



RE - 0 -

### EARTHMOVING EXEMPTION APPLICATION

**Agricultural** (See Attachment I)    **Non-Agricultural** (See Attachment II)    **After-the-Fact**

**1. PROPERTY OWNER INFORMATION**

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

Telephone (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Fax) \_\_\_\_\_

Applicant name (if different than Property Owner) \_\_\_\_\_

Mailing address \_\_\_\_\_

Telephone (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Fax) \_\_\_\_\_

**2. PROPERTY INFORMATION**

PROPERTY IDENTIFICATION NUMBER (PIN) \_\_\_\_\_  
(Available at the Property Appraiser Office)

Legal description of site to be permitted \_\_\_\_\_

Section \_\_\_\_\_; Township \_\_\_\_\_ South; Range \_\_\_\_\_ East; Total acreage or size of the site \_\_\_\_\_

STREET ADDRESS OF THE SITE \_\_\_\_\_

**3. DESCRIPTION OF PROPOSED WORK**

3.a Proposed disposition/source of material and reason for excavation, filling and/or hauling to the site \_\_\_\_\_

3.b Excavation Area: \_\_\_\_\_ acres or square feet \_\_\_\_\_ cubic yards

3.c Fill Area: \_\_\_\_\_ acres or square feet \_\_\_\_\_ cubic yards

3.d Fill to be hauled onto the site \_\_\_\_\_ cubic yards

**4. APPLICATION SUBMITTAL REQUIREMENTS**

- No application fee.
- Original and two copies of the completed, signed and notarized Pages 1 and 2 of the application.
- Include with the application an original and two copies of a scaled site plan of the proposed earthmoving.
- Submit all documents above (mail or deliver) to Sarasota County Permitting Center:  
 North County - 1301 Cattlemen Road, Building "A", Sarasota, Florida 34232  
 South County - 4000 S. Tamiami Trail, Room 122, Venice, Florida 34293

**For additional information contact Resource Protection**  
1301 Cattlemen Rd., Bldg. D, Sarasota, FL 34232  
(941) 861-6341 – Fax (941) 861-6479

**SECTION A. ACCESS AUTHORIZATION**

The undersigned agrees to allow any authorized agent or employee of Sarasota County and any duly empowered law enforcement officer to enter upon the premises associated with the work for which a permit is requested for purposes of conducting a preliminary inspection(s) prior to initiating work, and for ascertaining compliance with the terms and conditions of the application, the permit, and the provisions of Chapter 54, Article XII, Sarasota County Code.

**SECTION B. STATEMENT**

The undersigned understands that the granting of an Exemption shall not be deemed to authorize or create a duty or responsibility on the part of Sarasota County and its officers, agents, and employees to assure or guarantee construction and work in compliance with the exemption or the plans and specifications incorporated therein. The undersigned agrees to hold and save Sarasota County, its officers and employees, harmless from any damage or injury, no matter how occasioned and no matter what amount, to persons or property which might result from the work, activity or structures authorized by any exemption granted by Sarasota County, and from any and all claims or judgements resulting from such damage or injury. The undersigned understands that granting of an exemption by Sarasota County does not relieve the undersigned of the responsibility to comply with all applicable Federal, State, and Sarasota County laws, ordinances or rules, nor is the undersigned relieved of the responsibility to obtain any licenses or permits which may be required by Federal, State, or Sarasota County laws. The undersigned understands that any deviation from proposed construction will invalidate any exemption granted by Sarasota County, and subject the owner, applicant, and violator to prosecution pursuant to Chapter 54, Article XII, Sarasota County Code. The undersigned hereby certifies that all information submitted with this application is true and complete to the best of his/her knowledge.

**SECTION C. PROPERTY OWNER CONSENT**

*This section must be completed by the property owner, if the applicant is a person or firm other than the property owner*

The undersigned, being the owner(s) and record title holder(s) of the real property herein described, do(es) hereby authorize \_\_\_\_\_ to act as its agent and in its behalf in applying for and doing all things necessary with regard to all matters pertaining to an Agricultural Exemption on said property in accordance with applicable ordinances of Sarasota County. The undersigned shall be bound by the terms of the application and all attachments thereto, the agricultural exemption and applicable County ordinances related to the earthmoving activity. The legal description of said property in Sarasota County, Florida, subject to this consent is described on the agricultural exemption application and contains \_\_\_\_\_ acres±.

**SECTION D. CONFIRMATION**

The undersigned hereby certifies that all information submitted with this application is true and complete to the best of my/our knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Signature of the Owner

\_\_\_\_\_  
Signature of the Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

STATE OF FLORIDA  
COUNTY OF SARASOTA

Affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by \_\_\_\_\_, who is/are personally known to me or who has/have produced identification \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp

**AGRICULTURAL EXEMPTION FOR EARTHMOVING ACTIVITIES**

**Sarasota County Code, Chapter 54, Art. XII, Earthmoving, Requirements**

- a. Documentation confirming that the parcel of land contains five or more contiguous acres under unified ownership, and is classified by the Sarasota County Property Appraiser as bona fide agricultural land, under the Agricultural Assessment Provisions of Chapter 193.461, Florida Statutes; as required under Section 54-349(a)(1).
- b. A written confirmation that no material will be sold, as required by Section 54-349(a)(2).
- c. Documentation indicating that the applicant adheres to conditions of the Natural Resources Conservation Services policy for protection of wetlands for agricultural uses, as required by Section 54-349(a)(3).

Upon providing documentation that all applicable Federal, State and local permits and/or authorizations have been obtained, and that all of the above three criteria have been met, the applicant needs to provide in addition to a site plan of the proposed earthmoving, any other applicable documentation that the earthmoving meets one of the following criteria, as required under Section 54-349(a)(2) of the Sarasota County Code:

- 1. Earthmoving authorized is under an existing Surface Water Management permit or Environmental Resource Permit from the Southwest Florida Water Management District (SWFWMD), or written documentation from SWFWMD that the project is exempt.
- 2. Filling, stockpiling, or excavating is less than 100 cubic yards of Type A fill, provided no filling or excavating occurs within easements or rights-of-way and other lawful drainage and utility facilities, and does not impact off-site drainage.
- 3. Lawful drainage ditches and canals, including routine maintenance and culvert installations, provided that excess fill is stockpiled or removed from the site in accordance with the provisions of the Code.
- 4. Temporary excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves.
- 5. Earthmoving is consistent with the routine maintenance (e.g., sediment removal side slope repairs) to existing permitted or authorized ponds, ditches, and canals, provided that any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of the Code.
- 6. Restoration of property to original grade with Type A fill following removal of buried debris.
- 7. Landscaping and gardening projects with Type A fill, including soil amendments, mulching, and fencing, provided that the on-site drainage patterns are not altered, and further provided no filling occurs within easements and rights-of-way and private drainage and utility facilities.

**Unless exempted under the provisions of Section 54-349(a)(2) of the Code, persons proposing earthmoving activities incidental to agricultural operations shall not be required to obtain a permit in accordance with the provisions of this Code, provided that the Agricultural Development Review Committee** (which shall consist of Sarasota County Land Development Services; Sarasota County District Conservationist, United States Department of Agriculture Natural Resources Conservation Service; Sarasota County Extension Services, Institute of Food and Agricultural Science, University of Florida; Sarasota County Resource Protection; and Sarasota County History Center) **reviews the plans as follows**, as required under Section 54-349(a)(3) of the Code:

- 1. The applicant shall submit to Sarasota County Resource Protection six copies of plans showing topographical modifications and the locations of proposed excavating, filling and stockpiling on a legible aerial photograph (scale: 1 inch = 200 feet or less). One copy shall be forwarded to SWFWMD for notification purposes only. The Agricultural Development Review Committee shall review said plans within approximately ten working days.
- 2. Agricultural reviews granted for the specific plan approvals shall remain valid indefinitely, unless otherwise provided herein.
- 3. The validity of an agricultural review shall terminate upon non-compliance with any of the provisions contained under Sections 54-349(a)(1) through 54-349(a)(3) of the Code, or if there is evidence that the land is being prepared for anticipation of development. Such evidence includes submittal of an application for a building permit for a non-agricultural use, a special exception, a rezone, a site and development plan, or a preliminary plan within six months following the date of an agricultural review approval from Sarasota County. Earthmoving activities that invalidate a previous agricultural review approval would require an earthmoving permit, an after-the-fact earthmoving permit, or construction plan approval.

**NON-AGRICULTURAL EXEMPTION FOR EARTHMOVING ACTIVITIES****Sarasota County Code, Chapter 54, Art. XII, Earthmoving, Requirements**

Section 54-349(b) Non-agricultural Exemptions from Excavation, Fill, Stockpile, or Removal (Haul) Requirements. The following are exempt from the requirements of this Code provided that all applicable Federal, State and local permits and/or authorizations have been obtained. For exemptions specified under Subsections 3, 12, 13, 14, 15, and 18 herein, the Ordinance Administrator may request information from the applicant, including evidence of prior approval by the appropriate agency(s), to confirm that no impact(s) will occur to off-site drainage, protected native habitats, historic resources, the 100-year floodplain, or listed species. Any non-compliance with the following criteria would require the earthmoving activity to be authorized under an Earthmoving Permit, an After-the-fact Earthmoving Permit or construction plan approval:

1. The installation and maintenance of public and private utilities, specifically potable and non-potable water distribution and storage, sanitary sewer and wastewater reuse storage and transmission facilities, gas, telephone, cable television, electrical systems, and associated appurtenances and provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Code;
2. Filling and lot grading for the purpose of constructing foundations to support any building or structure, provided that a building permit has been issued by the County and that the extent of lot grading is consistent with the County's requirements. On-site excavations for the purposes of creating foundations or lot grading are not exempt, unless approved as part of a construction plan approval;
3. Lawful drainage systems, including routine maintenance and culvert installations, provided that excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Code;
4. Temporary excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves, or septic tanks;
5. Excavation of swimming pools and lined landscape ponds, provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Code;
6. Excavating, stockpiling, filling (as applied to road and drainage construction) and earthmoving in conjunction with the development of land, including the platting of a subdivision, when excavated materials are not removed from the boundaries of the development and land clearing debris is not buried or mounded on site, and the site has received construction plan approval or a plan for revised topography that has been approved by the Board or the Director of the Transportation Department as applicable;
7. Governmental agencies in performance of their normal official duties, provided that advance written notification, including a copy of the plans, are given to the Ordinance Administrator for those projects that are not governed by the County's Land Development Regulations. The purpose of this review is to ensure that government projects are consistent with the policies and principles of Apoxsee;
8. The removal of up to 100,000 cubic yards of Type A fill, or up to 50,000 cubic yards of Type B or C fill from a construction site and hauled to another construction site(s), provided that the generating and receiving sites have received construction plan approval or an earthmoving permit, and provided further that advanced notification is given in writing to the Ordinance Administrator;
9. Earthmoving consistent with the routine maintenance (e.g., sediment removal, side slope repairs) to existing permitted or authorized ponds, ditches, and canals, provided that any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Code;
10. Earthmoving associated with the emergency repair or restoration in order to protect an existing structure or private infrastructure from further damage (e.g., erosion control or temporary swales), provided original elevations are restored following passage of emergency or a permit is obtained to retain the fill or excavation;

11. Restoration of property to original elevations with Type A fill following removal of buried debris;
12. Landscaping and gardening projects with Type A fill, including soil amendments, mulching, and fencing, provided that no filling occurs within State or County easements or rights-of-way, or private drainage and utility
13. Routine maintenance of driveways, private roadways, sidewalks, bikeways and pathways, including minor changes in topography;
14. The construction of driveways, including minor changes in topography.
15. Routine maintenance of driveways, private roadways, sidewalks, bikeways and pathways, including minor changes in topography;
16. Construction or routine maintenance of shoreline stabilization features provided that any other required permit has been obtained, including a permit from the Water and Navigation Control Authority (WNCA);
17. Hauling spoils from a permitted dredging project to a County landfill or a County approved construction site, provided that advance notification is given to the Director of the Transportation Department and the Ordinance Administrator;
18. Filling with, stockpiling, or excavating less than 100 cubic yards of Type A fill on a property less than five (5) acres and up to 500 cubic yards of Type A fill on a property five (5) acres or larger, provided no filling, stockpiling or excavating occurs within public easements or rights-of-way, and other lawful drainage systems and utility facilities. For parcels five (5) acres or larger, written documentation shall be provided to the Ordinance Administrator demonstrating consistency with the above referenced criteria and Section 6.1. and showing no filling or excavating would occur within fifty (50) feet of property boundaries. The setback may be reduced if the affected abutting property owner(s) sign an Affidavit of no Objection;
19. Hauling of excess fill from governmental construction projects including roadway and stormwater improvement projects provided that any stockpiling or filling of privately owned lands occurs in accordance with the provisions of this Ordinance.

Upon providing documentation that all applicable Federal, State and local permits and/or authorizations have been obtained, for exemptions requested under Sub-sections 3,12,13,14, 15 and 18, the owner needs to provide in addition to a site plan of the proposed earthmoving, any other applicable information demonstrating that the Exemption Criteria have been met, as required under Section 54-349(b) of the Sarasota County Code.

**For additional information contact Resource Protection**  
1301 Cattlemen Rd., Bldg. D, Sarasota, FL 34232  
(941) 861-6113 – Fax (941) 861-6479