter. Further, land within the Little Ranches subdivision must be treated the same as property outside of the Urban Services Area, even though they are within it. This exemption was agreed upon when they annexed into Wellington.

The proposed amendments will increase the sixty (60) foot perimeter regulations to one hundred and twenty (120) feet for all properties, inside or outside of the Urban Services Boundary. For properties (developed or undeveloped) that are less than ½ acre, the entire property must be maintained at no higher than six (6) inches. Further, golf courses (active or abandoned) have been specifically introduced to the requirements and are required to be maintained at a maximum of six (6) inches for the entire property. All of the maintenance requirements have been put into a table that is much easier to read and understand than the current language.

Staff believes that the proposed revisions are reasonable and are the minimum necessary to protect the health, safety, reasonable enjoyment and value of properties surrounding vacant or abandoned land, especially large parcels. Not only does lack of reasonable maintenance create appearance issues, it also results in promotion of noxious weed growth and creating breeding and habitat area for undesirable animal life (i.e. rats, mice snakes, insects, raccoon, possum, reptiles, etc.) that invade adjacent yards and homes. In addition, there have been some challenges arguing that due to lack of specificity, abandoned golf courses are no longer developed land but should be treated simply as undeveloped land. The proposed amendments will create clear and uniform standards for the maintenance of such properties.

#### **IV. PUBLIC HEARINGS**

- Village Council First Reading- January 8, 2019
- Village Council second reading- January 22, 2019

#### **V. STAFF RECOMMENDATION**

Staff recommends approval of Ordinance No. 2019-01 to clarify, simplify and strengthen maintenance standards for both developed and undeveloped properties.