

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20070752**

**1. ACTION REQUESTED/PURPOSE:**

Adopt Revision to Administrative Code AC-13-15 (Application Requirements for Notice of Agricultural Clearing). This Code implements Pine Island Development Code changes scheduled for adoption on May 29, 2007.

**2. FUNDING SOURCE:** No Funds required

**3. WHAT ACTION ACCOMPLISHES:**

Adds requirements for notices of clearing for agricultural purposes on Pine Island.

**4. MANAGEMENT RECOMMENDATION:** Approve

<b>5. Departmental Category:</b> <span style="font-size: 1.5em; font-weight: bold;">A4A</span>		<b>6. Meeting Date:</b> May 29, 2007
<b>7. Agenda:</b> <input type="checkbox"/> Consent <input checked="" type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input checked="" type="checkbox"/> Admin. Code	13-15
	<input type="checkbox"/> Other	
		<b>9. Request Initiated:</b> <b>Commissioner</b> _____ <b>Department</b> Community Development <b>Division</b> _____ <b>By:</b> Mary Gibbs, Director <i>Paul O'Connell For Mary Gibbs</i>

**10. Background:**

This administrative code sets forth standards to implement Land Development Code changes for Pine Island that are scheduled for Board adoption on May 29, 2007.

See attached Administrative Code AC-13-15 and Resolution.

**11. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
<i>POC For Mary Gibbs</i>				<i>Paul O'Connell 5-11-07</i>	<i>3/15/07</i>	<i>5/15/07</i>	<i>5/15/07</i>	<i>5/15/07</i>	<i>5-15-07</i>

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CO. ATTY.  
FORWARDED TO:  
*County Admin 5/14/07 9:00am.*

RECEIVED BY  
COUNTY ADMIN: *TD*  
*5/14/07 9:20am*  
*MS.*  
COUNTY ADMIN  
FORWARDED TO: *PL*  
*5-16-07*  
*3pm*

Rec. by CoAtty  
Date: *5/11/07*  
Time: *3:55pm*  
Forwarded To:  
*County Admin 5/14/07 9:00am*

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Development/Planning/Zoning	<b>CODE NUMBER:</b> AC-13-15
<b>TITLE:</b> Application Requirements for Notice of Clearing	<b>ADOPTED:</b> 7/10/91
	<b>AMENDED:</b> 1/4/95, 6/ /07
	<b>ORIGINATING DEPARTMENT:</b> Community Development

**PURPOSE/SCOPE:**

To provide applicant with the survey requirements necessary to obtain a "Notice of Clearing" pursuant to Lee County Land Development Code Chapter 14, Article V, as amended, and LDC Section 33-1031. To provide the applicant with the time periods staff needs to review the "Notice of Clearing" application and the permit requirements prior to issuance of the "Notice of Clearing".

**POLICY/PROCEDURE:**

The Lee County Tree Protection component of the Land Development Code requires that applicants obtain a "Notice of Clearing" prior to removing trees under the jurisdiction of the Tree Protection Ordinance.

**SECTION 1.**

The applicant ~~shall~~ must submit to Lee County's Division of ~~Natural Resources Management Environmental Sciences~~ all required state and federal permits, when applicable, prior to the issuance of the "Notice of Clearing".

**SECTION 2.**

The applicant may provide survey information to reduce the staff time necessary for reviewing the "Notice of Clearing".

- a. Information contained in surveys may be limited to the FLUCCS Codes and listed species as outlined in the Lee County Land Development Code, and Lee County Administrative Code No. 13-10.
  1. Surveys are subject to the approval of the County Administrator or his designee.
  2. If County site inspections or previously documented evidence of listed species indicate that the species are utilizing the site, then a new survey ~~shall~~ must be conducted by either Lee County or the applicant.
- b. Survey methods used by the applicant are limited to the following:
  1. Any method approved by the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission for species ~~triggered~~ identified in Administrative Code 13-10.

2. Survey methods approved by Lee County pursuant to Lee County Land Development Code.
- c. Lee County ~~shall~~ will expedite the review of "Notice of Clearing." The time for review is based on the following:
  1. Where no species are present on the site and applications are consistent with current regulations, "Notices of Clearing" ~~shall~~ must be submitted to the County Clerk ~~thirty (30) days~~ or less after the submission of a completed "Notice of Clearing" application.
  2. If the survey identifies listed species on the site, Lee County ~~shall~~ will respond to the applicant within ~~forty-five (45) days~~ as to species presence and likely preserve areas to accommodate them. After the location of species preserve areas are agreed upon, the County ~~shall~~ will submit the "Notice of Clearing" to the County Clerk within seven ~~(7)~~ working days.
  3. On projects over ~~one hundred (100) acres~~, Lee County ~~shall~~ will have an additional five ~~(5)~~ working days for each hundred acres ~~on of~~ the property ~~being reviewed~~ in order to review the survey.

### SECTION 3

#### For Pine Island Agricultural Notices of Clearing:

1. The aerial photograph submitted with the Agricultural Notice of Clearing must clearly and specifically delineate the limits of the adjoining state designated aquatic preserves and associated wetlands and natural tributaries, and the location of the 50-foot wide buffer.
2. Prior to land clearing for new agricultural uses, the landward limits of the 50-foot wide buffer must be field staked and roped with a minimum 1/4 inch yellow rope for field inspection.
3. The location of the 50-foot wide buffer (field recorded with a GPS hand held instrument by county staff) will be overlaid on an aerial photograph by Lee County staff. This aerial overlay will be retained as part of the official Lee County file. County staff will prepare a copy of the overlay document suitable for recording in the public records. The overlay document will be attached to the Notice for recording.
4. Non-native vegetation may be removed from the 50-foot wide buffer utilizing hand removal methods unless a specific mechanical removal method is approved in writing by the Division of Environmental Sciences staff.

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms and

conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code AC-13-15, Application Requirements for Notice of Clearing (attached hereto as Exhibit "A"), is approved, and is hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment.
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing resolution, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

ROBERT P. JANES	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

ATTEST:  
CHARLIE GREEN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Robert P. Janes, Chair

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Dawn E. Perry-Lehnert  
Office of the County Attorney