

## LOCAL PLANNING AGENCY

APRIL 23, 2003

### 1. ROLL CALL

The meeting was called to order at 8:05 p.m. Board members present were Chair George Greb, Mimi Turin and Bob Waitkus. Also present were Agency Attorney Andre Park, Planner Deborah Ross, and Board Secretary Janet Gale recording the meeting. Vice-Chair Mike Bender and Casey Lee were absent.

### 2. APPROVAL OF MINUTES: February 12, 2003

Mr. Waitkus made a motion, seconded by Ms. Turin, to approve the minutes of February 12, 2003. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

### 3. PUBLIC HEARING

3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-306(F), ENTITLED "SUPPLEMENTARY NOTIFICATION REQUIRED FOR REZONINGS, VARIANCES AND SPECIAL PERMITS" PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross summarized the report and explained the intent of the ordinance.

Agency members discussed the cost differential associated with the expansion which they believed was nominal and understood that it would be absorbed by the applicant. They agreed that the expansion would notify many more residents of proposed changes and thereby afford them the opportunity to express their opinions.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. Waitkus made a motion, seconded by Ms. Turin, to approve. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING"; ADDING SECTION 26-2 ENTITLED "RARE SPECIES"; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained why staff was requesting a tabling. Although this ordinance was to be amended to include other sections of the Code to make it "cleaner;" it was the consensus of the Agency to discuss their concerns on this item so that their input may be considered in the final draft.

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A lengthy discussion ensued regarding: 1) what the cost would be to have the property examined by an expert; 2) that the penalty of \$25,000 for the first acre and \$10,000 for each additional acre was excessive; 3) that this pertain to lots in excess of one acre and that lots of one acre or less be exempt; 4) that the ordinance state "established habitat" of the rare species; and 5) to change the word "fee" to "fine" in the paragraph Clearing and Grubbing of the memo dated May 15, 2003 to the Local Planning Agency.

Since the memorandum contained background information regarding the other ordinances, they were discussed as well at this point in the meeting.

Ms. Turin made a motion, seconded by Mr. Waitkus, to table to June 11, 2003. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

3.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 12-34(18) THEREOF RELATING TO WILD ANIMALS; PROVIDING A LISTING OF WILD ANIMALS IN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained that the intent of the ordinance was to be more restrictive and that staff was requesting a tabling to May 14, 2003. A brief discussion ensued.

Mr. Waitkus made a motion, seconded by Ms. Turin, to table to May 14, 2003. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

3.4 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 26-58 ENTITLED "ENFORCEMENT" RELATING TO CLEARING AND GRUBBING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, Agency members made the following suggestions to consider in this ordinance: that the language distinguish between a vacant lot as opposed to an occupied lot; between a single homeowner as opposed to a developer; between maintenance as opposed to total clearing; between nuisance trees as opposed to protected trees; and between an established habitat for wildlife as opposed to a temporary habitat.

Ms. Ross indicated that staff was requesting a tabling to June 11, 2003.

Ms. Turin made a motion, seconded by Mr. Waitkus, to table to June 11, 2003. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

3.5 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED "ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE TRIMMING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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Ms. Ross explained the intent of this ordinance. A discussion ensued regarding who would be fined if there was a violation and they concurred that it should be defined in the ordinance not to be the homeowner. The Agency also agreed that in Section 26-41, (3), the two sentences starting with - "Any vehicle under 10,000 GVW shall have such required information ...sounded convoluted and needed to be "smoothed out."

Ms. Turin made a motion, seconded by Mr. Waitkus, to table to May 14, 2003. In a voice vote, with Vice-Chair Bender and Ms. Lee being absent, all voted in favor. **(Motion carried 3-0)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:27 p.m.

Date Approved: \_\_\_\_\_

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Chair/Agency Member