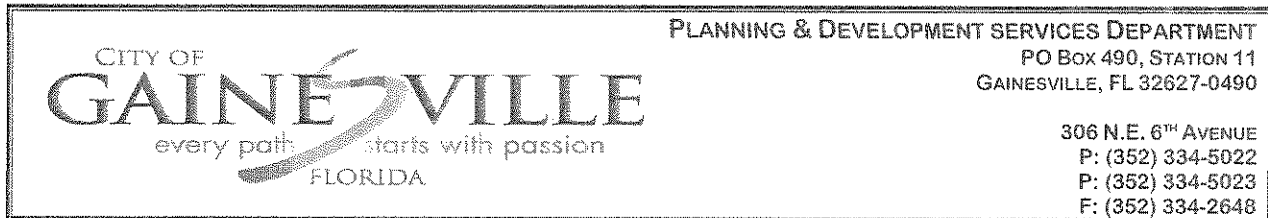


LEGISLATIVE #

120314B



TO: City Plan Board **Item Number: 7**
FROM: Planning & Development Services Department Staff **DATE: August 23, 2012**
SUBJECT: Petition PB-12-88 TCH. City Plan Board. Amend the Land Development Code for consistency with the: newly adopted uplands definition (Section 30-23) and removal of the Significant Ecological Communities District from the Code.

Recommendation

Planning Division staff recommends approval of Petition PB-12-88 TCH.

Discussion

The purpose of this petition is to amend sections of the Land Development Code for consistency with the updated definition of uplands, removal of the Significant Ecological Communities District, and other changes relating to the regulation of natural resources, archaeological resources, and surface waters and wetlands that were adopted by Ordinance No. 110076 on August 2, 2012.

The proposed changes (additions are underlined, deletions are ~~stricken~~) are as follows:

Sec. 30-160. Submittal requirements.

(b) (1) b. When an application for concept review is submitted, each concept plan shall include the following unless the city manager or designee determines that the requirements are not applicable:

9. A statement indicating whether the project will be affected by regulated natural and archaeological resources or the following districts: regulated surface waters and wetlands, gateway street, nature park, greenway, uplands or wellfield protection, districts, nature park and public conservation/preservation areas.

Sec. 30-182. Pre-application conference.

(c) *Concept review (Sketch drawing)*

(2) The sketch shall contain the following data:

- e. Environmental features including but not limited to significant topographical and physical features including regulated surface waters and wetlands, regulated natural and archaeological resources, creeks, uplands, lakes and wetlands, FEMA and community determined flood plains, and heritage trees;

Sec. 30-183. Design plat requirements and approval.

(e) *Specifications*

- (4) If the proposed subdivision ~~contains~~ includes regulated surface waters or wetlands land located within the surface waters, wetlands, or uplands district, or regulated natural and archaeological resources, the subdivider shall be required to submit the following additional information for those areas designated:
- a. ~~A vegetation overlay at the same scale as the design plat showing special protection species of plants and animals.~~
 - ab. A design plat showing buffer distances between the areas to be developed and designated surface water or upland environmental features regulated surface waters and wetlands, and regulated natural and archaeological resources.
 - be. Square footage and percent of total subdivision tract to consist of impervious surface.
 - cd. A description of strategies to protect or restore environmental features and special protection species on the subdivision tract.
 - de. Projected on-site and off-site water quality impacts to Outstanding Florida Waters, OFW, which may result from the proposed subdivision.
 - e. Any required set-aside, conservation management area, or mitigation area.

Sec. 30-190. - Cluster subdivisions

(c) *Approval procedure; design standards; name.*

- (4) Application for cluster subdivision will be classified as either environmental or infill based on the following criteria:
- Environmental*—Development site must contain regulated surface waters and wetlands, or regulated natural and archaeological resources, or it must be within a planning parcel that includes regulated natural and archaeological resources, be located in the Significant Ecological Communities Districts or have at least one or more of the following environmental features: wetlands, creeks, lakes, significant tree grouping/upland community, sinkholes, and/or endangered plants and animals species.
- Infill*—Cluster subdivision that provide for infill development where appropriate, provide for better utilization of land, provide for zero lot line development, and/or promote efficiency through design.

(i) *Criteria for review of cluster subdivisions.* A cluster subdivision shall provide for better utilization of land and for a total environment, which is improved over that which could be achieved under standard regulations. The applicant must present evidence that the proposed cluster subdivision utilizes the land better than a standard subdivision. If the city commission finds that a subdivision will be improved by the reasonable modification of the location, design or configuration of open space, building lots, streets and parking areas, the subdivision will be modified or denied. The following criteria shall guide the city in review of the proposed subdivision and in making any modifications thereof:

(8) To the extent practical, cluster open space shall contain regulated surface waters and wetlands, and set-asides of regulated natural and archaeological resources ~~designated surface water or upland environmental features.~~

Sec. 30-216. Requirements and evaluation of PD.

The PD report shall address each item in the subsections below. In considering a proposed PD for approval, the city plan board and the city commission shall evaluate the proposal in consideration of these criteria:

(7). *Environmental constraints.* The site of the PD shall be suitable for use in the manner proposed without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended. The conditions and requirements of article VIII, environmental management, ~~including surface water, gateway, nature park, greenway, uplands, and wellfield overlay districts,~~ must be met.

Sec. 30-254. - Permits for tree removal.

(i) *Commercial tree removal permits.* Commercial tree removal permits may be granted for the removal of trees associated with forestry management, tree harvest and other similar commercial purposes in accordance with the requirements of this subsection.

(6) *Action on application.* Upon receipt of a completed application and following the notice period specified above, or after the permit has been granted after a hearing under subsection (i)(5), the city manager, or designee, will issue the commercial tree removal permit, except as may be modified below, with the following conditions:

- (b) No regulated tree shall be removed and logging road shall be constructed:
1. Within 35 feet of the break in slope at the top of the bank of any creek;
 2. Within 35 feet of the landward extent of a lake or wetland; or
 3. Within a designated conservation management area. ~~the delineated boundaries of uplands as defined by this chapter.~~

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Impact on Affordable Housing

This proposed text amendments will have no impact on affordable housing.

Respectfully submitted,



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Principal Planner

Prepared by:



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Lead Planner

Petition PB-12-88 TCH
August 23, 2012

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1

Appendix B Application

Exhibit B-1 Application