

Sec. 703. Fill.

703.1 Permit required.

A. A development permit shall be required for any fill that is more than five cubic yards, or for any cumulative fills that, cumulatively, total more than five cubic yards. Prior to the issuance of such permit, a plan shall be submitted for review and approval in accordance with section 306 of the land development code. Such plan shall show the following:

1. Legal description and boundaries of the property, or a parcel ID, or address.
2. Location of all trees of four inches diameter breast height or larger within the proposed fill area.
3. Sketch or drawing showing the location of proposed fill and location and depth of any drainage improvements (pond, pipe, swale, etc.).
4. Flow arrows showing direction of existing drainage flow.
5. Proposed fill volume.
6. All plans shall be scale drawings or accurately dimensioned.

B. No development permit is required for any fill of less than five cubic yards provided that cumulative fills do not exceed five cubic yards.

C. Prior to the issuance of any development permit for a fill, the county shall examine the plan for such fill and shall determine whether the proposed fill will be compatible with the surrounding area and ultimate county drainage plan or existing patterns. In addition to meeting the requirements for all plans as set out above, if required by the county, or if a permit is sought after placement of fill for which a permit was required (known as an "after-the-fact permit"), plans shall:

1. Show existing and proposed grades, including proposed fill volume;
2. Show existing and proposed drainage improvements and their depth (pond, pipe, swale, etc.);
3. Show existing and proposed topography, including surface water areas and existing and proposed direction of drainage flow;
4. Be scale drawings; and/or
5. Bear the seal and signature of an engineer registered and licensed by the state and shall show a positive outfall of overflow into the county drainage system.

The plan, once approved, shall become a condition upon which the fill is permitted, and any change or addition shall constitute a violation of this ordinance unless such change or addition is examined by the county, according to the same criteria required for original issuance of the permit, and approved in writing.

703.2 Violations and penalties.

A. Any person, firm, corporation, or partnership that violates any provision of this ordinance shall be punished by a fine of not more than \$500.00, or 60 days in jail, or both. Enforcement of this ordinance shall be through the issuance of a citation in accordance with section 1-6 and 1-11 of the County Code of Ordinances.

B. The owner, tenant, or occupant of any land or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and be subject to the penalties and remedies provided for in this ordinance and/or by the land development code.

C. In addition to enforcement of this ordinance through issuance of a citation pursuant to sections 1-6 and 1-11 of the County Code of Ordinances, the county may bring suit to restrain, enjoin, or otherwise prevent violation of this section in any court of competent jurisdiction, or to recover costs incurred by the county in whole or in part because of violation of this division.

D. Failure to obtain a permit required by this section is a violation that is continuous with respect to time, and each day the violation continues is hereby declared to be a separate offense.

703.3 Exemptions. The following activity is exempt from the permit requirements of this section:

A. Filling incidental to agricultural operations on a parcel of land that is classified by the county property appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461. Fills that are not incidental to agricultural operations require a permit under section 703 under the same conditions as any other permit, even if proposed on a parcel that is classified by the county property appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461. Failure to obtain such a permit when required by this section is a violation of this Code.

B. Fills of any size on parcels that are five acres or larger.

C. Fills of any size within a structure, for which a building permit has been issued, that is used to house horses.

703.4 Appeals. The denial of a development permit under section 703 may be appealed to the development review committee in the same manner as "appeals of county staff determinations for class I and IIIR development," which is described in section 317.5 of the land development code. A final order of the development review committee regarding the denial of a development permit under section 703 may be appealed to the board of county commissioners in accordance with the provisions of chapter 317 of the land development code.

703.5 Cost of permit. The application fee for a permit pursuant to this ordinance shall be no more than \$20.00. The application fee for a permit sought after the placement of fill for which a permit was required by this section (known as an "after-the-fact permit") shall be no more than and \$100.00. These fees may be amended by resolution.