

CHAPTER VI RESOURCE PROTECTION STANDARDS

6.00.00 VEGETATION PROTECTION AND PRESERVATION

6.00.01 INTENT

It is the intent of the Board of County Commissioners to provide for the health, safety, and welfare of the residents of and visitors to St. Lucie County by establishing an administrative review process which encourages preservation of native habitat, and long-term sustainability of our urban forest in accordance with the St. Lucie County Comprehensive Plan and beneficial land and forest management practices by minimizing the unnecessary removal of valuable existing vegetation in advance of approved land development within the unincorporated area of St. Lucie County. Healthy vegetation reduces air and noise pollution, provides for the production of oxygen and sequestering of carbon dioxide, provides energy-saving shade and cooling, furnishes habitat for wildlife, enhances aesthetics and property values, and is an important contributor to community image, pride, and quality of life. In addition, it is the intent of the Board to prevent such destructive land development practices as speculative vegetation removal and clear cutting of land without a site plan or vegetation management and mitigation plan.

6.00.02 RELATIONSHIP TO OTHER SECTIONS OF THIS CODE

- A. The provisions of the following Sections shall supersede the provisions of this Section to the extent of conflict.
1. Mangrove Protection, Section 6.01.00;
 2. Environmentally Sensitive Lands, Section 6.02.00.
 3. Wetland Protection 6.02.03
 4. Coastal Area Protection 6.02.01
 5. Shoreline Protection 6.02.02
 6. Habitat of Endangered and Threatened Species 6.03.00

6.00.03 NOTICE OF VEGETATION REMOVAL REQUIRED

- A. No person shall conduct any vegetation removal activities from or on any lot or parcel of land or portion thereof in the unincorporated area of St. Lucie County without first obtaining a Notice of Vegetation Removal from the Public Works Director, or his designee, or his designee. The Notice of Vegetation Removal application shall be completed in conformance with Section 11.05.06 of this code. Protected vegetation shall be defined as native vegetation. Types of Notice of Vegetation Removal approval include:
1. Exemptions. A number of specific activities have been determined to have minimal adverse impact and are listed in 6.00.04.
 2. Vegetation Removal Permit. A Vegetation Removal Permit shall be issued if all the criteria set forth in 6.00.05 has been met.
- B. Unless otherwise provided in this Code, all public entities, including all departments of St. Lucie County government, shall be subject to the requirements of this Section. Public entities, however, shall not be subject to:
1. The application fees under Section 11.12.00 of this Code; or
 2. The penalties under by Section 11.13.03 of this Code.

- C. The provisions of this Section may be suspended or waived by the Public Works Director, or his designee during a period of emergency officially declared by the Board of County Commissioners.
- D. The following activities shall require no official notification to the Public Works Director, or his designee:
 - 1. Preserve and Parks Management Activities. Vegetation removal activities associated with an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves. The purpose of the vegetation removal activity shall be to protect and preserve the natural values and functions of the ecological communities present, such as, clearing for firebreaks, conducting prescribed burns, or construction of fences.
 - 2. Existing Agricultural Operations. Vegetation removal, except within required preserve areas or deeded conservation easements, which are part of the on-going activities of the existing agricultural operation, shall not require a permit. Initial clearing of native vegetation on a site shall be preceded by a letter to the Environmental Resources Division. Bona fide agricultural activities include commercial nursery, citrus groves, tree farm, aquaculture, row crops, ranch, or similar operation. When removal of protected vegetation, has been performed under this exemption no development order shall be approved for any other use or improvement, including subdividing, on the same land within three (3) years from the date of the last agricultural classification granted for that land by the St. Lucie County Property Appraiser per Section 193.461 Florida Statutes.
 - 3. Routine Landscape Maintenance. Trimming or pruning of vegetation which is not intended to result in the eventual death of the vegetation, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance, replacement or re-landscaping which does not result in the eventual death of any vegetation, does not require the approval of a Notice of Vegetation Removal.

6.00.04 EXEMPTIONS

Any person who intends to remove or cause the death of any vegetation pursuant to any of the following exemptions must first obtain a Notice of Vegetation Removal from the Public Works Director, or his designee or his designee. The burden of proving entitlement to any particular exemption shall lie, at all times, with the person or persons claiming the exemption.

- A. The removal of any native vegetation as necessary for the following activities:
 - 1. The minimal removal of native vegetation necessary for a path not to exceed four (4) feet in width to provide physical access or view necessary to conduct a survey or site examination for the preparation of bona fide site development plans or vegetation inventories; or
 - 2. The minimal removal of native vegetation necessary for a path not to exceed ten (10) feet in width to provide vehicular access necessary to conduct soil percolation or soil bore tests, provided such clearing or removal is conducted under the direction of Florida registered surveyor or engineer.
- B. The removal of any native vegetation in an existing utility easement, drainage easement, storm water management tract or facility, or right-of-way provided such work is done by or under the control of the operating unit of local, state, or federal government, utility company and that unit of local, state, or federal government or utility company has obtained all necessary licenses or permits to provide service through the easement.

- C. The removal of native vegetation which has been determined to be a safety hazard, -destroyed or damaged beyond saving by natural causes or causes not covered by other sections of this chapter, is infected with disease or is infested with insects, or which constitutes immediate peril to life property or other trees, and where pruning or trimming of the vegetation is not able to alleviate the hazard.
- D. The removal of native vegetation, upon any detached single family residential lot or parcel of land having an area of one (1) acre or less. This exemption is, however, subject to the following conditions:
 - 1. Nothing in this exemption shall exempt any person from the landscaping requirements set forth in Section 7.09.00 of this Code;
 - 2. This exemption shall not be construed to allow the removal or alteration of any protected vegetation without a Vegetation Removal Permit on any exempted lot or parcel of land by its subdivider unless the subdivider intends in good faith to construct a residential unit or units upon the lot or parcel of land prior to its sale. Advertisement or listing the lot or parcel of land for sale without a residential unit shall create a presumption that the subdivider does not intend to construct such a unit and that the intent is for a subsequent purchaser to develop the lot or parcel.
 - 3. No native vegetation twenty-four inches (24"), or greater, dbh shall be removed from any residential parcel (including those in the AG-5, AG-2.5, AG-1, AR-1, RE-1, and R/C zoning districts), regardless of parcel size, without an approved Vegetation Removal Permit and an approved mitigation plan. The Public Works Director, or his designee may reduce the requirements for mitigation on individual residential lots ½ acre or less where a protected tree 24" dbh or greater must be removed in order to provide for the reasonable use of the property.
- E. The removal or alteration of any non-native vegetation.

6.00.05 CRITERIA GOVERNING APPROVAL OF VEGETATION REMOVAL PERMIT

A. REMOVAL OF NATIVE VEGETATION

The Public Works Director, or his designee, or his designee, shall issue a Vegetation Removal Permit only if a completed application has been submitted to the Public Works Director, or his designee, and is accompanied by sufficient evidence demonstrating that at least one of the following criteria has been satisfied:

- 1. The applicant for a final development order shall demonstrate that the removal of the native vegetation is the minimum necessary in order to implement a Final Development Order and that reasonable efforts have been made to microsite impervious surfaces to protect native vegetation or provide details supporting why preservation of the existing native vegetation is not practically feasible and prevents the reasonable development of the site. The Public Works Director, or his designee shall determine the appropriateness of any such claim. The applicant shall provide the Public Works Director, or his designee, or his designee, a survey of the property outlining the areas of proposed vegetation removal including the location of all vegetation as outlined in Section 11.05.06.
- 2. A Final Development Order has not been issued, or is not required by this Code. The applicant for the vegetation removal permit shall demonstrate that the removal of the native vegetation is the minimum necessary in order to allow for the construction of the

intended use or improvement of the property and that reasonable efforts have been made to microsite impervious surfaces to protect native vegetation or provide details supporting why preservation of the existing native vegetation is not practically feasible and prevents the reasonable development of the site. The Public Works Director, or his designee shall determine the appropriateness of any such claim. The applicant shall provide the Public Works Director, or his designee, or his designee, a survey of the property outlining the areas of proposed vegetation removal including the location of all vegetation as outlined in Section 11.05.06.

B. LIMITING REMOVAL OF NATIVE VEGETATION

Prior to the removal of any native vegetation, the removal plan must demonstrate that effective efforts have been made to micro-site impervious surfaces to avoid or minimize impacts to such vegetation.

The extent of approval to remove any native vegetation shall be limited by the Public Works Director, or his designee to the minimum necessary to accomplish the purpose of the removal. This may include limiting the extent of approval to portions of a lot or parcel of land or specifying special conditions by which removal shall take place. Such limitation shall be clearly indicated in writing on or attached to the Vegetation Removal Permit. If vegetation removal is limited to a portion of a lot or parcel of land, the extent of such limitation shall be clearly delineated on the face of any site development plans. The application for Vegetation Removal Permit shall demonstrate consistency with the requirements of Section 7.09.03(E) (7).

C. VEGETATION PROTECTION STANDARDS DURING THE DURATION OF AN APPROVED NOTICE OF VEGETATION REMOVAL

The following minimum standards for vegetation protection shall be applied to any area of vegetation designated to be preserved under the terms of an approved Notice of Vegetation Removal:

1. A conspicuous, suitable protective barrier, constructed of metal, wood, safety fencing or other durable material, shall be placed and maintained around the perimeter of the protected area to form a continuous unbroken boundary, around individual protected trees, or groups of protected vegetation, or other protected areas, as follows:
 - a. At a minimum distance of twenty-five (25) feet from all jurisdictional wetlands; or
 - b. At a minimum distance of ten (10) feet from all required shoreline buffer zones as required in Sections 6.02.01 and 6.02.02.
 - c. At a minimum distance of either ten (10) feet from the edge of groups or areas of protected vegetation or from the radius of the dripline from all protected trees, whichever is greater; or
 - d. As otherwise provided in special conditions attached to a Notice of Vegetation Removal.
 - e. Special care shall be taken that preservation areas are properly marked and highly visible so that equipment operators can see the limits of permitted removal activity.
3. Protective barriers or protective designations shall remain in place until removal is authorized by the Public Works Director, or his designee, or until issuance of a certificate of occupancy or other use authorization as may be granted by the Public Works Director, or his designee.

In the event that any protective barriers are removed or altered and clearing activities are conducted within an area identified for preserve under the issued Vegetation Removal Permit, the Public Works Director, or his designee is authorized to direct that all land clearing and site alteration work at the site be stopped until the barriers are restored and any necessary corrective actions taken to repair or replant any vegetation removed or damaged as a result of these encroachments.

4. The entire vegetation preservation area shall be maintained in its natural state so as not to alter the water and oxygen content of the soil and impair its natural function.
5. No grade changes or excavation of any sort may be made within the vegetation preservation area that require trenching or cutting of roots, except in compliance with the terms of special conditions in an approved Vegetation Removal Permit. If underground utilities must be routed through a protected root zone area, tunneling under the roots shall be required. Irrigation shall be installed outside of the dripline of all protected trees.

These modifications shall be based upon the suggested standards in the latest edition of the "Tree Protection Manual for Builders and Developers" published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, or a similarly recognized reference manual.

6. No soil shall be removed from within a vegetation preservation area.
7. No fill material, construction material, concrete, paint, chemicals, or other foreign materials shall be stored, deposited or disposed of within a vegetation preservation area.
8. No signs, permits, wires, or other attachments, other than those of protective and non-damaging nature, shall be affixed or attached to protected vegetation.
9. If landscaping is to be installed within a vegetation preservation area after removal of protective barriers or designations, installation shall be accomplished using hand labor, unless use of light machinery is proven to be necessary and methodology is approved by the Public Works Director, or his designee.
10. Any equipment, including passenger vehicles, shall not be driven, parked, or stored or repaired within designated vegetation preservation areas.
11. Vegetation destroyed or damaged as part of the development of a site or parcel, shall be replaced by vegetation of equal environmental value as specified by the Public Works Director, or his designee, in consultation with the Community Development Director, before any occupancy or final use permit authorizations are issued.
12. The authorized removal of any non-protected vegetation in the vegetation preservation area shall be accomplished using hand labor, unless use of light machinery is proven to be necessary and methodology is approved by the Public Works Director, or his designee. Only the above ground portions of the non-protected vegetation may be removed and the stump shall be properly treated with an approved herbicide; the root systems of the protected vegetation must remain undisturbed.
13. If any roots of protected vegetation is exposed or damaged, the applicant shall immediately correct the situation by covering the roots with a high quality of soil to match the existing grades, pruning any splintered roots and providing water until the vegetation has recovered.

14. The applicant shall provide the Public Works Director, or his designee, a written plan to control erosion which may be expected to occur as a result of the proposed removal of protected vegetation. The erosion control plan must be approved by the Public Works Director, or his designee, prior to the commencement of any removal of protected vegetation. All provisions of the plan shall be incorporated as express conditions of any Notice of Vegetation Removal issued under this paragraph.

D. MITIGATION

When native vegetation meeting the mitigation size thresholds in Table 1 below has been approved for removal based on meeting one or more of the above standards, the Vegetation Removal Permit shall only be issued after an acceptable mitigation plan has been reviewed and approved by the Public Works Director, or his designee. Prior to the issuance of any zoning compliance, certificate of capacity or other recognized authorization for the commencement of the permitted development activity, the replacement vegetation shall be preserved, relocated, or planted, or the appropriate mitigation fees shall be paid to the County. Only native vegetation shall be allowed to meet any required mitigation. The replacement vegetation shall be the same species as that which was removed, unless proven to be impractical, in which case, an alternative native species, approved by the Public Works Director, or his designee, shall be used. The quality and size of the replacement trees shall meet the minimum landscape requirements set forth in Section 7.09.03(E);

1. MITIGATION SIZES

Mitigation shall be required for the loss of any healthy, native vegetation with the minimum sizes as outlined in Table 1 below.

Vegetation shall be measured as “DBH”, or diameter at breast height, which refers to trunk diameter at four and one-half feet above grade; or “C.T.”, or clear trunk, which refers to the measurement of palm trees from grade to the base of the living fronds, or base of the head of palm trees. The three multiple trunk species below, Seagrape, Pigeon Plum, and Wax Myrtle, shall qualify for mitigation when one of their trunks meets the minimum size threshold listed below.

TABLE 1

COMMON NAME	SPECIES NAME	MITIGATION SIZE
BALD CYPRESS	Taxodium distichum	12"
LAUREL OAK	Quercus laurifolia	12"
LIVE OAK	Quercus virginiana	12"
SLASH PINE	Pinus elliotii var. densa	12"
SOUTHERN MAGNOLIA	Magnolia grandiflora	12"
STRANGLER FIG	Ficus aurea	12"
SWAMP TUPELO	Nyssa sylvatica var. biflora	12"
WATER HICKORY	Carya aquatica	12"
BLOLLY	Guapira discolor	9"
CHERRY LAUREL	Prunus caroliniana	9"
DAHOON HOLLY	Ilex cassine	9"
FALSE MASTIC	Sideroxylon foetidissimum	9"
FLORIDA ELM	Ulmus americana	9"
GUMBO LIMBO	Bursera simaruba	9"
POP ASH	Fraxinus caroliniana	9"
RED BAY	Persea borbonia	9"
RED CEDAR	Juniperus silicicola	9"
RED MAPLE	Acer rubrum	9"

RED MULBERRY	Morus rubra	9"
SAND PINE	Pinus clausa	9"
SCRUB HICKORY	Carya floridana	9"
SEAGRAPE	Coccoloba uvifera	when a single trunk measures 9"
SWEET BAY	Magnolia virginiana	9"
WAX MYRTLE	Myrica cerifera	when a single trunk measures 9"
BUTTONWOOD	Conocarpus erectus	6"
CHAPMAN OAK	Quercus chapmanii	6"
CORALBEAN	Erythrina herbacea	6"
GRAYTWIG	Schoepfia chrysophylloides	6"
HERCULES-CLUB	Zanthoxylum clava-herculis	6"
INKWOOD	Exothea paniculata	6"
IRONWOOD	Krugiodendron ferreum	6"
LANCEWOOD	Ocotea coriacea	6"
LOBLOLLY BAY	Gordonia lasianthus	6"
MYRSINE	Rapanea punctata	6"
MYRTLE OAK	Quercus myrtifolia	6"
PARADISE TREE	Simarouba glauca	6"
PIGEON PLUM	Coccoloba diversifolia	when a single trunk measures 6"
POISONWOOD	Metopium toxiferum	6"
SAND LIVE OAK	Quercus geminata	6"
SATINLEAF	Chrysophyllum oliviforme	6"
SCRUB OAK	Quercus inopina	6"
SIMPSON'S STOPPER	Myrcianthes fragrans	6"
SPANISH STOPPER	Eugenia foetida	6"
TORCHWOOD	Amyris elemifera	6"
WHITE STOPPER	Eugenia axillaris	6"
WILD LIME	Zanthoxylum fagara	6"
WINGED SUMAC	Rhus copallina	6"
CABBAGE PALM	Sabal palmetto	10' c.t.

2. MITIGATION RATIOS

a. Calculating Required Mitigation

1. Where mitigation is required to compensate for the loss of native vegetation, meeting the minimum size thresholds outlined in Table 1, the replacement vegetation shall be calculated at a ratio of two inches D.B.H. replacement per one inch D.B.H. removed (2:1). *{For example, removal of a 12" Slash Pine results is 24" required mitigation}*
2. Palm tree mitigation shall be calculated at a ratio of one palm tree preserved/relocated/planted per one palm tree removed (1:1). Palm trees shall not be counted towards mitigation of non-palm species. *{For example, removal of one Cabbage Palm with a clear trunk measuring ten foot or greater results in required mitigation of one Cabbage Palm with a clear trunk measuring ten feet or greater.}*

b. Calculating Mitigation Credit

TABLE 2. a.

Methods Of Mitigation/ Credit Ratios		
On-site preservation	On or off site relocation of	On or off site planting

	existing trees or vegetation	
1:2	1:1.5	1:1

{For example, if a 6" Slash Pine is preserved on site, 12" of credit is granted; if a 6" Slash Pine is relocated, 9" of credit is granted; and if a 6" Slash Pine is planted on site, 6" of credit is granted.}

Table 2. b.

Methods Of Mitigation/ Credit Ratios for Native Palms		
On-site preservation	On or off site relocation of existing trees or vegetation	On or Off-site planting
1:1	1:1	1: .5 (one half credit)

{For example, if a 10' Cabbage Palm is preserved on site a credit of one palm tree is granted; if a 10' Cabbage Palm is relocated on or off site, a credit of one palm tree is granted; and if a 10' Cabbage Palm is planted on site, a credit of ½ of a palm tree is granted.}

3. MITIGATION COMPLIANCE METHODS

a. Diameter based mitigation methods shall be considered as follows:

1. All native vegetation shall be protected on site to the greatest extent possible. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, to be impractical, then;

2. All native vegetation, that occurs in areas to be impacted by a proposed development activity requiring the removal of the vegetation, shall be relocated elsewhere on or off site, to the greatest extent possible. Vegetation relocated off-site shall be relocated to a publicly owned property within St. Lucie County, to a location approved by the County. A plan, outlining proposed transplant and maintenance methods, shall be approved by the Public Works Director pursuant to this option being permitted. In order to be credited towards mitigation for a site, the applicant must be responsible for all of the costs responsibilities of the relocation operation. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, to be impractical, then;

3. The amount of mitigation shall be planted on the development site using the following credit ratios.

Table 3

DBH of <i>planted</i> native tree	Ratio of credits granted towards required mitigation
10.5" – 10.5 plus"	1:2
5" – 10"	1:1.5
2.5" – 4.5"	1:1

{For example, if a 12" tree is planted, then 24 inches of credit are granted.}

The replanting design shall allow for adequate root and crown development. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, the development site does not have the capacity to hold all of the

required mitigation, then;

4. Contribute \$200 per inch D.B.H. of remaining required mitigation to the County to be used at the County's discretion for either the acquisition and maintenance of publicly owned environmentally unique lands, or to be used for relocating or replanting native trees on public lands.

b. Alternative Mitigation Compliance Methods. A complete Environmental Assessment shall be required for the following mitigation methods, therefore a tree survey shall not be required unless specifically requested by the Public Works Director, or his designee.

1. If a site is consistent with the following minimum standards, twenty-five percent (25%) of the existing native upland habitat can be preserved on site to take the place of all tree mitigation requirements.

a. The habitat preservation area shall not measure less than 15% of a total site, unless it is proven to the satisfaction to the Public Works Director, or his designee, that 15% of the total site would prevent reasonable development of the site, then the preserve area may measure less than 15% of the site, but shall measure no less than 50 acres;

b. The habitat preservation area shall be interconnected with adjacent habitat preserve areas in neighboring parcels where applicable, to facilitate appropriate management and to maximize natural resources values;

c. Habitat preservation areas shall minimize edge to interior ratio, and shall have no minimum dimension less than 100 feet, and shall not exceed a length to width ratio of 3:1 unless exceeding this ratio allows for superior connections with adjacent parcels or other environmental benefits.

d. The habitat preservation area shall be platted in its entirety as separate tract or tracts.

e. The habitat preservation area must be covered by a Conservation Easement dedicated to, or made in favor of, the County.

f. The habitat preserve area shall have "Preserve Area Management and Monitoring Plan" approved by the County in order to ensure the continued, adequate, and appropriate management of the site and the continued protection of the site from adverse impacts. The Preserve Area Management Plan shall be recorded *in the public records of the County and shall at a minimum* identify the area covered by the plan, its ownership, and assignment of management and maintenance responsibility.

g. If the preserve area is identified in either the St. Lucie County Native Habitat Inventory or the St. Lucie County Greenway's and Trails Master Plan, then all or portions of the above outlined guidelines may be waived with the approval of the County Commission.

h. If the area proposed for preservation does not qualify as high quality native habitat, a restoration plan may be submitted including 100% exotic

removal, a planting plan incorporating canopy, sub-canopy, and ground cover species. Ninety percent survival rate will be required of the plant materials and shall be guaranteed as part of the "Preserve Area Management and Monitoring Plan"

2. Purchase the required amount of remaining mitigation, using the credit ratio outlined in Table 3, and facilitate the installation, by a qualified professional, on an approved publicly managed site, including Environmentally Significant Land properties, parks, road right-of-ways, or other public facility, or delivery to the St. Lucie County nursery program; or
 3. The purchase of land off the subject parcel, elsewhere in St. Lucie County on a property identified in either the St. Lucie County Native Habitat Inventory or the St. Lucie County Greenway's and Trails Master Plan, to be given to St. Lucie County for ownership and management. The off-site land shall be similar in ecological value based on habitat existing on site as well as the land value of the subject parcel.
 4. A property owner may propose to establish or acquire credits in an off-site mitigation bank located in St. Lucie County. A report, including the location of the property, an environmental assessment of the property, a tree survey (if applicable), a restoration plan (if applicable), and a management plan shall be submitted for this option to be considered. The mitigation bank property shall either be given to St. Lucie County for ownership and management or placed under a conservation easement, dedicated to, or in favor of, St. Lucie County.
6. As part of the issuance of any Final Development Order/Permit requiring the mitigation of trees as set forth in this code, the property owner shall submit to an inspection of the planted/ relocated/ preserved materials 18 months after the issuance of a certificate of occupancy or other use authorization as may be granted by the Public Works Director, or his designee for the County. If it is determined that the planted/relocated/ preserved trees are dead, diseased or otherwise not in compliance with the provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any observed deficiencies and replace all noncompliant trees within 60 days. Failure to maintain all required mitigation shall be grounds for referral to the Code Enforcement Board for appropriate enforcement actions. The Public Works Director, or his designee is authorized to include within the building permit fee, adequate charges to cover the costs of enforcing the requirements of this section.

E. SUPPLEMENTAL REQUIREMENTS

The Public Works Director, or his designee may impose supplemental requirements as a special condition of a Vegetation Removal Permit when necessary to carry out the intent of this Section. These supplemental standards shall be based upon the suggested standards in the latest edition of the "Tree Protection Manual for Builders and Developers" published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, or a similarly recognized reference manual.

6.01.00 MANGROVE PROTECTION

6.01.01 REFERENCE TO STATE REGULATION AND AUTHORITY

Sections 403.9321 - 403.9333, Florida Statutes recognize the value that mangroves have on the natural function of

the ecosystem throughout the State of Florida and the economic impact that a healthy mangrove system has on the sports and commercial fishing industries of the State. The Florida Department of Environmental Protection has been delegated by the Florida Legislature the statewide responsibility for the protection of the mangrove forest system, with specific allowances for limited trimming and alteration to be conducted by professional mangrove trimmers without the need for prior permit authorizations. Any person seeking to alter or trim mangroves in the unincorporated parts of St. Lucie County may do so only in compliance with the provisions of Chapter 403.9321-403.9333, Florida Statutes, as may be amended from time to time. Any person seeking to alter or trim mangroves in the unincorporated parts of St. Lucie County must contact the Florida Department of Environmental Protection for permitting requirements.

Local delegation of mangrove regulation has not been requested by St. Lucie County.

6.02.00 ENVIRONMENTALLY SENSITIVE LANDS

6.02.01 COASTAL AREA PROTECTION

A. PURPOSE AND INTENT

The purpose of these regulations, recognizing the unique and environmentally sensitive characteristics of the coastal area, is to protect the economy and ecology of the coastal area by establishing policies and procedures for evaluating and minimizing the impacts of development within the coastal area and to provide controlled access to the shoreline.

The intent of these regulations is to assist in implementing Federal and State laws regarding coastal management, including the Federal Coastal Zone Management Act of 1972; Chapter 163, Part II, County and Municipal Planning and Land Development Regulation, Florida Statute; and recommendations of the Hutchinson Island Resource Planning and Management Plan.

B. OVERALL REVIEW AND CONSISTENCY

1. The regulations contained in this Section shall apply to all development within the unincorporated limits of North Hutchinson Island and South Hutchinson Island and to land within the Coastal High Hazard Area in the unincorporated area of St. Lucie County, which shall be considered the "V" zone according to the best available information from the Federal Emergency Management Administration.
2. No development shall be approved unless consistent with the applicable policies set out in this Section. All development shall be reviewed by the Community Development Director for consistency with the policies set out in this Section.
3. All development not required to file for site plan approval under Section 11.02.00 of this Code shall provide the information necessary to evaluate conformance to this Section on forms provided by the Community Development Director.

C. ENVIRONMENTALLY SENSITIVE RESOURCES AND HABITATS

All development in the coastal area as defined in Section 6.02.01(B) is required to comply with the following criteria in order to protect environmentally sensitive resources and habitats:

1. Alteration, Degradation Or Destruction Criteria:

No development shall be allowed that results in the alteration, degradation or destruction of environmentally sensitive resources or habitats, except when any of the following apply:

- a. The development is necessary to prevent or eliminate a public hazard.

In order for this exception to apply, all of the following must be found applicable:

- (1) A hazard or danger exists;
- (2) The development would eliminate or prevent the hazard;
- (3) The development would represent the best way to accomplish the desired end

with minimal impact on the resources or habitats; and

(4) Elimination of the hazard unavoidably impacts the resources or habitats.

b. The development would provide direct public benefits which would exceed those lost to the public as a result of the resource or habitat alteration, degradation or destruction.

In order for this exception to apply, all of the following must be found applicable:

(1) The development would meet a demonstrated public need;

(2) The development would provide public benefits more valuable than those already provided by the resource or habitat prior to development;

(3) The development would cause a minimal loss of resource or habitat function consistent with meeting the need; and

(4) The development would represent the best method of satisfying the identified need.

c. The development is proposed for environmentally sensitive habitats in which the functions and values currently provided are significantly less than those typically associated with such habitat types.

In order for this exception to apply, all of the following must be found applicable:

(1) The functions and values provided by the habitat are significantly reduced below those typically associated with that habitat type;

(2) The benefits currently provided are minimal and of little ecological consequence;

(3) The reduction in value is irreversible and cannot practically be restored by the landowner, persons undertaking development, or governmental agencies; and

(4) The development would be carried out in a manner least damaging to the habitat.

d. The development is water dependent or, due to the unique configuration of the site, minimal impact is the unavoidable consequence of development for uses which are appropriate given general site characteristics; however, in no case shall such development be allowed for the purpose of obtaining fill.

In order for this exception to apply, all of the following must be found applicable:

(1) The development is necessary in order to develop usable portions of the site;

(2) The proposed use is appropriate and reasonable given site characteristics or is water dependent; and

(3) The design and layout of the proposed development is the least disruptive to the environmentally sensitive resources or habitats.

2. Groundwater And Surface Water:

All development shall comply with the following criteria in order to facilitate the recharging of groundwater and protect the quality of groundwater and surface water resources:

a. Impervious surfaces shall be held to a minimum and porous materials shall be substituted to the maximum extent feasible.

b. Site design shall maximize use of onsite water recharge capability.

c. Surface water management measures shall be designed to minimize changes in the pre-development quantity, quality, rate and temporal characteristics of stormwater

discharge.

- d. Surface water management measures shall result in no degradation of surface water draining into environmentally sensitive resources and habitats.

3. Protected Species:

All development shall comply with the following criteria concerning federal and state protected species, as defined in Chapter II, and their habitats:

a. Pre-Development:

If it is determined that a federal or state protected species is resident on or otherwise is significantly dependent upon the subject parcel of land, the person undertaking development shall consult with the Florida Game and Fresh Water Fish Commission, U.S. Fish and Wildlife Service, and the County. Appropriate protection to the satisfaction of all parties shall be provided prior to approval of the development. When off-site mitigation or relocation of federal or state protected species is required, these activities shall be required to take place within St. Lucie County unless the appropriate federal or state regulatory agency finds that no suitable habitat located in the County is available to accept additional relocated species.

b. Notification Requirement:

In the event that it is determined that any representative of a federal or state protected species is resident on or otherwise is significantly dependent upon the subject parcel of land for which development is underway, the person undertaking development shall be required to cease all development work which might adversely affect that individual species or population and immediately notify the Florida Game and Fresh Water Fish Commission, U.S. Fish and Wildlife Service, and the County. Appropriate protection to the satisfaction of all parties shall be provided by the person undertaking development prior to resuming development.

4. A permit from the Florida Department of Environmental Protection must be obtained for all construction seaward of the adopted Coastal Construction Control Line. This includes all buildings, garages, and accessory structures, including but not limited to, pools, sun decks, boardwalks, tennis courts, and paved areas for parking.

D. VEGETATION AND LANDSCAPING

All development is required to comply with the following criteria concerning the preservation of existing native vegetation, the use of native and non-native vegetation in landscaping, and the removal of exotic vegetation:

1. Selective Clearing And Micro-Siting:

All development requiring a County permit shall set aside through selective clearing and micro-siting of buildings, as a minimum, twenty-five (25) percent of each native plant community which occurs onsite, such as, upland scrubland, upland mixed hammock, and duneland communities.

2. Minimum Disturbance:

Existing native vegetation shall be disturbed to the least degree practical.

3. Landscape Criteria For Native Or Drought Tolerant Vegetation:

Landward of the frontal dune one hundred percent (100) of all landscaped areas, required pursuant to Section 7.09.00, shall be composed of native or drought tolerant vegetation adapted to soil and climatic conditions occurring onsite. It is recommended that compliance with these requirements is achieved through preservation of existing native vegetation.

E. BEACH AND DUNE PROTECTION

All development shall comply with the following restrictions and criteria in order to protect against erosion, maintain habitat value and productivity, maintain natural scenic values, prevent damage to beach and dune vegetation, and promote natural rebuilding of the dune through wind forces.

1. Dune Preservation Zone Restriction:

No development shall be approved within the Dune Preservation Zone other than for non-rigid or flexible structures, rigid structures, or other shoreline protection development; beach access; beach safety; approved sea turtle research; and other beach dependent or public uses approved by the Florida Department of Environmental Protection.

2. Beach And Dune Criteria:

No development shall be approved that would threaten the stability of the frontal dune or beach in front of or adjacent to any parcel of land.

3. Restrictions on the Use of Rigid, Fixed Above-Ground Structures and Materials:

The use of continuous, rigid, fixed above-ground structures and materials which provide limited or no beach access to sea turtles or eliminates portions of the beach-dune system as a nesting habitat, such as sea-walls or rip-rap, shall be prohibited except when:

- a. Used a part of a comprehensive plan for beach-dune restoration.
- b. Non-structural alternatives are unacceptable.
- c. Such structures and materials can be convincingly demonstrated to have no negative impact on water quality, the natural habitat, adjacent shore areas, or beach use.

4. Design and/or Positioning of Structures:

Buried, emergent or above-ground structures shall be designed and/or positioned such that they do not act as traps to adult sea turtles or their hatchlings.

5. Treatment of Impenetrable, Buried, Synthetic Materials:

Any impenetrable, buried, synthetic materials used for beach-dune preservation, stabilization, or restoration projects shall be sufficiently covered by beach sediments and maintained in such a state to allow for normal sea turtle nesting.

6. Erosion Control:

All development shall comply with the following criteria in order to protect coastal area resources and natural processes within the Beach-Dune Shoreline Area:

a. Limitations:

Erosion control measures shall be limited to those that do not interfere with normal littoral processes, sea turtle nesting and hatching activities, or negatively impact coastal area resources.

b. Replacement Of Damaged Structure:

Damaged erosion control structures may be replaced only with structures which are compatible with the intent of Subsection 6a and identified as necessary to protect existing, previously approved development.

F. DUNE RESTORATION

All development shall comply with the following criteria concerning site development and maintenance, beach nourishment, and dune height elevations:

1. Restoration Requirement:

Dune restoration shall be required for development which requires a County permit when the elevation of the existing dune is less than the maximum height elevation specified in Subsection 4.

2. Developed Sites:

Persons with habitable major structures onsite shall be encouraged to maintain or restore their dune with sand and vegetation to the maximum height elevation specified in Subsection 4.

3. Dune Restoration With Beach Nourishment:

Dune restoration where needed shall be an integral part of any proposed beach nourishment plan.

4. Dune Restoration Height Elevation:

All restored dunes, unless otherwise approved by the State, shall have the maximum height elevation specified below:

- a. one (1) foot greater than the minimum required flood elevation for the subject parcel of land; or
- b. equal to the height of the adjacent dune.

In no case shall the restored dune be less than eight (8) feet in elevation above mean sea level, i.e., the nineteen (19) year hourly average of heights as defined by the Florida Department of Environmental Protection in Chapter 16B-33, Florida Administrative Code, unless otherwise approved by the State.

5. Character of Restored and Stabilized Beaches and Dunes:

Restored and stabilized beaches and dunes shall comply with the following, as applicable:

- a. Restored beaches shall, to the maximum extent possible, resemble the characteristics of pre-existing or adjacent natural beaches in terms of sediment grain size, compaction, and beach slope.
- b. Restored and stabilized dunes shall, to the maximum extent possible, be similar in appearance to pre-existing or adjacent natural beaches in terms of profile, vegetation and sediment characteristics.
- c. Restored and stabilized dunes shall be designed such that the reconstructed dune profile does not effectively exclude access by nesting sea turtles.

G. DUNE LANDSCAPING

All development shall comply with the following criteria and recommendations concerning the use and maintenance of native dune vegetation:

1. Minimum Criteria:

One hundred (100) percent of all landscaping material used on the frontal dune shall be composed of native vegetation adapted to soil and climatic conditions occurring onsite. Efforts on the part of the public, community organizations, or regulatory agencies to restore native vegetation on dune systems shall be encouraged and supported.

2. Sprinkler Systems:

The use of temporary sprinkler systems to irrigate vegetated restored dunes shall be required. Once the vegetation has become established, all irrigation shall cease and all associated equipment shall be removed from the dunes. The use of permanent sprinkler or irrigation systems

within the Dune Preservation Zone shall not be encouraged. The design and operation of sprinkler or irrigation systems shall not interfere with the normal development of sea turtle eggs in the nests or adversely affect emergent hatchlings.

H. SHORELINE ACCESS REQUIREMENTS

All development when providing shoreline access shall comply with the following requirements and criteria in order to protect the functions and values of the estuarine and beach-dune shoreline areas:

1. Plan Requirement:

All development shall include all proposed public access points on the development plan.

2. Walkway Criteria:

New beach or shoreline access point walkways shall be designed to avoid any adverse impact on the natural environment, be adequately landscaped, and include native vegetation.

3. Landscape And Scenic Views:

All new shoreline access points shall be designed to preserve the natural landscaping of the site and to enhance scenic views of estuarine and beach-dune shoreline areas.

4. Estuarine Shoreline Criteria:

All new access points to the estuarine shoreline shall avoid wetland areas or be constructed on elevated structures, which permit the flow of seasonal high waters, as defined by the Florida Department of Environmental Protection in Chapter 16B-33, Florida Administrative Code, and which minimize shading of wetland vegetation.

5. Beach-Dune Shoreline Criteria:

All new beach access points and beachfront parks shall be provided with dune crossovers. Existing public beach access points shall be provided with dune crossovers as soon as practical to implement this provision.

I. USE OF PUBLIC FUNDS IN COASTAL HIGH HAZARD AREA

1. No St. Lucie County funds shall be used to construct public facilities within the coastal high hazard area, unless at least one of the following criteria is met:

- a. the facility is necessary for public access; or,
- b. the expenditure will restore or enhance a natural resource; or,
- c. the facility provides recreation; or,
- d. the facility is water-dependent and will not degrade the quality of water or other natural resources.

2. No public funds from any level of government shall be used to improve or expand infrastructure within the coastal high hazard area unless such funds are necessary for at least one of the following purposes:

- a. to provide services to structures that received a Preliminary or Final Development order prior to January 9, 1990; or,
- b. to provide adequate evacuation in the event of an emergency; or,
- c. to provide for recreational needs; or,
- d. to restore or enhance a natural resources; or,

- e. to provide for other water dependent uses that will not degrade the quality of water or other natural resources; or,
- f. to enhance the quality of natural resources.

6.02.02 SHORELINE PROTECTION

A. PURPOSE

The Board of County Commissioners recognizes that the waterways within the unincorporated areas of St. Lucie County, are a valuable natural resource that must have reasonable protection against man-made silting and pollution by the intrusion of foreign matter in surface water run-off, and the erosion of the waterway banks, and that it is in the best interest of St. Lucie County to preserve the waterway banks within the unincorporated area of St. Lucie County. It is not the intent of this article to prohibit development, rather the purpose is to allow development in such a way as to not erode the waterway.

B. ST. LUCIE RIVER SHORELINE

1. Applicability

This sub-section shall pertain to the St. Lucie River and its tributaries as follows:

a. North Fork of the St. Lucie River

Those portions in unincorporated St. Lucie County from the Martin County Line to the confluence with Five and Ten Mile Creeks.

b. Five Mile Creek

Those portions in unincorporated St. Lucie County from the confluence of the North Fork of the St. Lucie River to the Florida East Coast Railroad, Glades Cut-Off Branch Line.

c. Ten Mile Creek

Those portions in unincorporated St. Lucie County from the confluence of North Fork of the St. Lucie River to McCarty Road.

For purposes of this Section, the boundaries of these waterways shall be broadly construed to include natural fingers and oxbows, including man-made enhancements for boat channels, with the exception of channels shown in Figure 6-1.

2. Development Regulations

Two zones are hereby created. The boundaries of the zones and the restrictions applying to these zones are as follows:

a. Zone A

(1) For a platted lot of record existing as of August 1, 1989, Zone A shall consist of the area from 0 to 50 feet from the mean high water line, when the site is located downstream of the Gordy Road structure, or from the ordinary high water line, when the site is located upstream of the Gordy Road structure; or

(2) When there was no platted lot of record existing as of August 1, 1989, Zone A shall consist of the area from 0 to 75 feet from the mean high water line, when the site is located downstream of the Gordy Road structure, and from the ordinary high water line, when the site is located upstream of the Gordy Road structure.

No development activity or shoreline alteration, including alteration of native vegetation and habitat, shall be permitted, other than that associated with the construction of a

private access point, including docks if permissible under applicable laws.

b. Zone B

Zone B shall consist of the area between Zone A and 300 feet from the mean high water line, when the site is located downstream of the Gordy Road structure, and from the

ordinary high water line, when the site is located upstream of the Gordy Road structure.

No development activity that would permit the introduction of any permanent structure that does not comply with the provisions of St. Lucie County's flood damage prevention regulations in Section 6.05.00 of this code, is to be permitted.

No road right-of-way (public or private), except for individual driveways, on-site drainage retention pond or system (except for lawfully permitted drainage conveyance outfalls), wastewater lift station, petroleum or chemical storage area, or other activity that would contribute to the degradation of the water quality within the North Fork System is permitted.

3. Variances

Variances from these requirements may only be granted in accordance with Section 10.01.11.

C. INDIAN RIVER LAGOON SHORELINES

All development along the Indian River Lagoon, including all tributaries except those of the North Fork of the St. Lucie River, shall provide a native vegetation buffer. Compliance with the following criteria shall be required in order to protect against erosion, reduce runoff effects to the Indian River Lagoon and other rivers and creeks caused by development, maintain habitat value and productivity, and maintain natural scenic values:

1. Minimum Buffer Criteria:

A native vegetation buffer adjacent to the Indian River Lagoon or other river or creek shall be required. Except for public and private access points, a native vegetation buffer or the existing native conditions shall be maintained for a minimum distance of fifty (50) feet from the mean water highwater line or landward extent of state waters, whichever is greater.

2. Unbuildable Parcels Of Land:

A variance from compliance with subsection 1 above may be requested as set out in subsections 3 and 4 below for parcels of land which would be rendered unbuildable; however, a minimum vegetation buffer shall be required for the purposes listed in the introduction of this Section.

3. Minimum Buffer Variance:

The Community Development Director may approve a variance to the minimum fifty (50) foot vegetation buffer, provided that no variance shall permit a vegetation buffer of less than forty (40) feet.

4. Maximum Buffer Variance:

A variance to permit a vegetation buffer of less than forty (40) feet may only be granted by the Board of County Commissioners in accordance with procedures and standards set forth in Section 10.01.11.

D. EXEMPTIONS FROM DEVELOPMENT REGULATIONS

The regulations shall pertain to all lands within the zones adjacent to applicable waterways except:

1. Existing lots of record as of August 1, 1989, adjoining the Indian River lagoon and its tributaries.

2. Removal of vegetative growth abutting waterways where such removal is incidental and necessary to the construction of roads, streets, culverts, bridges, canals, drainage and navigation control structures, including lines, pipes and other construction required for utility operations, all as otherwise permitted by the county, regional, state or federal agencies exercising jurisdiction over any or all of the aforementioned structures referred to in this section.

FIGURE 6 - 1

- 3. Land for which a variance is approved in accordance with the procedure in Section 10.01.00. Variances shall be granted only when existing conditions on or adjacent to the property are such that granting of the variance will prevent erosion and siltation to a greater extent than not granting the variance.

E. PLAN OF MANAGEMENT AND CONSERVATION PRACTICE REQUIRED

Prior to obtaining a vegetation removal permit required by Section 6.00.03, an applicant owning property in the geographic areas outlined in subsection B, above, shall submit to the Community Development Director a written plan of management and conservation practice covering the area from which the applicant proposes to remove natural vegetative growth. The applicant may submit his own plan of management and conservation practice or may secure such plan from the county soil and water conservation district. The mowing of domesticated grasses and pruning of trees shall not be considered removal. Cutting of the trunk shall not be considered pruning.

F. AUTHORITY OF THE COMMUNITY DEVELOPMENT DIRECTOR TO STOP WORK IN VIOLATION OF SECTION

The Community Development Director shall have the authority to issue a written order requiring the cessation of any work or construction which takes place on waterfront property covered by this Section if such work or construction is performed prior to obtaining a valid permit from the building department for such work or if such work being performed exceeds the authorization as set forth in the Building Permit. The written order to cease any further construction or work within the shoreline area shall be served by personal delivery to any person performing construction work on the particular property and a copy of the order shall be posted upon the property visible from the street, and a copy shall also be mailed by certified mail, return receipt requested, to the most recent address of the owner listed on the rolls of the St. Lucie County Property Appraiser. Posting of the notice on the subject property shall be prima facie evidence of the notice to owner.

G. FAILURE OF OWNER TO RESTORE PROPERTY; RESTORATION BY COUNTY, COST TO BECOME A LIEN UPON PROPERTY

In the event that the restoration is not completed within ninety (90) days from date of notice to the owner as shown by the latest St. Lucie County Property Appraiser rolls, the County may restore the vegetative growth at its own expense. The cost of restoration shall become a lien upon the property of the upland owner upon which such violation occurred.

6.02.03 WETLANDS PROTECTION

A. GENERALLY

- 1. Purpose:

The purpose of this Section is to protect the wetlands of St. Lucie County from net loss. Wetlands provide the functions of floodwater storage, aquifer recharge, stormwater filtering, and habitat for fish and wildlife.

- 2. Permit Required:

Any construction, dredging, filling, or alteration in, on, or over a jurisdictional wetland shall require a permit in accordance with this Section and Section 11.05.12 unless specifically exempted by Section 6.02.03(G) of this Code.

B. JURISDICTION

- 1. The County shall have regulatory authority over all wetlands as defined in Chapter II of this Code, with the exception of:
 - a. Isolated wetlands, less than one-half (1/2) acre total area, entirely surrounded by uplands; and

- b. Stormwater treatment and flood attenuation ponds as permitted by the South Florida Water Management District which are located behind a water control structure, with no overlap on wetlands.
 - c. Manmade sewage treatment and percolation ponds as permitted by the Florida Department of Environmental Protection.
2. Permit applications for which the St. Lucie County Board of County Commissioners is the applicant shall be processed by other State and Federal agencies as appropriate.
 3. Upon request, the Community Development Director shall provide a wetlands jurisdictional determination of a specified parcel of land. The request shall include at least three (3) aerial photographs of the land at a scale of 1"=200' or less scale, with the subject property boundaries clearly marked. At the request of the Director, the land owner may be required to provide directions, access, or field marking of the subject parcel. Such jurisdictional determinations shall be considered accurate by the Director for a period of two (2) years, unless a subsequent request for jurisdictional determination is made.

C. COORDINATION WITH OTHER AGENCIES

1. The County permitting mechanism in this Section is not intended to supersede or substitute for other permits required by state or federal agencies, but the County permit shall be construed as a formal recognition that the actions of state and federal regulatory agencies are sufficient to implement the St. Lucie County Comprehensive Plan goals, objectives, and policies related to wetlands.
2. To the maximum extent practical, the County shall use application forms already being utilized by state and federal regulatory agencies. Where another permit is required, the County shall review applications within the same time frame as the other permitting agencies, except that where the County requires additional information not provided to any other agency, the County may review the application for a period of time not to exceed an additional twenty (20) days.

D. CRITERIA FOR GRANTING PERMITS

1. A permit may not be issued pursuant to this Code until it is determined that the following general criteria will be met:
 - a. There shall be no net loss of wetland values and functions.
 - b. The project will not adversely affect the conservation of fish or wildlife or their habitats.
 - c. The project will not cause excessive shoaling or erosion.
 - d. The project will not adversely affect commercial or recreational fisheries or their habitat.
 - e. The project will not adversely impact endangered species, threatened species, and species of special concern and/or their habitat.
 - f. Project alternatives and modifications to lessen impacts are not feasible.
 - g. The project does not adversely impact any other federal, state or local designated preserve or conservation area.
 - h. The cumulative impacts of the subject project and other similar projects also will meet the criteria of this section.
 - i. No dredging or filling shall occur in seagrasses except that which may be allowed by Section 6.02.03(E).
 - j. Any structure proposed on or over a wetland is water dependent.
2. In addition to the foregoing general criteria, a permit for any bulkhead permitted by the Community

Development Director (except those located within a commercial boat haul out facility) shall be issued only if:

- a. The bulkhead is faced with riprap stacked at a minimum 2 horizontal:1 vertical (2H:1V) slope at least to the height of MHW (or OHW), or four feet (4) above bottom, whichever is less, or
- b. A minimum three foot (3) wide littoral zone is planted and maintained with native aquatic vegetation at the appropriate elevations. Alternatively, new sections of riprap of no more than fifty (50) feet in length shall be permitted providing all other criteria of this Section are met.

E. MITIGATION

1. For projects that do not meet the permitting criteria of Section 6.02.03(D), the Community Development Director may evaluate proposals for mitigation when the criteria in paragraphs 2 or 3 below are met.

2. When to Evaluate Mitigation Proposals

a. No Alternative Site:

Restoration or creation may be permitted to compensate for wetland loss where an applicant demonstrates that the proposed activity cannot be practicably located on the upland portion of this site or another site.

b. All Practical Measures Will Be Taken to Reduce Impact:

Restoration or creation may be permitted to compensate for wetland loss only where the applicant has modified the proposed development to reduce wetland loss and degradation. Acceptable modifications include site design to reduce fill into or drainage of the wetland; other erosion control measures where the activity will cause erosion; construction of pretreatment facilities for stormwater to be discharged into wetlands; and, scheduling restoration activities at such time of year as would have the least impact upon the wetland or endangered or threatened species.

3. Mitigation for Loss of Small Wetlands

A developer may propose off-site mitigation for loss of wetlands of less than two (2) contiguous acres, but more than one-half (1/2) acre and otherwise subject to the regulations under Section 6.02.03.

4. Standards for Mitigation

a. No Overall Net Losses:

Restoration or creation of wetlands shall be permitted to compensate for wetland losses only where restoration and/or creation will restore lost wetland functions and values. The following mitigation ratios shall be presumed to provide wetland functions and values if new wetlands are being created:

(1)	Tidal wetlands	2.0: 1
(2)	Freshwater forested swamp, non-cypress dominated	2.5: 1
(3)	Freshwater forested swamp, cypress dominated	2.0: 1
(4)	Freshwater marshes	1.5: 1

If the proposed wetland creation depends extensively on natural recolonization the ratio

may be 3.0:1 to 4.0:1. Only where the created wetland can be expected to surpass the values and functions of the existing wetland can the ratio be adjusted downward.

The Community Development Director shall require a ratio for restored or created functions and/or acreage exceeding the above ratios where:

- (1) Uncertainties exist as to the probable success of the proposed restoration or creation of wetlands; or,
- (2) The degradation or destruction of wetlands will deprive St. Lucie County of various wetland values for a period of time until the restoration or creation is completed and functional; or,
- (3) Mitigation is proposed offsite or not in kind; or,
- (4) Mitigation proposed includes restoration or enhancement of existing wetlands rather than creation of new wetlands.

b. Adequate Hydrology, Soils and Other Basic Requirements:

Wetland restoration, enhancement, or creation shall be permitted only where those hydrologic, soil, side slope, and other basic characteristics of the proposed project are adequate to achieve the proposed project goals.

c. Function:

Wetland restoration or creation shall be permitted to compensate for new wetland losses only where the restored or created wetland will be at least as functional as the existing wetland system it is intended to replace.

d. Sufficient Financial Resources:

Guarantees and sureties for approved mitigation shall be provided in accordance with Section 11.04.00.

e. Maintenance and Monitoring:

For all mitigation projects, the Community Development Director shall require, at a minimum:

- (1) Maintenance of at least ninety percent (90) survivorship of all plantings for at least two years; and,
- (2) Annual monitoring reports of the status of the mitigation area, including number of surviving plantings and any plantings made to maintain ninety percent (90) survivorship; and,
- (3) Annual replantings to maintain ninety percent (90) survivorship; and,
- (4) Removal of exotic vegetation, as appropriate.

F. REQUIRED BUFFERING

A buffer zone of native upland edge (i.e., transitional) vegetation shall be provided and maintained around isolated wetlands covered by this Section which are constructed or preserved on new development sites. The buffer zone may consist of preserved or planted vegetation but shall include canopy, understory, and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat. As a minimum, ten (10) square feet of such buffer shall be provided for each linear foot of wetland or deepwater habitat perimeter that lies adjacent to uplands. This upland edge habitat shall be located such that no less than fifty (50) percent of the total shoreline is buffered by a minimum width of ten (10) feet of upland habitat. The upland buffer requirement does not apply to drainage canals or stormwater conveyance systems requiring periodic maintenance.

G. EXEMPTIONS

1. The following activities are exempt from the permitting requirements of this Section:
 - a. The installation of transmission lines that do not require dredging and/or filling of wetlands or alteration of mangroves or seagrasses.
 - b. The installation of a dock in non-tidal waters, provided that:
 - (1) The coverage over jurisdictional wetlands is four hundred (400) square feet or less; and,
 - (2) The dock is intended for private, recreational, noncommercial use; and,
 - (3) The dock is the sole dock as measured along the shoreline for a minimum distance of sixty-five (65) feet; and
 - (4) No dredging or filling is necessary except for the placement of pilings; and,
 - (5) The dock terminates in at least minus three (-3) feet OLW; and,
 - (6) The dock will not obstruct navigation.
 - c. The replacement or repair of existing functional piers, mooring piles or boat ramps at the same location and of the same dimensions as the pier, mooring pile or boat ramp being repaired or replaced.
 - d. Replacement of an existing functional seawall, where no mangroves or seagrasses will be altered or removed, and dredging is done only as necessary to install the new wall, and provided further that the new wall is faced with:
 - (1) Riprap stacked at a minimum 2H:1V slope, at least to the height of MHW (or OHW), or four feet (4) above bottom, whichever is less; or
 - (2) A minimum three feet (3) wide littoral zone planted and maintained with native aquatic vegetation at the appropriate elevations as determined by the Community Development Director.
 - e. The performance of maintenance dredging of existing manmade nontidal canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of spoil material and return water from the spoil site into surface waters of the state, provided no more dredging is performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed pursuant to all necessary state permits on or after April 3, 1970. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters of the state. For those canals constructed prior to April 3, 1970, where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing man-made canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below OLW.
 - f. The installation of aids to navigation, including but not limited to bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked pursuant to Section 327.40, Florida Statutes.
 - g. Repair or replacement of existing stormwater discharge pipes to original configurations.

- h. The placement of riprap at the toe of an existing seawall provided that no mangroves or seagrasses would be impacted.
- i. The construction of a culverted roadway crossing of a wholly artificial, non-tidal drainage conveyance canal provided that:
 - (1) The size and number of culverts are adequate to pass normal high water stages of the canal being crossed; and,
 - (2) The elevation of the culvert invert shall be at the existing bottom grade of the canal; and,
 - (3) Clean fill shall be used, with resulting side slopes no steeper than 2H:1V; and,
 - (4) The structure shall be maintained so as to continue to provide at least the same volume of discharge through the culvert(s); and,
 - (5) Turbidity control devices are placed on either side of the structure so as to effectively isolate the project area from upstream and downstream waters.
- j. The installation, replacement, repair and maintenance of water control structures located in canal conveyance systems owned and operated by water management districts.
- k. Those projects to alter isolated wetlands that are permitted pursuant to the South Florida Water Management District isolated wetlands rule on or before the effective date of this Code, or where an application is received by the South Florida Water Management District on or before the effective date of this Code.
- l. Dredging or filling which is required to connect stormwater management facilities permitted by the South Florida Water Management District to non-tidal wetlands and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:
 - (1) Headwalls and discharge structures; and,
 - (2) Erosion control devices or structures to dissipate energy which are associated with discharge structures; and,
 - (3) Outfall pipes less than twenty feet (20) in length in waters provided the pipe does not interfere with navigation; and,
 - (4) Other dredging or filling which the Community Development Director determines will have a similar effect as those activities listed above.

6.02.04 REGULATION OF MOTORIZED VEHICLES IN ENVIRONMENTALLY SENSITIVE AREAS

1. No motorized vehicle of any type shall be permitted on land owned by any governmental agency east of the Coastal Construction Control Line, unless authorized by the owner.
2. Motor vehicle traffic is hereby strictly prohibited within the Dune Preservation Zone with the following exceptions:
 - a. Emergency vehicles,
 - b. County and private vehicles approved by the Florida Department of Environmental Protection (DEP) for use in beach cleaning and maintenance, or for other DEP approved uses,
 - c. DEP approved sea turtle research vehicles, and
 - d. Vehicles on any paved surface, driveway, parking lot, or maintained unpaved surface existing as of the effective date of this Code.
 - e. Properly permitted and constructed parking and driveway areas.
3. No off-road use of a vehicle shall be permitted in any of the following areas:
 - a. Wetlands regulated in Section 6.02.03 of this Code.
 - b. Shorelines protected under Section 6.02.02 of this Code.
 - c. Savannas State Reserve.
 - d. Atlantic Coastal Ridge.
 - e. Hutchinson Island dunes.

6.03.00 WELLFIELD PROTECTION

6.03.01 GENERALLY

A. LEGISLATIVE INTENT

The intent and purpose of this Section is to protect and safeguard the health, safety, and welfare of the residents of and visitors to St. Lucie County, Florida, by providing criteria for regulating deleterious substances and contaminants, and the design, location and operation of development, land uses and activities which may impair existing and future public water supply wells.

B. APPLICABILITY

1. The prohibitions of this Section shall not apply to:
 - a. residential activity, except as set out in Section 6.03.04 and
 - b. nonresidential activity which has received prior development approval as set out in the exemptions in Section 6.03.05.

C. ADMINISTRATIVE REGULATIONS

1. The Community Development Director is charged by the Board of County Commissioners with the responsibility for administering and enforcing this ordinance and the regulations promulgated pursuant thereto.
2. Any final action by the Community Development Director may be appealed to the Board. An appeal may only be initiated by filing a written request with the County Administrator, or designee. Upon receipt of the request; and within a reasonable period of time not to exceed thirty (30) days, the request shall be scheduled before the Board. The request shall not be subject to the formal notice and advertisement requirements set out in Section 11.00.03. The appellant, however, shall be notified of the time and date of the public hearing. The Administrator shall be required to submit a report to the Board citing the reasons for the final action.

6.03.02 ZONE OF PROTECTION MAPS

Regulated Areas shall be shown on the maps described in this Section, as adopted by the Board, and incorporated herein by this reference. These maps shall be maintained by the Department and copies shall be provided to the St. Lucie County Public Health Unit, Treasure Coast Regional Planning Council, South Florida Water Management District, and any other agency requesting said maps.

- A. The Regulated Area maps shall illustrate existing and future public water supply wells and their zones of protection on both zoning maps and aerial maps (1" = 200') on file in the Department.
- B. The Regulated Area maps shall be reviewed annually and, if necessary, updated. Any amendments, additions or deletions shall be adopted by the Board by ordinance and shall be show on the Regulated Area maps.

6.03.03. PROHIBITED ACTIVITIES

- A. No Development Order shall be issued for any nonresidential activity which stores, handles, produces or uses any Regulated Substances as defined in Chapter II within Regulated Areas unless exempt pursuant to Section 6.03.05.
- B. The following activities whether for residential or nonresidential activities are also prohibited:
 1. The location of septic systems within two hundred (200) feet of public water supply well, unless otherwise approved by DEP or HRS;
 2. The location of storm water wet retention/detention areas, as defined by SFWMD, within three hundred (300) feet of a public water supply well, unless otherwise approved by SFWMD;

3. The location of wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, spray irrigation, or drainfields, within five hundred (500) feet of a public water supply well, unless otherwise approved by DER.

6.03.04. PROTECTION OF FUTURE PUBLIC WATER SUPPLY WELL SITES

The prohibitions and restrictions set forth in this Section, and any regulations promulgated pursuant thereto, shall apply to any future public water supply well sites adopted by the Board by resolution, provided, however, that the restrictions shall not apply to residential or nonresidential activities that have received development order approval as defined in Chapter II prior to the effective date of this Code.

6.03.05. EXEMPTIONS

A. The following activities shall be exempt from the Regulated Area prohibition set forth in Section 6.03.03.

1. Exemptions for Public Utilities:

Public Utilities as defined herein for the routine operation; and maintenance of water treatment systems. This exemption does not apply to the Development Order for the maintenance and refueling of vehicles or the storage of Regulated Substances.

2. Exemption for Continuous Transit and Deliveries:

The transportation of any Regulated Substance through Regulated Areas provided the Regulated Substances are not being stored, handled, produced, or used within the Regulated Area in violation of this ordinance, and the delivery of Regulated Substances to nonresidential activities that have received a development order as defined in Chapter II prior to the effective date of this Code, provided that these activities require such substances for the continued operation; and maintenance of the activities as approved.

3. Exemption for Vehicular Fuel and Lubricant Use:

The use in a vehicle of any Regulated Substance solely as operating fuel in that vehicle or as lubricant in that vehicle.

4. Exemption for Application of Pesticides, Herbicides, Fungicides, and Rodenticides:

The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control and aquatic weed control activities provided that:

- a. In all Regulated Areas the application is in strict conformity with the use requirement as set forth in the EPA registries for substances and as indicated on the containers in which the substances are sold; and,

- b. In all Regulated Areas the application is in strict conformity with the requirements as set forth in Chapters 482 and 487, Florida Statutes, and Chapters 5E-2 and 5E-9, Florida Administrative Code. This exemption applies only to the application of pesticides, herbicides, fungicides, and rodenticides.

5. Exemption for the Use of Fertilizers Containing Any Form of Nitrogen:

The use of fertilizers containing any form of nitrogen provided that:

- a. For nonresidential recreational areas, including private golf courses, the application of nitrogen-containing materials shall be in accordance with manufacturers directions or recommendations of the St. Lucie County Agricultural Extension Agent, provided, however, the amount of fertilizer applied shall not exceed forty (40) pounds of nitrogen per acre per month average for the total area of two (2) pounds per thousand (1000) square feet per month for any localized area within the activity.

- b. For agricultural areas, the application of nitrogen-containing materials shall be in accordance with manufacturers directions or recommendations of the St. Lucie County

Agricultural Extension Agent, provided, however, the amount of fertilizer applied shall not exceed two hundred (200) pounds of nitrogen per acre per year.

- c. For nonresidential landscape areas, the application of nitrogen-containing materials shall be in accordance with manufacturers directions or recommendations of the St. Lucie County Agricultural Extension Agent on areas of ten thousand (10,000) square feet or less.

6. Exemptions for Retail Sale and Wholesale Activities:

Retail sale and wholesale establishments in Regulated Areas provided that the establishments only store and handle Regulated Substances for resale in their original unopened containers.

7. Exemptions for Office Uses:

Regulated Substances for the maintenance and cleaning of office buildings and Regulated Substances associated with office equipment such as copier or blueprint machines shall not be allowed onsite in quantities greater than the quantities exempted in Section 6.03.05(B).

8. Exemptions for Approved Nonresidential Activities:

The following nonresidential activities:

- a. Nonresidential activities existing as of the effective date of this Code which have received site plan, subdivision or similar development approval as defined in Chapter II and building permits as defined in Chapter II.
- b. Nonresidential activities existing as of the effective date of this Code which have received zoning compliance, occupational license, or similar forms of annual development approval as defined in Chapter II, and which do not require site plan, subdivision, or similar development approval and building permits. For the purposes of this exemption, renewal of annual Development Order shall also be exempt, provided, however, that there are not expansions, modifications or alterations that would increase the storage, handling, production, or use of the Regulated Substances.

B. Any nonresidential activity which only stores, handles, produces, or uses the following quantities of Regulated Substances shall be exempt from the Regulated Area prohibition set out in Section 6.03.03.

- 1. Whenever the aggregate sum of all quantities of any one Regulated Substance for any one nonresidential activity at a given facility/building or property at any one time does not exceed six (6) gallons where said substance is a liquid, or twenty-five (25) pounds where said substance is a solid.
- 2. Whenever the aggregate sum of all Regulated Substances for any one nonresidential activity at one facility/ building or property at any one time does not exceed one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids, and the aggregate sum of all quantities of any one Regulated Substance does not exceed the reference limits in Section 6.03.03.
- 3. Where Regulated Substances are dissolved in or mixed with other non-Regulated Substances only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this Section. The actual quantity of the Regulated Substance present shall be the total quantity of the original unopened container(s) regardless of concentration or purity.

6.03.06. SPECIAL EXEMPTIONS.

A. Request for exemption:

Any person subject to the prohibitions set out in Section 6.03.03 may apply to the Community Development Director for a Special Exemption.

B. Information and fee required:

The application for Special Exemption shall include, at a minimum, the following information on a form provided by the Director, as well as the appropriate filing fee as set out below:

1. A concise statement detailing the circumstances which the applicant feels demonstrates the need for a Special Exemption.
2. A description of the mechanisms that will be utilized to meet the conditions required for issuance of the exemption as set out in Section 6.03.06(C) below;
3. The signatures of the owner of the subject site and applicant, if different, and a Florida registered Professional Engineer or Hydrogeologist certified in the State of Florida;
4. A filing fee established by resolution of the Board to defray the costs of processing such application; and
5. An agreement to indemnify and hold St. Lucie County harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the special Exemption. The County shall provide reasonable notice to the, exemptee of any such claims.

C. Review by the Community Development Director.

1. Within thirty (30) working days of receipt of an application for Special Exemption, the Director or designee shall inform the applicant in writing whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then the Director shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform the Director or designee within ten (10) working days of the date of the written statement of his or her intent to either furnish the information or have the application processed as it stands.
2. Prior to notifying the applicant where applicable in subsection #1 above, the Community Development Director shall request from the County Hydrogeologist, as applicable:
 - a. written comments regarding the sufficiency of the application; and
 - b. a written recommendation for issuance with applicable conditions or denial.
3. The County Hydrogeologist shall make appropriate surveys, tests and inspections of property, facilities, equipment and processes proposed or operating under the provisions of this section to determine compliance with the provisions of this section. At a minimum, a written inspection report from the County Hydrogeologist to the Community Development Director shall be required prior to the issuance of a Certificate of Occupancy.
4. Issuance or denial:

At the end of said ten (10) day period or receipt of the additional information the Community Development Director or designee shall within thirty (30) working days inform the applicant whether the Special Exemption has been granted or denied. If the Director denies the application, the Director or designee shall provide the applicant with a written notice outlining the reasons that the permit was denied.
5. Criteria for issuance:

The Community Development Director shall grant an exemption if the person applying for the exemption demonstrates that adequate technology exists to isolate the facility or activity from the potable water supply within the Zone of Protection wherein the proposed facility or activity would be located. At a minimum, the following conditions shall be met in order to meet this criteria:

 - a. substance inventory;
 - b. containment;

- c. emergency collection devices;
- d. emergency plan;
- e. daily monitoring;
- f. equipment maintenance;
- g. reporting of spills;
- h. potable water well monitoring;
- i. groundwater monitoring;
- j. alterations/expansions;
- k. reconstruction after catastrophe (fire, vandalism, flood, explosion, collapse, wind, war or other); and,
- l. others, as applicable to groundwater protection.

All costs associated with such applicable conditions shall be borne by the applicant or exemptee, as applicable.

6. Revocation or revision:

Any Special Exemption granted by the Community Development Director pursuant to this Section shall be subject to revocation or revision by the Director for violation of any condition of said Special Exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). The applicant shall have the right to a hearing before the Environmental Control Hearing Board prior to revocation or revision in accordance with the procedures set out in Section 11.13.00. Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this ordinance.

7. Appeals:

Any final action by the Community Development Director may be appealed to the Environmental Control Board pursuant Section 11.13.00 of this Code.

8. Other agency requirements:

Any Special Exemption granted by the Community Development Director pursuant to this Code shall not relieve the exemptee of the obligation to comply with any other applicable federal, state, a regional or local regulation, rule, ordinance or requirement. Nor shall said exemption relieve any exemptee of any liability for violation of such regulations, rules, ordinances or requirements.

9. New regulations:

Upon adoption of any amendment to this Section or any regulation that supersedes this Section, the Special Exemption shall be subject to the newly adopted regulations.

6.03.07. ENFORCEMENT AND PENALTIES

- A. Enforcement, penalties, appeals, and remedy of matters related to this ordinance shall be the responsibility of the St. Lucie County Environmental Control Hearing Board.
- B. Each person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act declared herein to be in violation of this ordinance whether individually or in connection with one (1) or more persons, or as a principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully entices, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense.

- C. Each day that a violation of this ordinance is continued or permitted to exist without compliance shall constitute a separate offense.
- D. No development orders shall be issued to any violator of this Section until the violation(s) have been properly abated to the satisfaction of the County.

6.04.00 HABITAT OF ENDANGERED OR THREATENED SPECIES

6.04.01 NATIVE UPLAND HABITAT PROTECTION

A. PURPOSE

The purpose of this Section is to contribute to implementation of Objective 8.1.8 of the St. Lucie County Comprehensive Plan and to protect native upland habitats from destruction through development or the effects of development, in order that St. Lucie County might continue to enjoy a diversity of plant and animal life supported by the plant communities native to this area, and in particular the endangered and threatened species found within the County.

B. GENERALLY

1. The Community Development Director shall designate and map the areas to be included in the Inventory of Environmentally Sensitive Native Upland Habitats for purposes of this Code. The Inventory shall include properties or portions of properties that, as a part of any proposal for development or alteration, shall be reviewed for possible public acquisition or for partial preservation through a conservation easement or other method to be approved by the Board of County Commissioners.
2. Unless designated and mapped by the Community Development Director prior to the application for a Development Order, the following areas shall be excluded from consideration as native ecosystems for purposes of this Section:
 - a. All residentially zoned lots of record as of August 1, 1990, consisting of less than one and one-half acres.
 - b. An area where the environmentally sensitive land has been altered lawfully prior to the adoption of this Code and where the environmentally sensitive land no longer retains the natural values and functions on which the designation of environmental sensitivity is based.
3. A property owner who desires an exemption from this Section on the basis of prior lawful alteration may submit an application for exemption to the Community Development Director, with accompanying evidence that he or she is entitled to the exemption pursuant to this Section.
4. All lots or properties on which an application for a vegetation removal permit or an application for a Preliminary Development Order has been received shall be evaluated for possible inclusion wholly or in part in the Inventory of Environmentally Sensitive Native Upland Habitats, unless the Community Development Director has previously issued an exemption.

C. APPROVAL CRITERIA FOR ALTERATION OR DEVELOPMENT

A proposed land alteration, as defined in Chapter II, or development on a property listed wholly or in part on the Inventory of Environmentally Sensitive Native Upland Habitats shall be approved only if:

1. The project design and approval conditions provides for the protection and preservation of the values and functions of the environmentally sensitive lands to the maximum extent feasible, considering the type of development proposed; and
2. A satisfactory management plan of any proposed preserve area has been prepared by the applicant which shall include, but not be limited to, eradication and continued monitoring and removal of exotic species, fencing, and periodic controlled burning or other mechanical methods that would simulate the natural processes of the historic fire regime, as appropriate; and
3. For those lands identified for preserve status, appropriate deed restrictions, dedication to a public entity or approved private conservation group, or conservation easements are proposed to ensure preservation; and
4. Clustering of development on less sensitive portions of the site has been considered; and

5. For a site on which endangered, threatened or rare species or species of special concern (listed species) are present, one of the following criteria can be satisfied:
 - a. The applicant successfully demonstrates that the proposed alteration or development will not preclude the continued survival and viability of those listed species located on the site; or
 - b. The applicant presents a plan for relocation, either on-site or off-site, for those listed species, which has been reviewed and approved by all appropriate agencies.

D. SUPPLEMENTAL INFORMATION REQUIRED WHEN APPLICATIONS ARE FILED PERTAINING TO PROPERTIES LISTED ON THE INVENTORY

1. Any Person applying for a vegetation removal permit or Development Order on land that is listed on the Inventory of Environmentally Sensitive Native Upland Habitats, shall provide a professionally prepared supplemental submission containing the following information:
 - a. A list of endangered or threatened species and species of special concern found on the site; and
 - b. Colonial bird nesting or roosting areas or areas in which migratory species are known to congregate; and
 - c. A description of proposed operations to be performed on site, including use, storage, handling, or production of substances known to be harmful to plants and/or animals; identification of any pollutants expected to be emitted during project operation; and identification of solid wastes generated and disposal methods expected to be used; and
 - d. A discussion of project alternatives, including options considered and rejected and the rationale for rejection of each option considered; and
 - e. Proposed mitigation measures in detail as they relate to possible loss of habitat or impact on endangered, threatened or rare animal and plant species, or species of special concern.
2. If no other application under this Code is pending, but an alteration is proposed for property already listed on the Inventory of Environmentally Sensitive Native Upland Habitats, an application for a sensitive land alteration permit shall be prepared on a form furnished by the Community Development Director.

E. PROCEDURE FOR REVIEW OF APPLICATIONS PERTAINING TO INVENTORY PROPERTIES

1. Upon receipt of the completed application for a sensitive land alteration permit, vegetation removal permit, or Development Order pertaining to a property listed on the Inventory of Environmentally Sensitive Native Upland Habitats, the Community Development Director shall review and evaluate the environmental impacts of said proposal in light of Objective 8.1.8 of the Conservation Element of the Comprehensive Plan and the associated policies. The Director shall work with the applicant and other environmental agencies to provide the best possible development or alteration proposal to satisfy the goals this Code and the Comprehensive Plan as well as allowing for economic use of the property.
2. The Community Development Director shall complete its review of the completed application for an alteration permit within twenty (20) working days and approve, approve with conditions, or deny the permit.
3. The Community Development Director shall review a supplemental submission of native ecosystems information within twenty (20) days or within the same time period that the underlying application is required to be reviewed, whichever is longer.

F. PUBLIC ACQUISITION

1. Should the Community Development Director determine that public acquisition of an interest in the

property is the best option to protect these environmentally sensitive lands proposed for development, the Director shall initiate action before the Board of County Commissioners or other appropriate governmental entity for consideration of such possibility. Action on the development application shall be deferred by the Director for a period of time not to exceed sixty (60) days while said agencies consider the public acquisition of said land. At the expiration of the sixty (60) day period, the development application shall be allowed to proceed through the development approval process, subject to review as described in this Section unless the land has been acquired or interest in public acquisition is formally confirmed.

2. Should the Board and/or other governmental entity decide that public acquisition is the best option to protect all or part of these environmentally sensitive lands proposed for development, approval of the proposed development will be deferred for a period not to exceed one hundred eighty (180) days to allow time to complete public acquisition.
3. Should the Board and/or other governmental entity decide not to acquire all or part of the particular site containing environmentally sensitive lands, the development application, as modified for any lands acquired by the public, shall be allowed to proceed through the development approval process, subject to review as described in this Section.

G. DETERMINATION OF SUFFICIENCY

1. The owner of land listed on the Inventory of Environmentally Sensitive Native Upland Habitats who wishes to arrange for the preservation of environmentally sensitive portions of his or her lands prior to development may file an application with the Community Development Director for a determination of sufficiency of the proposed boundaries of environmentally sensitive native ecosystems to be preserved.
2. The application for a determination of sufficiency shall include at least the following information prepared by a qualified professional approved by the Community Development Director:
 - a. Boundaries of land to be set aside in a preserve status and a legal description of the entire tract;
 - b. A vegetation inventory and such other information as the Community Development Director may require to determine the quality of the habitat;
 - c. A list of endangered or threatened species and species of special concern found on the site; and
 - d. Colonial bird nesting or roosting areas or areas in which migratory species are known to congregate; and
 - e. A proposal for appropriate deed restrictions, dedication to a public entity or approved private conservation group, or conservation easements to ensure preservation; and
 - f. A proposal for conditions to be attached to the development to assure that construction and operations do not degrade the quality of habitat found on the area to be preserved.
3. Upon receipt of the application for a determination of sufficiency, the Community Development Director shall review the proposal for completeness and respond to the applicant within twenty (20) working days with an approval or a denial. The Director shall approve the application unless it is determined that:
 - a. The property should be submitted to the Board of County Commissioners or other appropriate governmental entity for consideration for possible acquisition; or
 - b. The values and functions of the habitat proposed for preservation are insufficient to meet the goals and policies of the St. Lucie County Comprehensive Plan with regard to preservation of environmentally sensitive habitat; or
 - c. There is a reasonable doubt whether the preservation measures proposed will meet the spirit and intention of the goals and policies of the Comprehensive Plan with regard to habitat preservation.

H. FEES

Fees shall be charged for the determination of sufficiency according to a schedule set by resolution of the Board of County Commissioners.

I. APPEALS

Any administrative decision made under this Section may be appealed to the Environmental Control Board according to the procedures described in Chapter 11.11.00.

6.04.02 SEA TURTLE PROTECTION

A. PURPOSE AND INTENT

1. The purpose of this Section, recognizing the unique characteristics of the sea turtle, particularly its nesting cycle, is to prevent and reduce the hazards impacting sea turtles from uncontrolled development activity, beachfront lighting, beach access, beach-dune preservation, stabilization and restoration activities, mechanical beach cleaning, and other coastal activities.
2. It is the intent of this Section to assist in implementing Federal and State laws regarding the protection of sea turtles, to implement the recommendations of the Hutchinson Island Resource Planning and Management Plan, the analysis entitled "Issues Confronting Sea Turtle Protection in St. Lucie County", and the St. Lucie County Comprehensive Plan, and to provide a management framework for sea turtle protection.

B. MANAGEMENT COORDINATION

The Community Development Director shall be responsible for establishing administrative policies germane to the effective and timely implementation of conditions set out in this Section.

1. The Community Development Director shall maintain a process whereby:
 - a. A person submitting a site plan and/or building plan for coastal development within jurisdictional boundaries is made aware of all instructions, requirements, and guidelines contained herein by inclusion or reference.
 - b. Check off procedures are established to ensure that coastal development within jurisdictional boundaries is not approved as part of a site plan and/or building plan prior to approval of a Sea Turtle Protection Plan (STPP), if required, and that no Certificate of Occupancy is issued prior to approval of the beachfront lighting for coastal development.
2. Coordination with the Department of Environmental Protection (DEP):

The Community Development Director shall maintain, in consultation with DEP, a process whereby:

 - a. A person submitting a Sea Turtle Protection Plan (STPP), or a permit application to DEP, is made aware of the potential approval and permitting requirements of each agency, respectively.
 - b. A STPP submitted to the Community Development Director is made available to DEP if requested.
 - c. A STPP submitted to the Community Development Director is reviewed in consultation with DNR if the proposed activity requires a DEP permit.
 - d. Conditions imposed by the Community Development Director for sea turtle protection are consistent with State guidelines, rules and regulations.
 - e. The Community Development Director receives a copy of all permits granted by DEP for coastal construction seaward of the Coastal Construction Control Line, established pursuant to Chapter 161.053, Florida Statutes.
3. Coordination with the Florida Department of Environmental Protection (DEP):

The Community Development Director shall maintain, in consultation with DEP, a process whereby upon adoption of this article the Community Development Director receives a copy of all permits granted by DER for any coastal development within jurisdictional boundaries or below mean high water in the Atlantic Ocean.
4. Coordination with the U.S. Army Corp of Engineers (COE):

The Community Development Director shall maintain, in consultation with COE, a process whereby

upon adoption of this article the Director receives a copy of all permits granted by COE for any coastal development within jurisdictional boundaries or below mean high water in the Atlantic Ocean.

C. JURISDICTION

As used in this Section, jurisdictional boundaries means the area between State Road A1A and the Atlantic Ocean, or between the coastal construction control line, established pursuant to Chapter 161.053, Florida Statutes, and the Atlantic Ocean, whichever is greater.

D. PROHIBITION OF ACTIVITIES DISRUPTIVE TO SEA TURTLES

The following prohibitions during the nesting season (March 1 through November 15) are established for the protection of sea turtles:

1. Prohibition of Horseback Riding

Horseback riding shall be prohibited on or seaward of the primary dune during the nesting season, except when a special permit is issued by the Community Development Director in accordance with regulations adopted by resolution of the Board.

2. Prohibition of Campfires

Campfires shall be prohibited on or seaward of the primary dune during the nesting season.

3. Extension of Prohibition Areas

Areas of prohibition for the miscellaneous activities described in this section are extended to all areas landward of the primary dune where sea turtles are known to nest.

E. SEA TURTLE PROTECTION PLAN (STPP) REQUIREMENT FOR COASTAL DEVELOPMENT WITHIN JURISDICTIONAL BOUNDARIES

1. A Sea Turtle Protection Plan (STPP) shall be required for:

- a. All coastal development within jurisdictional boundaries involving the installation of permanently mounted light fixtures.
- b. All coastal development conducted during the nesting season (March 1 through November 15) seaward of the primary dune or at night within jurisdictional boundaries, including site development, beach-dune preservation, stabilization and restoration projects, and mechanical beach cleaning.

F. SEA TURTLE PROTECTION PLAN (STPP) APPLICATION CONTENTS

1. Preparation and Submission of STPP

A STPP shall be submitted to the Community Development Director concurrently with the submission of a building and/or site plan. The STPP shall include the following information, as applicable:

a. General Information

A STPP required pursuant to Sections 6.04.02(E)(1) (a) and (b) shall include the following information, as applicable:

- (1) Identification of person(s) having a legal or equitable interest in the subject property.
- (2) Legal description of the subject property.
- (3) Name of the general contractor for the project.

- (4) Assurance that the applicant has written authority to act as agent for person(s) with legal or equitable interest in the subject property.
- (5) Description of the proposed development and intended land use.
- (6) Scaled map of the site with a north arrow.

b. Light Information

A STPP required pursuant to Section 6.04.02(E) (1)(a) shall include the following information, as applicable, for all areas of the subject property within line of sight of the beach:

- (1) The location, number and positioning of proposed floodlights, spotlights and other fixtures discharging high intensity lighting from incandescent, fluorescent, mercury vapor or high pressure sodium lamps.
- (2) The intensity of the light source emanating from the fixtures identified in Section 6.04.02(F)(1)(b)(1).
- (3) The location, number, positioning, and type of all other artificial light sources including, but not limited to, those used on balconies, walkways, recreational areas, roadways, parking lots, dune crossovers, decks, boardwalks and signs.
- (4) Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct illumination of areas seaward of the primary dune.

c. Development Information

A STPP required pursuant to Section 6.04.02(E)(1)(b) shall include the following information, as applicable:

- (1) A schedule of proposed development periods.
- (2) The number of linear feet of shoreline seaward of the primary dune upon which development will occur.
- (3) The number and type of vehicles anticipated during development, the type of equipment and materials to be used seaward of the primary dune, and the location of beach access points to be used in moving equipment and materials to and from the development site.
- (4) The location, number, positioning, and type of temporary nighttime security lights.
- (5) The location, number, positioning, and type of nighttime construction lights and the extent of areas seaward of the primary dune to be illuminated.
- (6) Protective/mitigative measures to minimize development impacts on sea turtles.

G. GENERAL STANDARDS FOR COASTAL DEVELOPMENT WITHIN JURISDICTIONAL BOUNDARIES

The following standards shall apply to all coastal development specified in Section 6.04.02(E) and, as applicable, shall be incorporated in a Sea Turtle Protection Plan (STPP):

1. Sea Turtle Protection Plan (STPP) Approval:

Community Development Director approval of a STPP is required prior to the issuance of a building permit or approval of a site plan. Approval of a STPP does not relieve person(s) from complying with all other applicable conditions set out in this Section or from mitigating against subsequent negative impacts to sea turtles, their nests or eggs resulting from the approved activity.

2. Timing Considerations:

Coastal development shall be limited to the maximum extent possible to the non-nesting season (November 16 through February 29). Coastal development occurring during any portion of the nesting season (March 1 through November 15) shall be conducted during daylight hours whenever possible.

3. Coastal Development Seaward of Primary Dune During the Nesting Season:

Appropriate protective/mitigative measures for sea turtles, developed pursuant to this Section, shall be implemented for all coastal development seaward of the primary dune during the nesting season.

4. Restrictions on Nighttime Security Lighting:

Temporary nighttime security lighting should be limited to the fewest number of lights necessary to provide adequate security. Those lights which are used shall not:

- a. Be mounted more than fifteen (15) feet above the ground.
- b. Illuminate areas outside of the subject property.
- c. Directly illuminate areas seaward of the primary dune unless specific protective/mitigative measures for lighting impacts are developed pursuant to this Section.

5. Nighttime Development During The Nesting Season:

To avoid potential lighting impacts on nesting adults and emergent hatchlings, protective/mitigative measures for sea turtles which comply with Section 6.04.02(l) may be required for nighttime coastal development during the nesting season, in addition to those below.

6. Protective/Mitigative Measures:

Protective/mitigative measures shall include, but not be limited to, the following, as applicable:

a. Preliminary Site Survey

A permitted agent of the State shall conduct a preliminary site survey and relocate all sea turtle nests to a safe habitat for coastal development seaward of the primary dune during the nesting season.

b. Exemption of Preliminary Site Survey

Development activity in progress as of March 1 of each year shall be exempt from a preliminary site survey but shall implement daily nesting surveys pursuant to Section 6.04.02(G)(6)(e).

c. Delay of Development

If nests are known to be present during a preliminary site survey and cannot be located and removed to a safe habitat, development shall be delayed for sixty (60) days or until all potentially affected nests have hatched.

d. Prevention of Development Delays

Person(s) anticipating development starts during the nesting season may obtain the services of a permitted agent of the State to relocate nests from development areas on a daily basis, beginning no later than March 1 of each year.

e. Daily Nesting Surveys

A permitted agent of the State shall conduct daily nesting surveys of development areas seaward of the primary dune, and shall cage sea turtle nests or relocate the nests to a

safe habitat, beginning with the preliminary site survey or the nesting season, as applicable, until one (1) of the following occurs:

- (1) Exclusion fences, if permitted by DEP, are erected pursuant to Section 6.04.02(G)(6)(f).
- (2) Development activities are completed.
- (3) The nesting season has ended.

f. Use of Exclusion Fences

Any physical barrier used to prevent sea turtles from entering development areas may be used as an exclusion fence in lieu of daily nesting surveys if permitted by DEP. Exclusion fences shall:

- (1) Be constructed so they are non-injurious to adult sea turtles.
- (2) Form a continuous barrier against sea turtle intrusions.
- (3) Be monitored daily by DEP approved personnel.
- (4) Be repaired as necessary to prevent breaches.

g. Breaches

Breaches through an exclusion fence which result in successful nesting shall be reported to the Community Development Director and the nest(s) shall be relocated from the development area by a permitted agent of the State.

h. Delimitation of Development Areas

Preliminary site surveys, daily nesting surveys and/or exclusion fences shall encompass all areas seaward of the primary dune upon which development activities occur and upon which equipment and materials are moved to and from the development areas.

i. Record Maintenance

Daily records shall be maintained for all sea turtle monitoring conducted pursuant to this Section, and together with a summary of the monitoring results, shall be provided to the Community Development Director by the person(s) identified in Section 6.04.02(F)(1)(a)(1) upon completion of development activities, or the end of the sea turtle nesting season, whichever comes first. Daily records shall include, as appropriate:

- (1) The date of the preliminary site survey.
- (2) The date(s) of the daily nesting survey.
- (3) The date(s) of exclusion fence monitoring.
- (4) The observed nesting activity within the development area.
- (5) The number of nests relocated.
- (6) The number of eggs per nest relocated.
- (7) The nest relocation area(s).
- (8) The hatch success if required.
- (9) The effectiveness of the exclusion fence(s).

- (10) The name(s) of the permitted agent of the State performing the monitoring program.

H. STANDARDS FOR SITE DEVELOPMENT

All site development activities within jurisdictional boundaries, approved by the County shall comply with the following standards, as applicable, and the standards shall be incorporated into a Sea Turtle Protection Plan (STPP):

1. Location, Alignment, and Placement of Structures

The positioning of buildings, recreational facilities, walkways, beach access points, parking lots and other features of the site shall be predicated on minimizing operational impacts of these features on sea turtles.

2. Ground-level Barriers and Dune Enhancement

Natural or artificial structures rising above the ground should be used to the maximum extent possible to prevent lighting from directly illuminating the beach-dune system and to buffer noise and conceal human activity from the beach. Improving dune height in areas of low dune profile, planting natural vegetation, or using hedges and/or privacy fences is encouraged.

I. STANDARDS FOR NEW BEACHFRONT LIGHTING

All lighting required for the coastal development activities specified in Section 6.04.02(E)(1)(a), installed after December 1, 1986, shall comply with the following standards, as applicable, and shall be incorporated into a Sea Turtle Protection Plan (STPP):

1. General Prohibition:

No artificial public or private light source shall directly illuminate areas seaward of the primary dune where it may deter adult female sea turtles from nesting or disorient hatchlings.

2. Permanent Lighting:

The installation of permanent lighting should reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation.

3. Reference Availability:

The Community Development Director shall have copies of the current state of the art manuals available for review. As design and/or performance standards are developed or upgraded and become available, the Community Development Director may provide additional references.

4. Controlled Use, Design and Positioning of High Intensity Lighting:

- a. The use of high intensity lighting for decorative and accent purposes, such as that emanating from spotlights or floodlights, is prohibited.
- b. The use of high intensity lights for safety and security purposes shall be limited to the minimum number required to achieve their functional role(s).
- c. Fixtures containing high intensity lights shall be designed and/or positioned such that they do not cause direct illumination of areas seaward of the primary dune and the source of light is not directly visible from the beach.

5. Design and Positioning of Low Intensity Lighting:

- a. Wallmount fixtures, landscape lighting and other sources of low intensity lighting shall be designed and/or positioned such that light does not directly illuminate areas seaward of the primary dune.

- b. All low intensity lights on balconies shall be shielded from the beach.
 - c. Low intensity lighting shall be used in parking lots within line of sight of the beach. Such lighting shall be:
 - (1) Set on a base which raises the source of light no higher than forty-eight (48") inches off the ground.
 - (2) Positioned and/or shielded such that the source of light is not visible from the beach.
6. Installation of Tinted Glass or Window Tint:
- Tinted glass, as defined in Chapter II, or any window film applied to window glass which meets the shading criteria for tinted glass, shall be installed on all windows of single and multi-story structures within line of sight of the beach.
7. Design of Vehicular Circulation Improvements and Parking Areas:
- a. Parking lots and roadways, including any paved or unpaved area upon which motorized vehicles will operate, should be designed and/or positioned such that vehicular headlights do not cast light toward the beach.
 - b. Vehicular lighting shall be shielded from the beach through the use of hedges, dune vegetation and/or other ground-level barriers.
8. Lighting For Pedestrian Traffic:
- a. Beach access points, dune crossovers, beach walkways, piers or any other structure on or seaward of the primary dune designed for pedestrian traffic shall use the minimum amount of light necessary to ensure safety.
 - b. Pedestrian lighting shall be of low intensity and recessed or shielded so that the source of light is not directly visible from the beach.
9. Beachfront Lighting Approval:
- Prior to the issuance of a Certificate of Occupancy, compliance with the beachfront lighting standards set out in the Sea Turtle Protection Plan (STPP) shall be approved as follows:
- a. Upon completion of the development activities, a registered Florida architect or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on.
 - b. The inspector shall prepare and report the inspection findings in writing to the Community Development Director identifying:
 - (1) The date and time of initial inspection.
 - (2) The extent of compliance with this section.
 - (3) All areas of potential and observed non-compliance with this section.
 - (4) Any action(s) taken to remedy observed non-compliance, if applicable.
 - (5) The date(s) and time(s) of remedial inspection(s), if applicable.
 - c. The inspector shall sign and seal the inspection report which includes a certification that:
 - (1) The beachfront lighting has been constructed in substantial accordance with the Sea Turtle Protection Plan (STPP).

(2) The beachfront lighting does not illuminate areas seaward of the primary dune at the time of the night inspection.

(3) The beachfront light sources are not directly visible from the beach at the time of the night inspection.

10. Approval Not Exclusive:

Determination of compliance with the beachfront lighting standards set out in the STPP shall not relieve person(s) from complying with all other applicable conditions set out in this Section or from mitigating against subsequent negative impacts to sea turtles, their nests or eggs resulting from the approved activity.

J. STANDARDS FOR EXISTING BEACHFRONT LIGHTING

Existing beachfront lighting shall comply with the following conditions:

1. Adjustment to Essential Lighting:

Existing artificial light sources shall be repositioned, modified or replaced with modern alternatives so that the source of light is not directly visible from the beach and/or does not directly illuminate areas seaward of the primary dune. Techniques and/or materials used shall be consistent with the manual referenced in Section 6.04.02(I)(2) and other reference manuals identified by the Community Development Director.

2. Reduction of High Intensity Lighting:

Either, or a combination, of the following alternatives shall be used to reduce high intensity lighting:

a. High intensity lighting shall be eliminated.

b. High intensity light shall be equipped with shades or shields so that light sources are not directly visible from the beach and do not directly illuminate areas seaward of the primary dune.

3. Reduction of Indirect Lighting on the Beach:

The installation of ground level barriers is encouraged to reduce the amount of indirect lighting striking the beach-dune system.

4. Lighting For Pedestrian Traffic:

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure seaward of the primary dune designed for pedestrian traffic shall be shielded such that they are not directly visible from the beach.

5. Use of Window Treatments:

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows of single and multi-story structures if those windows are within the line of sight of the beach. Blackout draperies or shadescreens are preferred. Alternatively, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is encouraged.

6. Enforcement and Implementation of Mitigative Measures:

In areas where compliance with the lighting conditions of this Section are not evidenced, non-compliant property owners shall be required to implement appropriate protective measures, developed in consultation with the Community Development Director, to mitigate against potential negative impacts to sea turtles. Mitigative measures shall be implemented in addition to applicable penalties and fines. Any mitigation program implemented as a result of non-compliance with

lighting conditions of this Section shall remain in effect until such time that acceptable beachfront lighting is achieved.

K. SPECIAL LIGHTING RESTRICTIONS DURING THE NESTING SEASON

Throughout each nesting season (March 1 through November 15), exterior light sources directly visible from the beach or illuminating areas seaward of the primary dune shall be turned off after 11:00 P.M. each night. Effective March 1, 1992, throughout each nesting season, exterior light sources directly visible from the beach or illuminating areas seaward of the primary dune shall be turned off between sunset and sunrise each night.

L. STANDARDS FOR NEW BEACH ACCESS POINTS

All beach access points constructed after December 1, 1986 shall comply with the following standards, and the standards shall be incorporated into a Sea Turtle Protection Plan (STPP):

1. Pedestrian Traffic:

Pedestrian traffic shall be directed and limited to beach access points provided with dune crossovers.

2. Information Sign Requirements:

Permanent sea turtle information signs shall be conspicuously posted at all new public beach, commercial, and private multi-family access points provided with dune crossovers. The information signs shall be:

- a. Standardized by the Community Development Department.
- b. Provided at cost by the County.
- c. Installed and maintained by the property owner.

3. Standardized Information Requirement:

Information printed on the signs shall inform beach users:

- a. That sea turtles use the beach as a nesting habitat.
- b. Of potential penalties for the possession, molestation, disturbance, harassment or destruction of sea turtles, their nests or eggs.
- c. Of a contact address or phone number for public use in obtaining additional information.

4. Sign Maintenance Requirements:

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains legible and the signs positioned such that they are conspicuous to persons accessing the beach.

5. Sign Removal:

Removal of the information signs by anyone other than those authorized by the Community Development Director is prohibited.

M. STANDARDS FOR EXISTING BEACH ACCESS POINTS

Permanent sea turtle informational signs shall be conspicuously posted and maintained at all existing public, commercial, and private multi-family beach access points provided with dune crossovers in accordance with the standards set out in Section 6.04.02(L) by March 1, 1993.

N. STANDARDS FOR MECHANICAL BEACH CLEANING

All mechanical beach cleaning activities approved by the State to remove debris from the beach, alter beach profiles, or disturb more than the upper two (2) inches of beach sediment through the use of motorized vehicles or other mechanical means, shall comply with the following standards, and the standards shall be incorporated into a Sea Turtle Protection Plan (STPP), as applicable:

1. Compliance With County and State Beach-Dune Preservation Policies:
Equipment, methodologies and points of access shall be consistent with long-term beach-dune preservation policies established by the County and State.
2. Timing:
Beach cleaning shall be confined to daylight hours and should be confined to the non-nesting season.
3. Mode of Operations:
During the nesting season (March 1 through November 15):
 - a. Beach cleaning operations should be limited to the strand line (previous high tide mark) whenever possible.
 - b. Light-weight motorized vehicles having wide, low-profile, low-pressure tires should be used to conduct beach cleaning operations instead of heavy equipment.
 - c. Devices used for removing debris from the beach should be designed and/or operated such that they do not penetrate beach sediments by more than two (2) inches.
4. Sea Turtle Protection Plan (STPP) Exemption:
A STPP may not be required for mechanical beach cleaning activities if it is demonstrated to the Community Development Director that the proposed operation(s) will have no adverse effects on the normal development and viability of eggs and hatchlings in sea turtle nests and habitats, pursuant to the following procedures:
 - a. The Community Development Director shall be notified in writing by the applicant that the protective/ mitigative measures set out in Section 6.04.02(G)(6) shall not be required as part of the State permit.
 - b. The Community Development Director shall grant an exemption from the STPP upon consultation with the State and receipt of a copy of the State permit prior to commencement of the mechanical beach cleaning activities.
5. Coordination of Beach Cleaning Operations With State- Sanctioned Scientific Studies:
All beach cleaning operations shall be coordinated through the State to ensure that these operations do not interfere with state-sanctioned scientific studies of sea turtle nesting activities.

6.04.03

MANATEE PROTECTION

(RESERVED)

6.05.00 FLOOD DAMAGE PREVENTION

6.05.01 GENERAL PROVISIONS

A. PURPOSE

It is the purpose of the Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial development.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
4. Control filing, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the development of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

B. OBJECTIVES

The objectives of this Section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
7. To ensure that potential home buyers are notified that property is in a flood area.

C. LANDS TO WHICH THIS SECTION APPLIES

This Section shall apply to all areas of special flood hazard within the jurisdiction of St. Lucie County.

D. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, as indicated in the most current maps provided to St. Lucie County, including Flood Insurance Study Supplement-Wave Height Analysis, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Code.

E. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be required in conformance with the provisions of this Section and Section 6.05.07 prior to the commencement of any development activities.

F. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations.

G. ABROGATION AND GREATER RESTRICTIONS

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another conflict or overlap, whichever imposes more stringent restrictions shall prevail.

H. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of St. Lucie County or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

6.05.02 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this Section, shall meet the requirements of new construction as contained in this Section.
10. Any alteration, repair, reconstruction, or improvements to a building which is not in compliance with the provisions of this Section, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

6.05.03 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 6.05.01(D) or Section 6.05.07(B)(10), the following provisions are required:

A. Residential Construction :

New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 6.05.03(A)(3).

B. Nonresidential Construction:

New construction or substantial improvement of any commercial, industrial or other nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation. Buildings located in all **A-Zones** may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Community Development Director as set forth in subsection 6.05.07(B)(9).

C. Elevated Buildings:

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and,
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

D. Standards for manufactured homes and recreational vehicles:

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or division must be elevated so that:
 - (a) The lowest floor of the manufactured home is elevated to or above base flood elevation, or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.

- (c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 6.05.03(A)(4)(b)(1) and (3) above.
3. All recreational vehicles placed on sites must either:
- (a) Be fully licensed and ready for highway use;
 - (b) Be on the site for no fewer than 180 consecutive days; or,
 - (c) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 6.05.03(A)(4)(a) or (b) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

E. Floodways:

Located within areas of special flood hazard established in Section 6.05.01(D), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- 1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- 2. If subsection 6.05.03(A)(5)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6.05.02(A) through 6.05.06.
- 3. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection 6.05.02(A)(2) and the elevation standards of Section 6.05.03(A)(1) and the encroachment standards of Section 6.05.03(A)(5)(a) are met.

F. Coastal High Hazard Areas (V ZONES):

Located within the areas of special flood hazard established in Section 6.05.01(D), are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:

- 1. All buildings shall be located landward of the reach of the mean high tide.
- 2. All buildings shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection 6.05.03(A)(6)(h).
- 3. All buildings or structures shall be securely anchored on pilings or columns.
- 4. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading valves shall equal or exceed the base flood. Wind loading valves shall be in accordance with the provisions of Section 13.00.00 of this Code.

5. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with provisions contained in subsections 6.05.03(A)(6)(b), (c) and (d) of this Section.
6. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Community Development Director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (c) Slope of fill will not cause wave runup or ramping.
7. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
8. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
 - (a) No solid walls shall be allowed; and
 - (b) Material shall consist of lattice or mesh screening only.
9. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
10. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Community Development Director for approval.
11. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in subsections 6.05.03(A)(6)(h) and (i).
12. Prohibit the placement of manufactured homes (mobile homes) except in an existing manufactured home, (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection 6.05.02(A)(2) and the elevation standards of Section 6.05.03(A)(6)(b) are met.

6.05.04 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND FLOODWAYS

Located within the areas of special flood hazard established in Section 6.05.01(D), where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:

- A. No encroachments, including fill material or structures shall be located in areas of special flood hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- B. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with subsection 6.05.07(B)(11).

6.05.05 STANDARDS FOR SUBDIVISION PROPOSALS

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots of five (5) acres.

6.05.06 STANDARDS FOR AREAS OF SHALLOW FLOODING

Located within the areas of special flood hazard established in Section 6.05.01(D), are areas designated as shallow flooding areas. These areas have special flood hazard associated with base flood depths of one to three feet (1 - 3) where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore the following provisions apply:

- A. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of nonresidential structures shall:
 - 1. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or
 - 2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

6.05.07 ADMINISTRATION

In addition to the administrative provisions in Chapter XI of this Code, the following provisions shall apply.

A. PERMIT PROCEDURES

Application for a development permit shall be made to the Community Development Director on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment; drainage facilities and the location of the foregoing. Specifically, the following information is required:

- 1. Application Stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
 - c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in subsection 6.05.03(A)(2).

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

- a. A floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard areas, after placement of horizontal structural members of the lowest floor.
- b. No structural construction beyond the foundation shall be authorized until the required flood certification has been submitted to and approved by the Community Development Director in accordance with paragraph "c" below.
- c. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Community Development Director:
 - (1) a certification of the elevation of the lowest floor; or,
 - (2) floodproofed elevation; or,
 - (3) the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, in relation to mean sea level.
- d. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- e. The Community Development Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stopwork order for the project.

B. DUTIES AND RESPONSIBILITIES OF THE COMMUNITY DEVELOPMENT DIRECTOR

Duties of the Community Development Director shall include, but not be limited to:

- 1. Review all development permits to assure that the permit requirements of this Section have been satisfied.
- 2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- 3. Notifying adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with subsection 6.05.07(A)(2).
- 6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Subsection 6.05.07(A)(2).

7. In Coastal High Hazard areas certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
8. In Coastal High Hazard areas, the Community Development Director shall review plans for the adequacy of breakaway walls in accordance with Subsection 6.05.03(A)(6)(h).
9. When floodproofing is utilized for a particular structure, the Community Development Director shall obtain certification from a registered professional engineer or architect in accordance with subsection 6.05.03(A)(2).
10. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Community Development Director shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.01.10.
11. When base flood elevation data or floodway data have not been provided in accordance with Section 6.05.01(D), then the Community Development Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Sections 6.05.02 through 6.05.06.
12. All records pertaining to the provisions of this chapter shall be maintained in the office of the Community Development Director and shall be open for public inspection.

6.06.00 MINING

6.06.01 RESTRICTIONS, REGULATIONS, AND CONDITIONS ON MINING PERMIT

- A. It shall be illegal to excavate or mine, as defined in Chapter II, any real property in St. Lucie County without first obtaining a mining permit for such activity, except as exempted in Section 11.05.11.
- B. All mining operations conducted under authority of a permit issued in accordance with the provisions of this Code shall be subject to the following restrictions, regulations, and conditions:

1. Dimensions:

The mine or excavation, as shown on the mining plan, shall comply with the following dimensional requirements:

a. Side slopes:

- (1) From the bottom of the excavation to a point four (4) feet below the normal water table, side slopes shall be limited to a maximum of one and one-half (1.5) feet horizontal to one (1) foot vertical; provided, however, that when mining activities involve consolidated mineral matter, no maximum shall apply.
- (2) From a point four (4) feet below the normal water table to natural ground surface or the top of the berm, the side slopes shall be limited to a maximum of four (4) feet horizontal to one (1) foot vertical; provided, however, that when mining activities involve consolidated mineral matter, the slope from a point four (4) feet below the normal water table to the top of the consolidated mineral matter may be increased to two (2) feet horizontal to one (1) foot vertical.

b. Berm and swale:

- (1) A berm shall be constructed extending around the perimeter of the excavation, which berm shall be two (2) feet above natural ground, have a top three (3) feet wide, and have maximum front and back slopes of four (4) feet horizontal to one (1) foot vertical.
- (2) A swale shall be constructed extending around the perimeter of the excavation or berm, which swale shall have a depth of between one (1) and two (2) feet, maximum slopes of four (4) feet horizontal to one (1) foot vertical, and minimum horizontal grade of two-tenths (0.2) percent in five hundred foot lengths.
- (3) The Board of County Commissioners shall authorize relief from the berm or swale requirements if it finds, after receiving the recommendation of the County Engineer, and based upon conditions peculiar to the proposed mining operation, that either or both are unnecessary to protect the public interest.

c. Setbacks and Buffers:

- (1) No excavation below adjacent road grade shall be permitted within one hundred fifty (150) feet of the right-of-way line of any public road or street, other than a state road, or within twenty-five (25) feet of the right-of-way line of any other state road, or within fifteen (15) feet of adjoining property; provided, however, that when adjoining property is being or has been used for mining or is owned by the applicant, mining may be permitted within fifteen (15) feet of such adjoining property.
- (2) Mining operations requiring a permit shall be buffered from all adjacent commercial or residential uses within two hundred (200) feet by a wall, hedge, or other durable landscape barrier of at least six (6) feet in height that forms a continuous screen between the uses. If such a barrier is of non-living material, at least one (1) shrub or vine shall be provided for each five (5) feet of barrier on the side of the barrier toward the residential or commercial use.

2. Performance Security:

Prior to receiving a permit, an applicant for mining permit shall provide a performance bond or other security, approved as to form and legal sufficiency by the County Attorney, to assure compliance with the requirements of the mining permit and the reclamation plan.

a. Amount:

The bond or other security shall be set by the Board of County Commissioners, upon recommendation of the County Engineer, in an amount reasonably related to the cost of reclamation activity. For a Class II permit, the bond or other security shall be required only for the active phases of the mining operation.

b. Release:

The bond or other security shall be released by the Board of County Commissioners only upon certification by the County Engineer that all ordinances, conditions, and reclamation requirements have been fulfilled.

3. Boundary Markers:

Prior to commencing operations, the permittee shall have all property lines and corners marked with poles no less than three (3) feet in height and painted red, spaced no greater than two hundred (200) feet apart or such other spacing as recommended by the County Engineer and approved by the Board of County Commissioners, and set in the ground such that the top of each pole can be clearly seen with the naked eye from the next marker.

4. Notice of Commencement or Cessation:

No later than five (5) days after commencement, the permittee shall notify the County Engineer that mining operations have commenced. No later than ten (10) days after mining operations have ceased or been interrupted, the permittee shall notify the County Engineer of such cessation or interruption.

5. Inspection:

The County Engineer or designate shall have authority to conduct inspections of any permitted mining operation, and to measure water levels in and take water samples from the mine. By seeking and obtaining a permit under this Code, a permit applicant shall be deemed to have consented to such inspections at any reasonable time upon presentation of proper identification by the County Engineer or designate.

6. Dewatering:

In the event of dewatering associated with excavations (including mining), the applicant shall present evidence that no salt-water intrusion and or reduction in quality or quantity of well water available to properties within 1/4 mile of the permitted activity will occur.

7. Revegetation:

All disturbed areas shall be seeded promptly and mulched with grass mixtures, at a rate of application in accordance with Florida Department of Transportation specifications, to establish capable cover during the growing season for which they are applied. Revegetation shall be considered complete upon demonstrating a reasonable stand of perennial cover established one (1) year after reclamation. The permittee shall be responsible for any erosion that occurs during the first year following reclamation.

8. Time for Reclamation:

The permittee under a Class I permit shall reclaim the land to a suitable condition within six (6) months following expiration of the permit or cessation of mining operations, whichever first occurs.

The permittee under a Class II permit shall reclaim the land to a suitable condition within twelve (12) months following completion or expiration of each phase of the excavation, cessation of mining operations, or expiration of the permit, whichever first occurs.

9. Criteria for Reviewing the Reclamation Plan:

In reviewing the reclamation plan, the County Engineer shall evaluate the plan and recommend conditions as may be necessary to assure that:

- a. Groundwater quality in the surrounding area is maintained; and,
- b. Surface water in the surrounding area is not degraded.

10. Conditions:

The Board of County Commissioners shall attach any reasonable condition, limitation, or requirement to a mining permit as is necessary to effectuate the purposes and to carry out the spirit of this Code. Such conditions, which may include regulations either in addition to or more restrictive than those otherwise set forth in this Code, shall be set forth expressly in the mining permit.

11. Environmentally Sensitive Areas:

Mining shall not be permitted in the following environmentally sensitive areas:

- a. Within any jurisdictional wetland as delineated in Section 373.421(1), Florida Statutes, or within fifty (50) feet of any jurisdictional wetland except that mining may occur within an isolated jurisdictional wetland that has been determined by the South Florida Water Management District for the purpose of establishing wetland quality as either "poor" or "fair", and is entirely surrounded by uplands, if and to the extent:
 - 1.) Alteration of such wetland is permitted in accordance with Section 6.02.03 of this Code.
 - 2.) Mining activities have received appropriate environmental resource permits issued in accordance with Part IV (Management and Storage of Surface Waters) of Chapter 373 (Water Resources). Florida Statutes, and;
 - 3.) All wetland mitigation shall be on-site or at a mitigation site approved by St. Lucie County, except that no wetland littoral zone constructed in accord with requirements of Section 6.06.03 of this code may be counted towards this required mitigation.
- b. Savannahs State Reserve and the planned acquisition area for the Savannahs State Reserve; (see Figure 6-10),
- c. North Indrio/Savannas and planned acquisition area; (see Figure 6-11),
- d. Atlantic Coastal Ridge;
- e. Within two hundred (200) feet of any area designated for conservation, preservation or other form of resource protection through the execution of a conservation easement or similar dedication in favor of St. Lucie County, the South Florida Water Management District or other lawful entity recognized by St. Lucie County;
- f. Dune Preservation Zone.

6.06.02 EXTRACTION INCIDENTAL TO DEVELOPMENT ACTIVITIES

- A. Temporary mining activities may be performed as part of the development an approved site plan, an approved conditional use permit, a Planned Development that has received preliminary approval, or a Development of Regional Impact for which an Application for Development Approval has been submitted

and found sufficient for review by the Regional Planning Council, provided, however, that prior to undertaking such activities, all required local, state, and federal permits must be secured, including obtaining a mining permit from the Board of County Commissioners when required by this Section and Section 11.05.11.

- B. Construction of a stormwater management system for a site plan approved project shall be exempt from the requirements of Section 6.06.01(B)(1), Dimensional Requirements, provided that all applicable construction authorizations for that development have been issued by St. Lucie County and the South Florida Water Management District.
- C. Construction of a stormwater management system incidental to the construction of any linear roadway construction or expansion project shall be exempt from the requirements of this Section provided that all applicable construction authorizations for that development have been issued by St. Lucie County and the South Florida Water Management District for roadways not under the jurisdiction of the State of Florida or for roadways that are under the jurisdiction of the State of Florida provided that all applicable construction authorizations for that development have been issued by the South Florida Water Management District.

6.06.03 EXCAVATION OR MINING RESULTING IN THE CREATION OF A WATER BODY

- A. A littoral zone shall be established as part of any water body created by an excavation requiring a mining permit. A design and management plan must be submitted which shall:
 - 1. Include a topographic map of the proposed littoral zone showing the control elevation contour and the minus two and one-half (-2 1/2) foot control water elevation contour, and include a cross-sectional view of the littoral zone planting design, showing the required slopes from the top of the bank to a depth of two and one-half (2 1/2) feet below the control water elevation;
 - 2. Specify how the vegetation is to be established, including the extent, method, type, and timing of any planting provided;
 - 3. Provide a description of any water management procedures to be followed in order to ensure the continued viability and health of the littoral zone; and,
 - 4. Include a plan view which documents the location and extent of the littoral zone.
- B. The established littoral zone shall consist of native vegetation and shall be maintained permanently as part of the water body. All landscaping, littoral zone revegetation plans, and lake management plans shall comply with South Florida Water Management District rules.

