

Sec. 153.23. Land clearing plan and permit.

(a) *General.* All requests for a land clearing permit shall be accompanied by a land clearing plan and a storm water pollution prevention plan (SWPPP) that has been approved by the site plan review committee when a parcel or combined lots is one (1) acre or more in size, unless noted otherwise. While a site is being cleared and developed, the topsoil shall be stabilized to prevent soil erosion as required by the National Pollutant Discharge Elimination System (NPDES) and other regulations. By March 10, 2003 any operation that disturbs more than one (1) acre of land will be required to make an application for a construction/industrial NPDES permit by submitting a Notice of Intent (NOI) to Florida Department of Environmental Protection (FDEP). Upland preservation requirements shall not be applicable to any lot or parcel under two (2) acres in size. Also, refer the Natural Resource Code, Chapter 157.

(b) *Standards for review.* In review of applications for land clearing permits, the site plan review committee should consider the following:

- (1) The preservation of native and specimen trees and other vegetation (excluding exotic species) to the maximum extent possible.
- (2) The applicant's method for protecting vegetation to be retained or preserved during and after the land clearing process.
- (3) The federal, state, and local permit and ordinance requirements to change existing ground elevations.
- (4) Existing tree density.
- (5) The city's objective of maintaining a minimum density of twenty (20) trees per acre.
- (6) Stabilization of disturbed soils to prevent erosion.
- (7) The storm water pollution prevention plan shall meet the requirements as set forth by the Florida Department of Environmental Protection (FDEP).

(c) *Land clearing plan--Format and information.* The land clearing plan shall be at a scale similar to the site plan and shall include the following information:

- (1) Identify vegetated areas to be retained or preserved. Indicate that the area to be retained or preserved will be surveyed and roped off prior to applying for a building permit. Show roped area on the plan. Indicate other methods of protecting vegetation to be retained or preserved during and after clearing, if applicable. Indicate the area in acres and square feet of the site and the area to be preserved or mitigated, if applicable. Indicate ground elevation and proposed fill elevation, where applicable. Provide a topographic map, if necessary. Identify the location of silt barriers or other stormwater protection or soil stabilization features. Identify location, species, and diameter breast height of vegetation, if applicable. Refer to the Natural Resource Code, Chapter 157, for other code requirements.
- (2) Identify the name, address, phone number, and fax number of the owner, developer, and engineering firm, landscape firm, or environmental consultant submitting the land clearing plan. Provide a legal description, north arrow, scale, and any other pertinent information.
- (3) A Storm Water Pollution Prevention Plan shall be formatted per the FDEP Generic Plan Template.

(d) *Residential parcels on waterway.* The clearing of platted single-family parcels bordering on waterways of the North Fork of the St. Lucie River shall require a site plan

and permit as stipulated in Ordinance 81-17. A 15-foot native vegetation buffer shall be preserved or provided along the mean high water line as a means to deter shoreline erosion. A site plan and land clearing plan for such single-family parcels shall be submitted to the planning and zoning department for review prior to requesting a land clearing permit from the building department. No fee to the planning and zoning department for review of single-family parcels shall be required.

(e) *Developments of regional impact.*

(1) Applications for land clearing plan and permit for approved Developments of Regional Impact where vegetated areas to be retained or preserved have been identified on an approved PUD shall be processed in accordance with (a) through (c) above in advance of final development plan approval.

(2) Grading and excavation of roads, stormwater lakes, and drainage canals identified on an approved PUD or a Development of Regional Impact Master Plan shall be permitted provided the applicant acknowledges that such activities shall be at its own risk prior to final development plan approval.

(f) *Exceptions.* It shall be unlawful to clear any parcel located within the city limits without first having obtained a land clearing permit, except for the following activities:

(1) Construction and maintenance of roads, drainage ditches, and swales located in platted or dedicated public or private rights-of-way, and utility or drainage easements.

(2) Minimal clearing of lines less than ten (10) feet wide for surveying purposes.

(3) Minimal clearing for the maintenance of property access and for minor recreational pursuits such as fishing, nature trails, boardwalks, and wildlife observation: five (5) feet maximum trail width.

(4) All plant or tree nurseries and commercial timber operations shall be exempt from the terms and provisions of this subchapter in relation to those trees planted or growing on their premises which are so planted or growing for the sale or intended sale to the general public or in the ordinary course of the grower's commercial business.

(5) Platted single family parcels, unless indicated otherwise. See above paragraph section 153.23(b).

(Ord. No. 02-125, § 1, 11-12-02; Ord. No. 04-136, § 1, 12-6-04)