

Earthmoving Exemptions within the MRPZ

The following activities are exempt within the MRPZ and outside of the 50-foot River Area Buffer

Sec. 54-349. Exemptions. (3)(a-g)(i-l)(n-s)

(3) *Nonagricultural exemptions from excavation, fill, stockpile, or removal (haul) requirements.* The following are exempt from the requirements of this article provided that all applicable Federal, State and local permits and/or authorizations have been obtained. For exemptions specified under subsections (3)(c), (l), (m), (n), (o), and (r) of this section, the Administrator may request information from the Applicant, including evidence to confirm that no impact(s) will occur to off-site drainage, Protected Native Habitats, historic resources, the 100-year floodplain, or listed species. If the Administrator does not receive such evidence to his or her satisfaction, the Applicant may seek authorization under an Earthmoving Permit or an After-the-Fact Earthmoving Permit:

- (a) The installation and maintenance of public and private utilities, specifically potable and nonpotable water distribution and storage, sanitary sewer and wastewater reuse storage and transmission facilities, gas, telephone, cable television, electrical systems, and associated appurtenances, provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article;
- (b) 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;
- (c) 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 article;
- (d) Temporary Excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves, or septic tanks;
- (e) 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 article;
- (f) Earthmoving as applied to road and drainage construction and 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 Administrator as applicable;
- (g) Governmental agencies in performance of their normal official duties, provided that advance written notification, including a copy of the plans, is given to the 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 the Comprehensive Plan;
- (i) 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 article;
- (j) Earthmoving associated with 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 the emergency or a permit is obtained to retain the Fill or Excavation;
- (k) Restoration of property to original elevations with Type A Fill following removal of Buried debris;
- (l) 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 facilities;

- (n) The construction of driveways, including minor changes in topography; with Type A Fill or recycled Type B Fill;
- (o) Routine maintenance of driveways, private roadways, sidewalks, bikeways and pathways, including minor changes in topography; with Type A Fill or recycled Type B Fill;
- (p) 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) (Chapter 54, Article XX, of the Sarasota County Code);
- (q) 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 County's Traffic Operations office and the Administrator;
- (r) Earthmoving, that does not otherwise qualify for an exemption pursuant to this section, less than 100 cubic yards of Type A Fill on a property less than five acres, provided no Earthmoving occurs within public easements or rights-of-way, and other lawful drainage systems and utility facilities. For parcels five acres or larger, an exemption determination review fee and a site plan consisting of information listed in Appendix I shall be provided to the Administrator demonstrating consistency with the above-referenced criteria and this subsection (b) and showing that no excavating would occur within 50 feet of property boundaries. The setback may be reduced if the affected Neighboring Property owner(s) signs an affidavit of no objection;
- (s) 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 article.