

1 PART III - LAND DEVELOPMENT AND GROWTH MANAGEMENT

2 Chapter 3-5 - PLANNING AND DEVELOPMENT

3 **ARTICLE IV. VEGETATIVE REMOVAL**

4

5 **Section 3-5-91 Applicability.**

6 This article shall apply to all vegetative removal, as defined, conducted within the unincorporated area  
7 of Charlotte County.

8

9 **Section 3-5-92 Application Requirement.**

10 A permit shall only be applied for by the property owner or a person granted permission by the  
11 property owner.

12

13 **Section 3-5-93 Definitions.**

14 Unless specifically defined below, words or phrases used in this article shall be ascribed a meaning  
15 which they have in common usage and which gives this article its most reasonable application.

16 *Lot* means a designated parcel, tract, or area of land established by plat, subdivision, or as  
17 otherwise permitted by law, and recorded in the public records of Charlotte County, Florida, to be  
18 separately owned, used, developed, or built upon. For the purpose of this Code, a lot is created on  
19 such date that a deed for the lot is lawfully first recorded in the public records of the County or the  
20 date that a plat has been lawfully recorded in the public records of the County and the lot is a part of  
21 the plat.

22 *Mulching* means the reduction of biomass without disturbing the soils or any native trees  
23 measuring 4 caliper inches or greater. Usually accomplished using machinery equipped with  
24 rotational drum style cutters to grind vegetation into mulch without the need for additional machinery.  
25 All root systems are left in place and there is minimal soil disturbance.

26 *Vegetative removal* means the cutting, mowing, or mulching of shrubs, native trees of less than 4  
27 caliper inches, and any non-native tree species of any size from land.

28 *Waterbody* shall mean any natural or man-made pond, lake, reservoir, or other area which  
29 ordinarily contains water and which has a discernible shoreline.

30 *Watercourse* shall mean any natural or artificial stream, creek, channel, ditch, canal, waterway,  
31 gully, ravine, or wash in which water flows.

32 *Wetland* shall mean any area that is inundated by surface or groundwater with a frequency  
33 sufficient to support and under normal circumstances does or would support a prevalence of  
34 vegetative species that require a saturated or seasonally saturated soil condition for growth and  
35 reproduction, e.g., swamps, sloughs, marshes, wet prairies, bayheads, grass beds, mud flats and ponds.

36

37 **Section 3-5-94 Prohibited Activity.**

38 It shall be unlawful and a violation of this Article to engage in any vegetative removal prior to the

1 issuance of a Vegetative Removal Permit. The issuance of a Vegetative Removal Permit does not  
2 exempt an applicant from having to fulfill the permitting requirements of other jurisdictional agencies  
3 including, but not limited to, the Florida Department of Environmental Protection, Florida Fish and  
4 Wildlife Conservation Commission, or the applicable water management district. The following  
5 activities are exempt from this prohibition:

- 6 A. A bona fide agriculture use occurring on land zoned for agriculture or a bona fide agriculture  
7 use legally occurring on land not zoned for agriculture.
- 8 B. Routine landscape maintenance on a developed lot.
- 9 C. Mulching as part of an approved management activity within a preserve or resource  
10 conservation area.
- 11 D. Lawful development activities within existing utility, drainage, and road rights-of-way or  
12 easements, for the purposes for which they were reserved.

13  
14 **Section 3-5-95 Standards.**

15 The following standards shall apply to vegetative removal activities:

- 16 A. Earthmoving shall not occur during vegetative removal. Stumps shall not be removed by  
17 excavation but shall be ground on-site.
- 18 B. Vegetative removal shall not have an adverse impact on on-site listed species or habitat.
- 19 C. Vegetation shall be only be removed by use of hand tools, chains saws, brush cutters,  
20 mowers or mobile mulching machines.
- 21 D. Vegetation may be chipped on-site.
- 22 A. Vegetative removal shall not have an adverse impact on the quality or quantity of  
23 groundwater or surface water of surrounding or downstream properties.
- 24 B. Vegetation from the clearing site shall not be accidentally or intentionally disposed of in any  
25 wetland, waterbody, or watercourse.
- 26 C. Vegetative removal shall not impact off-site drainage.
- 27 D. There shall be a 50 foot setback from any vegetative removal activity and any on-site or  
28 off-site wetlands or waterbodies. No activity other than the removal of exotic species by  
29 use of hand tools shall take place within this setback. Sediment barriers, fencing, and  
30 signage, as necessary depending on the activity, shall be placed along the outer edge of the  
31 50 foot setback.
- 32 E. Burning or incineration associated with vegetative removal will require permits in  
33 accordance with Charlotte County law and applicable Federal and State law.
- 34 F. The use of machinery to conduct vegetative removal shall only be allowed between the  
35 hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 7:00  
36 a.m. and 12:00 p.m. on Saturday, unless otherwise approved.
- 37 G. All vegetative clearing of one acre or greater that may result in exposure of soil during the  
38 months of November through March shall employ dust control procedures consistent with

1 the guidelines of the Natural Resource Conservation Service or the FDEP Florida  
2 Development Manual.

3  
4 **Section 3-5-96 Enforcement, violations and penalties.**

- 5 A. Enforcement of this Article will be by the community development department as designated  
6 by the county administrator.
- 7 B. After the issuance of the authorizations referenced in this Article, it shall be unlawful for the  
8 permittee conduct any vegetative clearing except in accordance with the terms and conditions  
9 of such authorizations.
- 10 C. Violation of the provisions and requirements of these regulations shall be a civil violation within  
11 the jurisdiction of the code enforcement board with a maximum penalty of two hundred fifty  
12 dollars (\$250.00) per day.
- 13 D. Alternatively, a violation of these regulations may be prosecuted pursuant to F.S. section  
14 125.69. Each incident of violation will be considered a separate offense.

15  
16 **Sections 3-5-97—3-5-110. Reserved.**