

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark A. Kutney, AICP/954-797-1101
SUBJECT: Planning and Zoning in Progress

TITLE OF AGENDA ITEM:

Request to initiate a 'Planning and Zoning in Progress' to allow staff to prepare a code amendment establishing a permit procedure for 'clearing and grubbing' of undeveloped land.

REPORT IN BRIEF:

The Planning and Zoning Division proposes to initiate a 'Planning and Zoning in Progress' in accordance with Land Development Code section 12-315. Staff intends to prepare an ordinance establishing a clearing and grubbing permit with associated procedures and fees for the Town Council's approval.

Currently, if a property owner of vacant land wishes to clear the land of all shrubs and invasive plants, there is no permit procedure in place to ensure that the protection of trees and the relocation of wildlife is reviewed prior to said clearing and grubbing of land. It is left up to the discretion of the property owner to ensure that tree protection, as required by code of Ordinances Section 26, occurs properly. In light of this, staff would like to create a permit procedure, reviewed by both the Engineering Division and the Planning and Zoning Division, to require that approval for 'clearing and grubbing' of a site be obtained prior to any removal of landscape material and to ensure that appropriate erosion and sediment control measures are required to protect waterways and wetlands, and wildlife protection measures are in place.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

FISCAL IMPACT:

Has request been budgeted? yes no

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM
PZ 02-16-00

TO: Tom Willi, Town Administrator

THRU: Mark Kutney, Development Services Director

THRU: Jeff Katims, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan AICP, Planner II

DATE: February 14, 2001

RE: ***Zoning In Progress***
Clearing and Grubbing

The Planning and Zoning Division proposes to initiate a 'Planning and Zoning in Progress' in accordance with Land Development Code Section 12-315. Staff intends to prepare an ordinance established a 'Clearing and Grubbing' permit for the Town Council's approval.

Clearing and Grubbing consists of two distinct processes involved in preparing a site for development. Clearing involves actually clearing the land to prepare for site development and grubbing involves removing brush and invasive tree species.

The purpose of establishing a permit process for the 'Clearing and Grubbing' of land is to ensure that all undeveloped land in Davie, prior to the removal of vegetation, is reviewed by the appropriate Town officials for the protection and relocation of wildlife (Ordinance 2000-42), tree preservation (Chapter 26 of Davie Code of Ordinances), wetland preservation, and shoreline sediment controls.

To address the gaps in the current code of Ordinances, staff has identified the following areas as among those that would be governed by proposed 'Clearing and Grubbing' regulations:

Wildlife protection. Prior to the issuance of a 'Clearing and Grubbing' permit an applicant must provide proof of an on-site inspection preformed by a licensed wildlife biologist stating that there are no threatened, endangered or listed species upon the property. In addition, other non-regulated species identified as being upon the property must be listed and their and methods of relocation detailed.

Wetland Preservation. Prior to the Town issuing a 'Clearing and Grubbing' permit, the applicant must provide proof that all necessary permits relating to wetland protection and/or mitigation have been secured, specifically South Florida Water Management District, Department of Environmental Protection (State), and Department of Planning and Environmental Protection (County), as necessary.

Sediment and Erosion Control. In addition, prior to the issuance of a 'Clearing and Grubbing' permit, a detailed sediment and erosion control plan shall be prepared by a registered engineer for all property indicating how and by which mechanism all sediment will be controlled so as not to impact roadways, waterbodies, and/or wetlands.

Permit Process. Before a 'Clearing and Grubbing ' permit can be issued for any property, a site plan or related developed permit must have been approved and/or issued by the Town.

Staff will prepare the proposed code amendment for Council consideration in March, 2001.