

3.05.08 - Requirement for Removal of Prohibited Exotic Vegetation

Prohibited exotic vegetation specifically includes the following:

Earleaf acacia (*Acacia auriculiformis*)

Australian pine (*Casuarina* spp.)

Melaleuca (*Melaleuca* spp.)

Catclaw mimose (*Minosa pigra*)

Downy rosemyrtle (*Rhodomyrtus tomentosa*)

Brazilian pepper (*Schinus terebinthifolius*)

Java plum (*Syzygium cumini*)

Women's tongue (*Albizia lebeck*)

Climbing fern (*Lygodium* spp.)

Air potato (*Dioscorea bulbifera*)

Lather leaf (*Colubrina asiatica*)

Carrotwood (*Cupaniopsis anacardioides*)

A. General.

1. **Prohibited exotic vegetation** removal and methods of removal shall be conducted in accordance with the specific provisions of each local **development order**.
2. **Native vegetation** shall be protected during the process of removing **prohibited exotic vegetation**, in accord with the provisions of LDC section 3.05.04.
3. **Prohibited exotic vegetation** shall be removed from the following locations, and within the following timeframes:
 - a. From all **rights-of-way**, common area tracts not proposed for **development**, and **easements** prior to preliminary acceptance of each phase of the required **subdivision** improvements.
 - b. From each phase of a site **development plan** prior to the issuance of the certificate of occupancy for that phase.
 - c. From all golf course fairways, roughs, and **adjacent open space**/natural preserve areas prior to the issuance of a certificate of occupancy for the first permitted **structure** associated with the golf course facility.

- d. From property proposing any enlargement of existing interior floor space, paved parking area, or substantial site improvement prior to the issuance of a certificate of occupancy.
 4. In the case of the discontinuance of use or occupation of land or water or **structure** for a period of 90 consecutive days or more, property owners shall, prior to subsequent use of such land or water or **structure**, conform to the regulations specified by this section.
 5. Verification of **prohibited exotic vegetation** removal shall be performed by the County Manager or designee.
 6. Herbicides utilized in the removal of **prohibited exotic vegetation** shall have been approved by the U.S. Environmental Protection Agency. Any person who supervises up to eight (8) people in the application of pesticides and herbicides in the chemical maintenance of exotic vegetation in preserves, required retained native vegetation areas, wetlands, or LSPA shall maintain the Florida Dept. of Agriculture and Consumer Services certifications for Natural Areas Pesticide Applicators or Aquatic Herbicide Applicators dependent upon the specific area to be treated. When **prohibited exotic vegetation** is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied.
- B. **Exotic vegetation** maintenance plan. A maintenance plan shall be submitted to the County Manager or designee for review on sites which require **prohibited exotic vegetation** removal prior to the issuance of the local **development order**. This maintenance plan shall describe specific techniques to prevent reinvasion by **prohibited exotic vegetation** of the site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a minimum. Issuance of the local **development order** shall be contingent upon approval of the maintenance plan. Noncompliance with this plan shall constitute violation of this section. The County Manager or designee shall inspect sites periodically after issuance of the certificate of occupancy, or other final acceptance, for compliance with this section.
- C. Applicability to new **structures** and to additions on **single-family** and two-family **lots**. In addition to the other requirements of this section, the **applicant** shall be required to remove all **prohibited exotic vegetation** before a certificate of occupancy is granted on any new principal or **accessory structure** and any additions to the square footage of the principal or **accessory structures** on **single-family** or two-family **lots**. This shall not apply to tents, awnings, cabanas, utility storage sheds, or screened enclosures not having a roof impervious to weather. This shall not apply to interior remodeling of any existing structure.
- The removal of prohibited exotic vegetation shall be required in perpetuity. Upon issuance of a vegetation removal permit, subject to the provisions in LDC section 3.05.02 F. and G., prohibited exotic vegetation may be removed prior to issuance of a building permit.

D. Exceptions. **Prohibited exotic vegetation** may remain on property when the County Manager or designee receives a request from the property owner to retain the vegetation. The County Manager or designee shall approve such a request upon finding that at least one of the following criteria has been met.

1. The **prohibited exotic vegetation** has been previously approved through the County development review process and planted in accordance with the landscape requirements at the time of **final local development order** approval.
2. The subject **lot** is developed with, or proposed to be developed with, a single family dwelling unit, and:
 - a. is not within the RFMU Sending Lands overlay district; and
 - b. is not within a NRPA overlay district; and
 - c. is not located on a undeveloped coastal barrier island; and
 - d. the vegetation requested to be retained is an existing Java plum tree(s) that has attained a single-trunk **diameter at breast height (DBH)** of 18 inches or more.
3. The **prohibited exotic vegetation** contains a nest of a bald eagle. Where such vegetation occurs within a bald eagle nest protection zone, removal shall be in accordance with the FWC Bald Eagle Management Plan and FWC Bald Eagle Management Guidelines, or as otherwise permitted by the FWC and/or USFWS. Where a bald eagle nest is determined to be "lost" as defined by the FWC, such vegetation shall be removed as required by LDC section 3.05.08.

(Ord. No. 05-27, § 3.N; Ord. No. 08-63, § 3.I; Ord. No. 15-44, § 3.D)