

**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> 07/10/91
	<b>AMENDED:</b> 01/04/95, 05/29/07
	<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 must submit to Lee County's Division of 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 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 Fish and Wildlife Conservation Commission for species identified in Administrative Code 13-10.
  - 2. Survey methods approved by Lee County pursuant to Lee County Land Development Code.
- c. Lee County 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" must be submitted to the County Clerk 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 will respond to the applicant within 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 will submit the "Notice of Clearing" to the County Clerk within seven working days.
  - 3. On projects over 100 acres, Lee County will have an additional five working days for each hundred acres of the property 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.