

Martin County Comprehensive Plan  
 Chapter 8 COASTAL MANAGEMENT ELEMENT  
 TABLE INSET:

Adopted:	February 20, 1990	By Ordinance No. 373
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Amended:	October 27, 1992	By Ordinance No. 419
Amended:	October 26, 1993	By Ordinance No. 430
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Amended:	September 12, 1995	By Ordinance No. 477
Amended:	December 15, 1998	By Ordinance No. 537
Amended:	August 22, 2000	By Ordinance No. 577
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Amended:	December 11, 2001	By Ordinance No. 606
Amended:	December 10, 2002	By Ordinance No. 627
Amended:	May 27, 2003	By Ordinance No. 630
Amended:	December 7, 2004	By Ordinance No. 660
Amended:	September 6, 2005	By Ordinance No. 677
Amended:	December 11, 2007	By Ordinance No. 780

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Section 8.1. Background.

Martin County is rich in water-related coastal resources. These resources have been the reason behind the County's rapid growth. Like other counties on Florida's east coast, Martin County is located on the Atlantic Ocean. In addition, the County's shoreline property is even more extensive due to the presence of the Indian River Lagoon, the Intracoastal Waterway, the St. Lucie River (both north and south forks), the Manatee Pocket and the Loxahatchee River (both north and northwest forks). The County contains more than 135 miles of shoreline in all. Until recently the coastal zone (as defined on coastal management Figure 8-1, Land Use) was relatively undeveloped, although historically the population was situated along the water bodies. The settlement pattern did not become concentrated until the late 1970s and 1980s, as a rapid influx of people settled in the County's coastal zone.

**Editor's note:** Figure 8-1 is on file in the office of the Martin County Growth Management Department.

In this rapidly urbanizing area, protection of the existing natural resources and planning for water-related and water-dependent uses has been a concern of Martin County. Planning and protection efforts by the County have centered around the Comprehensive Plan adopted in 1982. Additional laws include the Martin County Dock Ordinance adopted in 1986. However, there are continuing concerns for adequate protection of the health of natural systems and for adequate planning for water-related and water-dependent activities.

#### Section 8.2. Existing coastal conditions.

8.2.A. *Related to land use.* The Atlantic shoreline of Martin County is comprised of two barrier islands: the southern end of Hutchinson Island from the north County line approximately seven miles south to the St. Lucie Inlet and the northern end of Jupiter Island, from the St. Lucie Inlet approximately 14 miles south to the south County line. Predominant land uses along the County's shoreline areas are residential. While the water enhances land use, it is important that sufficient land remain available for those uses that are water-dependent and water-related. In Martin County, commercial and sport fishing and seasonal residents (tourism) are extremely important to the local economy. In many instances, only through redevelopment can the water-dependent and water-related uses recapture the shoreline from the more successful competition of residential land use. The shoreline has a finite capacity, and balancing competing uses for waterfront property can be extremely difficult.

While Martin County may have extensive waterfront land, much of it's use is already preempted by existing residential uses and other non-water-dependent or water-related uses. The exceptions are along the south fork and the St. Lucie Canal. The amount of shoreline available for any urban use is further limited by the presence of sensitive environmental resources and stringent environmental protection programs. It is therefore essential that those undeveloped areas exhibiting suitable qualities for water-dependent and water-related uses be reserved for the future so that as demand grows over the next 15 years, adequate sites will be available.

1. Water-dependent uses are those land uses for which location is dependent on proximity to the water resource (i.e., commercial marinas, boat yards, industrial boat repair and manufacturing, and water sports recreational use).
2. Water-related uses are those land uses for which association with the water resource is required (i.e., commercial trailered boat sales, bait/tackle shops, recreational resorts and institutional or educational research centers).

8.2.B. *Hurricanes and tropical storms.* Historically, hurricanes have caused significant property damage and loss of life in south Florida. The County has not had a major hurricane strike the coastline for over 20 years. The most recent hurricane experience was in 1979 with Hurricane David. Great storms in the late 1940s caused widespread damage and flooding on a much different Martin County than exists today. Significant development has taken place in the coastal area since that time. Local efforts now are directed towards identifying and outlining those measures that Martin County should consider to avoid the loss of life and to minimize property damage in the event of a hurricane or other major storm.

Permanent population projections for 2010 represent a 21 percent increase over the 2000 Census County-wide permanent population of 126,731. A majority of that increase is

expected to take place in the coastal areas east of the Florida Turnpike. The following tables 8-1 and 8-2 provide a relative estimate of the magnitude of population that would be expected to be in jeopardy from hurricane threats.

Table 8-1. PROJECTED POPULATION REQUIRING EVACUATION  
MARTIN COUNTY

TABLE INSET:

Level of Threat (Storm Classification)	Season	People
Category 1	Summer	37,040
Category 1	Fall	47,210
Category 3	Summer	50,376
Category 3	Fall	63,774
Category 5	Summer	85,007
Category 5	Fall	98,759

Source: Evacuating People Statistics Treasure Coast Hurricane Evacuation Study -2003. Based upon data supplied by the Army Corps of Engineers in its Natural Disaster Planning Study and updates, the following table shows the relative sheltering needs for the County's population as estimated by the study.

Table 8-2: PROJECTED POPULATION REQUIRING PUBLIC SHELTER  
MARTIN COUNTY

TABLE INSET:

Level of Threat (Storm Classification)	Season	Evacuees People
Category 1	Summer	2,723
Category 1	Fall	2,830
Category 3	Summer	4,476
Category 3	Fall	4,612
Category 5	Summer	7,919
Category 5	Fall	8,060

Source: Evacuating People Statistics Treasure Coast Hurricane Evacuation Study -2003. The County has been divided into evacuation zones which correspond to the category of storm.

*Tropical storms.* All residents on Hutchinson Island, Jupiter Island, Sewall's Point and low lying areas within one-half mile of the Indian River Lagoon, the North and South forks of the St. Lucie River and the Loxahatchee River would be advised to leave those areas due to the possibility of flooding. Mobile manufactured home residents throughout the County would be advised to seek more substantial shelter due to possible high winds.

*Category-One.* All mobile/manufactured home residents within the County are ordered to seek more secure shelter. Residents of Jupiter Island, Hutchinson Island and Sewall's Point are ordered to evacuate. Evacuation of low lying (less than ten feet of elevation) areas within one-half of mile of all County waterways is recommended.

*Category two and three hurricanes.* Includes all areas ordered to evacuate in a category one storm, and additionally, low lying areas within three-quarters of a mile of all County waterways are recommended to evacuate. These areas include most of the residents of North River Shores, Palm City east of Mapp Road, the City of Stuart and the Tropical Farms area west of Kanner Highway, Port Salerno, Hobe Sound east of SR A1A, south county east of US 1 and most areas of Turtle Creek, Little Club, Rivers Edge, Jupiter River Estates, Wood Haven, River Bend and Heritage Oaks.

*Category four and five hurricanes.* All areas ordered or recommended to evacuate for a category three, including additional low lying areas within one mile of all County waterways, would be recommended to evacuate. These areas include residents of North River Shores, Rio, Jensen Beach, City of Stuart, Palm City, Port Salerno, Tropical Farms, Hobe Sound and south county.

\*"Low lying areas" mean those areas which experience local flooding due to heavy rains and/or are less than ten feet above mean sea level.

Coastal Management Figure 8-5, Natural Disaster Planning, shows the evacuation routes for all three zones. For the most part, evacuees are routed to the Florida Turnpike or Interstate 95. Access to the interstate is via Port St. Lucie Boulevard, SR 713 (Palm City), SR 714 (Palm City), SR 76 (Tropical Farms) and CR 708 (Hobe Sound). The only evacuation traffic in Martin County routed to the Florida Turnpike via the Jupiter exit is generated from areas south of Jonathan Dickinson State Park and from Jupiter Island south of Bridge Road by way of Indiantown Road (SR 706) in Palm Beach County.

**Editor's note:** Figure 8-5 is on file in the office of the Martin County Growth Management Department.

The time needed for evacuation can vary significantly, depending on ambient weather conditions (e.g. wind, rain, tide level), the number of evacuating vehicles, response rate of area residents to the hurricane threat and roadway capacity. Evacuation of the barrier islands is a primary concern since residents of the barrier islands are potentially at greatest risk from a hurricane threat. A hurricane with landfall at 90 degrees to the coastline would have a storm surge that is considerably higher than either a paralleling or crossing hurricane.

Based on the Florida Hurricane Surge Atlas developed by the Army Corp of Engineers, a category five storm making perpendicular landfall to Martin County could generate surge heights of 13.9 feet at Stuart and 11.7 feet at Hobe Sound. A category one storm on the same track could generate surge heights of 6.4 feet at Stuart and 6.2 feet at Hobe Sound. Table 8-3 indicates evacuation times for Martin County, by category of storm.

TABLE 8-3  
 CLEARANCE TIMES (In Hours)  
 Treasure Coast Hurricane Evacuation Study  
 Transportation Analysis

TABLE INSET:

Martin County--In County Evacuation Movements:		
<i>Storm Scenario</i>	<i>Summer</i>	<i>Fall</i>
<i>Category 1 Hurricane</i>		
<i>Rapid Response</i>	6	7.5
<i>Medium Response</i>	9	9
<i>Long Response</i>	10.75	10.75
<i>Category 3 Hurricane</i>		
<i>Rapid Response</i>	9	10.75
<i>Medium Response</i>	9.5	11.5
<i>Long Response</i>	10.75	12.25
<i>Category 4--5 Hurricane</i>		
<i>Rapid Response</i>	9.75	11.50
<i>Medium Response</i>	10.25	12.25
<i>Long Response</i>	11.25	13

Source: Hurricane Evacuation Clearance Times Transportation Analysis Overview, Treasure Coast Hurricane Evacuation Study Update 2003.

The Army Corps of Engineers Evacuation Study suggests the County could reduce flooding problems on the evacuation routes by elevating the roadways. This could be done whenever the roadway is reconstructed or widened. The County will undertake a study to define roadway sections that are subject to flooding, and to determine whose responsibility it is to correct the deficiency. Once completed, the needed road improvements will be integrated into the Martin County Capital Improvement Element. Continued removal of potential obstructions, especially Australian pines, from the road rights-of-way of evacuation routes is another measure that will help to assure a safe and quick evacuation.

In addition, the problem of evacuating Hutchinson Island is further compounded because Jensen Beach Causeway is utilized not only by Martin County residents, but by the St. Lucie County population as well. In fact, a larger proportion of evacuation trips across the Jensen Beach Causeway would be generated from island condominiums in St. Lucie County than from Martin County residents. St. Lucie County traffic leaving the island via

Jensen Beach Causeway have been incorporated into the 1993 Transportation Analysis Overview.

(Ord. No. 660, pt. I(#04-16, Exh. B), 12-7-2004)

### Section 8.3. Future coastal needs.

It becomes obvious by reviewing the County's projected growth by 2005 and 2010, that the undeveloped shoreline and vacant areas in proximity to it will continue to be under significant pressure to be utilized for non-water-dependent and non-water-related uses. Population estimates and projections have been developed by the Martin County Growth Management Department. The Census count for April 1, 2000 County-wide population was 126,731 permanent residents. Projected growth by April 1, 2005 is 140,200 and 153,600 by April 1, 2010. Protection of sufficient land for water-dependent and water-related uses is important as the competition for waterfront properties intensifies and fewer tracts of land adjacent to water are available.

8.3.A. *Need for natural resource protection.* A potentially significant impact of continued residential and commercial development to the natural resources of Martin County's coastal zone will be the progressive loss of seagrass beds within the St. Lucie and Indian River lagoon system. Seagrasses are extremely sensitive to degradation of water quality from nonpoint source pollution. Martin County recognizes the importance of protecting food sources for endangered species which include seagrass beds used by manatees and turtles. They are an irreplaceable natural resource within the County. Loss of these seagrass beds is an unseen and unnoticed effect of pollution and development. The purpose of discussing water quality and biological resources in this element of the plan is to acquaint citizens and other interested parties with the nature, location and value of these living resources, and to demonstrate how their protection and preservation can be weighted in terms of other possibly conflicting land uses. Discussion of land uses within this element will identify water-dependent and water-related uses. A comparison and analysis of land uses appears in the Data Inventory and Analysis, Part II.

As Martin County's population continues to grow, additional land clearing will continue. Even under the most effective water retention scenario, more and more surface water runoff will enter our coastal waters. Every effort should be made to limit increases in volume and degradation of water quality in runoff to the estuary. The degree to which land in the coastal zone can be utilized depends in large part upon the infrastructure that is available. The key components of infrastructure include roadways, sewage treatment systems, potable water systems and manmade drainage systems. These items are discussed in this element only as they pertain to coastal zone management. Public access to beaches and other waterways within the County are also discussed. However, a more complete analysis of public access is presented in the Recreation Element.

Protection of the beach and dune systems is a primary concern of Martin County. Protection of the natural vegetation which holds the dune, beach renourishment programs and nearshore reefs are all presented. This element, with supporting data contained in Data Inventory and Analysis, Part II, identifies those measures that Martin County will take to avoid loss of life and to minimize property damage in the event of a hurricane, tropical storm and other natural disasters.

8.3.B. *Need for marina and boat ramp siting criteria.* In developing the Comprehensive Growth Management Plan, Martin County has elected to include a marina and boat ramp

siting section within the element. Its goal is to aid all parties involved in the siting process to select the most suitable locations for such activities. Actual and projected boat registrations in Martin County between 1982 and 2002 are as follows:

TABLE 8-4

BOAT REGISTRATIONS IN MARTIN COUNTY: 1982--2002

TABLE INSET:

Year	1982	1988	1989	1997*	1998*	2002
Boats	6,738*	10,453*	11,250*	14,458	14,847	16,388

TABLE INSET:

Notes:	*Indicates actual registration.
Sources:	Actual registration: Martin County Tax Collector's Office, 1999. Projected registrations are based on an annual growth rate of 2.5 percent per annum.

8.3.C. *Role of this element.* It is Martin County's intent that this Coastal Management Element provides for understandable and predictable planning and regulation of coastal, natural systems. This element is a management tool by which citizens seek to manage the forces affecting the coastal environment. Martin County believes that sound and prudent management policies, which protect, enhance and expand the quality of the environmental treasures in our coastal zone, will keep our County a place of which we can be proud.

(Ord. No. 660, pt. I(#04-16, Exh. B), 12-7-2004)

Section 8.4. Goals, objectives and policies.

8.4.A. *Coastal natural resources goal.* The goal of this element is to effectively manage, conserve, preserve and protect Martin County's coastal natural resources, giving consideration to an equitable balance of public and private property rights, by developing and implementing programs and procedures, limiting coastal development activities and providing for mitigation of development impacts.

1. *Objective.* To protect and preserve the functions and values of coastal wetland and barrier island natural systems. These systems serve a multitude of functions, including, but not limited to, flood control, groundwater aquifer recharge and wildlife habitat.

a. *Policy: Protection of wetlands.* All wetlands in Martin County shall be protected. No negative impacts shall be allowed in wetlands, within the wetland buffer, nor within the upland transition area surrounding the wetland. Wetland protection requirements as detailed in this objective and in objective 9.4.A.7 of the Conservation and Open Space Element are defined as a "performance standard" in section 4.5 of the Future Land Use Element. All development must be consistent with the wetland protection requirements of the Comprehensive Growth Management Plan and F.A.C. 9J-5.013(3). The requirements include directing inconsistent and/or incompatible future land uses away from wetland areas. Compliance with all wetland protection requirements must be demonstrated prior to the issuance of a development approval or order.

The intent of sections 8.4.A.1.a.--d. is to protect natural wetland systems. This policy is not intended to protect manmade excavations in uplands, except those that are navigable

and connected to the waters of the State. This policy is intended to protect natural wetlands even when impacted by manmade excavations.

While manmade wetlands exempt under this policy are not protected as natural wetlands, development review shall assure that impacts to them do not adversely affect drainage or natural systems.

In determining if a wetland which meets the definition in section 8.4.A.1.b.(1) is a natural system protected under section 8.4.A.1.a.--d., the following standards shall apply:

- (1) Only manmade wetlands clearly excavated in uplands will be exempt.
- (2) Navigable canals connected to the waters of the State, whether excavated in uplands and wetlands, will not be exempt.
- (3) Artificially created wetlands where there were no wetlands at the time of excavation and where there are no wetlands beyond the bank top of the excavation will be exempt.
- (4) Manmade wetlands which are within or directly adjacent to natural wetlands will be protected as part of the natural wetland system.
- (5) If there is not sufficient evidence to prove that the excavation was manmade in upland soils and is not within or adjacent to a natural wetland, then the system will be protected as a natural wetland.

b. *Policy: Wetlands, general provisions.* The following definitions, restrictions, violations, waivers and density transfer provisions shall apply:

- (1) Wetlands, as defined in F.S. § 373.019(17), are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

As part of the map series, the Martin County Composite Wetland Map, Figure 9-1, is a composite of several data sources. These sources consist of 1981 hydric soils data, the 1985 national wetlands inventory data, satellite classification data (thematic mapper and SPOT data) from multiple years, and Martin County environmental field data.

**Editor's note:** Figure 9-1 is on file in the office of the Martin County Growth Management Department.

The use of data from multiple years and sources is critical. For example, according to the U.S. Geological Survey, the average annual rainfall is 56.15 inches in Stuart and 48.67 inches in Port Mayaca in the western portion of the County. Wet season (June--November) rainfall records for the lower east coast of Florida indicate that the amount of rainfall can vary from a minimum of 23 inches to a maximum of 54 inches with a mean wet season value of 35 inches of rainfall per year. Dry season rainfall records for the lower east coast of Florida indicate that the amount of rainfall can vary from a minimum

of seven inches to a maximum of 31 inches with a mean wet season value of 17 inches of rainfall per year. At times, south Florida has experienced localized and widespread multiyear wet cycles and multiyear dry cycles. Localized tropical storms can produce heavy rains and high tides which can result in extensive damage caused by coastal and inland flooding. Localized droughts can cause reductions in shallow aquifer water table elevations and negatively effect natural wetland hydroperiods. In addition, rainfall is seasonal and the majority of the precipitation falls between June and October. The composite map is a useful guide to locate wetlands, but State statute requires wetland boundaries to be delineated in the field according to the State unified wetlands delineation methodology. The State unified wetland delineation methodology will determine the final jurisdictional location and extent of wetlands. Future field and satellite data, as it becomes available, will be used periodically to update the composite map to reflect the most up-to-date digitally derived wetland coverage. The general wetland vegetation types for selected hydric soils are included in Table 8-5.

Table 8-5. Type of Wetland Area and Associated Soil Types

TABLE INSET:

TYPE OF WETLAND AREA	ASSOCIATED SOIL TYPES
Forested Saltwater	30, 40, 50, 67, 79
Nonforested Freshwater	3, 5, 10, 12, 19, 49, 54, 56, 57, 70, 74
Forested and Mixed	13, 22, 38, 40, 51, 58
Forested Freshwater	60, 62, 69, 73

Source: Soil Survey of Martin County Area, Florida (Martin Soil and Water Conservation District; U.S.D.A. Soil Conservation Service, 1981; Florida Division of Forestry, 1981).

(2) No negative impacts shall be allowed in wetlands, or within the wetland buffer, and upland transition area surrounding the wetland. Where illegal activities in violation of the Comprehensive Growth Management Plan or the Code of Ordinances of Martin County have altered any wetland area so that all or part of the original area no longer meets the definition of a wetland, or has negatively impacted a wetland, restoration shall be required at the site of the alteration. Restoration of buffers, habitat and hydrology of the original wetland area shall be required. The restored wetland shall be protected as a natural wetland.

(3) Identification of wetlands on-site. Martin County shall continue to require that all applications for development approval include an identification of all wetland areas on-site as defined in this element. This requirement shall be included within the land development regulations to be adopted by July 1, 1990. All preserve areas and buffers designated on site plans shall be maintained free of exotic plants, trash and debris.

(4) Preserve area management plan provisions. For all wetland areas as defined in this element, a preserve area management plan shall be required and implemented. Any application for development plan approval must contain a preserve area management plan to protect all wetland areas located on-site and off-site. The preserve area management plan is subject to the review and approval of the Martin County Growth Management Department. No development approval will be issued until the preserve area management plan is approved by the Martin County Growth Management Department. The preserve

area management plan must contain a statement that indicates that the County has authority to enforce all provisions of the preserve area management plan. In accordance with the preserve area management plan, the wetland areas on-site must be maintained. The preserve area management plan must contain provisions to:

- (a) Remove and provide continued management of exotic vegetation and debris;
- (b) Revegetate the wetland area and the surrounding upland transition buffer with appropriate native plant material, if necessary;
- (c) Mitigate previous or potential drainage impacts to the maximum extent technically feasible in order to restore the natural hydroperiod;
- (d) Assure that the quality and quantity of natural drainage patterns which provide inflow to the wetlands are maintained by incorporating these areas into the project's surface water management plan. Water quality and the rate, timing and volume of runoff should recreate natural conditions for the benefit of wetlands and recurring waters;
- (e) Provide buffers of appropriate native upland vegetation adequate to assure continuance of the wetlands' values and functions. Wetlands on adjacent property shall also be protected from adverse impacts;
- (f) Provide for the protection of plant and animal species that are rare, endangered, threatened or a species of special concern as defined by the Federal government, the State of Florida, including the Florida Game and Freshwater Fish Commission (FGFWFC), and including any species or native habitat the Treasure Coast Regional Planning Council determines to be regionally rare, endangered or threatened with extinction, in accordance with recommendations from applicable State and Federal agencies, and including unique and rare upland native habitats in Martin County (sand pine/scrub oak associations, turkey oak associations, hardwood hammock associations, tropical hammock associations, coastal hammock associations and cabbage palm/oak hammock), and include all permitting conditions as an attachment to the PAMP. Such recommendations, requirements and conditions for permit shall be made part of the preserve area management plan;
- (g) Provide any additional measures deemed necessary to protect and maintain the values and functions of the wetland area, including monitoring provisions to assure continued compliance;
- (h) Provide requirements for fines for noncompliance of provisions contained within the PAMP;
- (i) Provide language that preserve areas are not to be altered except by way of a PAMP amendment approved by the Board of County Commissioners; and
- (j) Provide monitoring provisions to assure the survivorship and maintenance responsibility for the reclamation areas of littoral and upland transition zone buffer areas around constructed lakes.

The professional responsible for the PAMP shall certify in writing that the PAMP meets all of the requirements of the Comprehensive Growth Management Plan and the LDRs, and that the PAMP will assure the maintenance of functions and values of upland habitat and wetland systems, and that the natural wetland hydroperiod fluctuations and water table will not be altered by on-site irrigation wells or weir settings for stormwater improvements.

(5) Violations. Where evidence indicates that drainage, clearing or other development or manmade impacts has taken place subsequent to April 1, 1982, and in violation of

applicable wetland development restrictions in effect at the time the violation occurred, restoration shall be required before any development permits or orders are issued, or within 90 days after receiving a notice of violation. This requirement shall include submittal of a minimum two-year letter of credit, or other acceptable financial alternative, to assure the successful restoration of the particular violation.

(6) Waivers and exceptions. All wetland alteration allowed under these exceptions shall be mitigated sufficiently to ensure that there is no net loss of functions or the spacial extent of wetlands in Martin County. No exceptions or waivers shall be granted to these standards except in accordance with the procedures detailed below:

(a) As outlined in section 8.4.A.4.a.(4)(c) to provide riparian access;

(b) Where the applicant demonstrates that encroachment of the wetlands, or wetland buffers, is necessary for access and no reasonable upland alternative exists. In such cases an exemption shall be granted only when appropriate environmental agencies, including the Martin Soil and Water Conservation District or the Martin County Growth Management Department, certify in writing that it is the least damaging alternative and that the applicant has submitted a proposal for mitigation which will minimize damage to the extent technically feasible;

(c) When a plan has been approved by the Growth Management Department for the removal and continued management of undesirable exotic vegetation and debris (including revegetation with appropriate native plant material);

(d) On residential lots of record, as defined in the plan, where there is insufficient adjacent upland property to make any reasonable use of the land, one single-family home shall be allowed subject to the requirements that the access is through the least damaging area, as referenced in 8.4.A.1.b.(6)(b) above, and as long as all other development regulations, including Federal, State and regional permitting requirements, are satisfied. This provision applies only to lots in which the owner does not own the adjacent land (single ownership) and the lot is vested under this plan;

(e) Where the applicant demonstrates that encroachment of wetlands, or wetland buffers, as defined in this element, is necessary for the construction and/or maintenance of a public utility (as defined in F.S. § 366.02 (1983)), an exemption may be granted subject to the following conditions:

1) The construction or maintenance activity is for a linear facility that cannot be accomplished without wetland impacts;

2) The utility has demonstrated that the encroachment is necessary and that no reasonable upland alternative exists;

3) The activity is designed and located in such a manner that the least amount of damage to the wetlands is assured;

4) The applicant has submitted a proposal for reforestation and/or mitigation to offset the impact;

5) Permits have been received from the appropriate State and Federal environmental agencies and copies of those permits have been submitted to Martin County prior to issuance of the County permit;

6) The Martin Soil and Water Conservation District and/or the Martin County Growth Management Department has reviewed the application and has determined in writing that the proposed encroachment is the least damaging alternative;

- 7) The applicant has provided proof of ownership or easement over the property to be encroached;
- 8) A plan has been approved by the Growth Management Department for the removal of undesirable exotic vegetation as part of the restoration and/or mitigation proposed in subsection 8.4.A.1.b.(6)(e)4);
- 9) The applicant has demonstrated that the construction and/or maintenance activity will maximize the preservation of native indigenous vegetation; and
- 10) The utility demonstrates that, should fill be required, the minimum necessary is used, to assure reasonable access to the property or construction activity.

(f) When a plan for elevated observation boardwalks and single-family residential docks, multislip docks, boat ramps and commercial docks has been designed and located in such a manner that the least amount of damage to the wetland is assured, and the plan meets the provisions of the Dock Ordinance and has been approved by the Growth Management Department as meeting all criteria of the Coastal Management and Conservation and Open Space Elements, and has been approved by the appropriate State and Federal agencies.

(g) For proposed or approved bridges in a public right-of-way crossing estuarine waters or waters of the State, public access may be maintained in accordance with provisions in section 8.4.A.4.a.(4)(c)4).

(h) Stormwater treatment projects listed in the adopted Capital Improvements Plan, constructed by the Martin County Board of County Commissioners and reservoirs, stormwater treatment areas and related facilities constructed as part of the Comprehensive Everglades Restoration Plan in any part of Martin County subject to the following:

1) The project shall be designed to cause the least amount of negative impact to wetlands. Waivers to existing requirements will be based on the principle of protecting the highest quality habitat and impacting the lowest quality habitat. Below are example habitats ranked from lowest to highest in quality and importance.

- [a] Wetland buffers degraded with exotic vegetation.
- [b] Wetland buffers, undisturbed.
- [c] Wetlands, isolated and degraded.
- [d] Wetland systems, large and disturbed.
- [e] Wetland systems, large and undisturbed.

Wetland quality will be assessed using criteria established by the State of Florida.

2) All projects shall follow all State and Federal regulations and permitting requirements.

3) No such waiver to the Comprehensive Plan policies or the Land Development Regulations shall be granted that would jeopardize the continued existence of threatened or endangered species as listed by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

(7) Reserved.

(8) Density transfer. All property owners shall have the right to transfer density to the upland area on any site which contains wetlands pursuant to the following stipulations:

(a) The development must be submitted for review as either a planned unit development or a clustered multifamily project in one of the multiple-family residential zoning districts.

(b) In addition, the following equations shall apply:

1) The resulting residential density of the upland property shall be no greater than 15 units per acre, except that for densities in excess of ten dwelling units per acre there shall be a 75-foot native upland transition zone around all wetlands;

2) The total number of units allowed in any development using this density transfer formula shall be equal to or less than the allowed maximum density for the entire parcel as shown on the Future Land Use Map;

3) Density transferred must be equal to or less than one-half of the wetland acreage multiplied by gross density; and

4) For parcels with wetlands that occupy 50 percent or more of the total site, the gross residential density of the upland property must be equal to or less than two times the gross residential density of the entire parcel.

(c) All performance standards, including upland preservation requirements, shall apply to all upland development.

(d) The increase in net residential density created by density transfer shall not create unreasonable or adverse environmental impacts on adjacent wetlands or uplands or land use incompatibilities with neighboring properties unless such impacts are mitigated to the satisfaction of the Board of County Commissioners. All environmental mitigation shall be consistent with the wetland protection policies in this plan including Policy 8.4.A.1.a. of this element. Land use incompatibilities must be mitigated consistent with the policy in section 4.4.I.5. (residential land use orderly transition and buffering) and the performance standard for density allocations and intensity, section 4.5.A.2. [sic] of the Future Land Use Element.

**Editor's note:** The reference to section 4.5.A.2 should be to section 4.5.A.2.

(e) Whenever density transfers are proposed, the provisions in section 8.4.A.1.b.(8)(b), notwithstanding, the net buildable residential area of all plans shall include a minimum of 50 percent permeable open space. A golf course may account for no more than 60 percent of the required open space.

("Net buildable density" is defined as the allowable number of residential units divided by the net buildable upland area; "net buildable upland area" is defined as the gross land area less all wetlands.)

c. *Policy: Wetlands, special.* In addition to those wetland areas defined in this element, there are those wetlands that are considered wetland areas of special concern:

Designated wetland areas of special concern:

- (1) The north county Savannas.
- (2) Britt Creek.
- (3) Arant's Creek and Swamp.
- (4) Warner Creek.
- (5) Hutchinson Island estuarine area.
- (6) St. Lucie south fork and islands.
- (7) Willoughby Creek.
- (8) Manatee Creek.
- (9) Intracoastal Waterway and adjacent marshes.
- (10) St. Lucie south fork headwaters.
- (11) Myrtle Slough.
- (12) Danforth Creek.

- (13) Kitching Creek headwaters.
- (14) Cypress Creek and Loxahatchee River headwaters.
- (15) Bessey Creek.
- (16) Mapp Creek.
- (17) Hog Creek.
- (18) Allapattah Slough.
- (19) Barley Barber Swamp.
- (20) Bluefield Wetlands.
- (21) Boar and Myer Hammocks.
- (22) East Creek.
- (23) Cane Slough.
- (24) Roebuck Creek.
- (25) Wetlands within State, regional, Federally designated greenways.

In addition to the provisions set forth in Policy 8.4.A.1.b. above, the following additional performance criteria for all wetland areas, as defined in this element, must be met. Special considerations and additional protective measures will be required to assure protection of the special wetland areas indicated above. These special protective measures will be incorporated as conditions of approval during the site plan review process to ensure that the biological, scenic and navigational qualities of these special wetland areas are maintained. Development regulations providing specific explanatory language for each protective measure will be enacted by the County within the land development regulations adopted by July 1, 1990.

d. *Policy: Buffer zones and performance criteria for wetlands.* The following buffer zone provisions and performance criteria for wetland areas identified in Policies 8.4.A.1.b. and c. must be met. These provisions and criteria shall be incorporated into Martin County's Development Regulations by July 1, 1990.

(1) *Buffer zone provisions.*

(a) For natural creeks, rivers, water bodies connected to waters of the State and waters of the State as defined and protected according to F.S. ch. 403, a minimum 75-foot wide buffer zone of native upland and transitional vegetation shall be provided and maintained from the landward extent of wetland vegetation or from mean high water (as determined in accordance with F.A.C. 17-4.022), whichever is greater.

(b) Where natural bluffs with slopes exceeding one foot vertical to three feet horizontal occur, required buffers shall start at the top of the bank. The buffer must be sized and designed to assure both stability of the bluff system and sufficient level ground to provide a visual and physical buffer of native vegetation.

(c) In all new developments where plats or site plans are required to be submitted, plans shall show sufficient preservation area to protect natural banks and prevent future impacts to wetlands. Where banks have been previously cleared or filled and are not sufficiently stabilized, then the banks shall be resloped (if necessary) and revegetated with appropriate native vegetation.

(d) Buffers should be measured from the edge of the delineated wetland and not from the wetland vegetation.

(e) For isolated wetland areas, a minimum 50-foot buffer zone of appropriate native vegetation shall be provided and maintained from the landward extent of the wetland.

(f) The buffer zone must consist of preserved native vegetation, and shall include existing canopy, understory and groundcover of native species only. Areas of the buffer zone, void of existing natural associations of native vegetation, shall be supplemented with appropriate native vegetation in accordance with a preserve area management plan approved by the Martin County Growth Management Department. Noxious, exotic vegetation shall be removed, and any native vegetation removed or destroyed subsequent to the adoption of this plan shall be replaced with appropriate native vegetation.

(2) *Performance criteria for wetland areas.*

(a) The following restrictions shall apply to the direct removal of natural vegetation from the wetlands or the buffer zone surrounding the wetlands:

1) Clearing or direct removal of vegetation shall not occur except in compliance with a preserve area management plan approved by the Martin County Growth Management Department or in compliance with those minimal activities permitted for riparian usage (e.g., docks and walkways).

2) All materials that are cleared from the wetland or buffer zone shall be removed from the site and not piled or stored within the wetland or designated upland preserve areas.

(b) Dredging and/or filling.

1) Dredging and/or filling shall not occur within the wetlands or the buffer zone surrounding the wetlands, except in compliance with the provisions of the Excavation and Fill Ordinance and a preserve area management plan approved by the Martin County Growth Management Department.

2) An additional (minimum) 200-foot wide separation shall be maintained between the wetland and any lake excavations unless an alternative plan utilizing an impermeable barrier is approved by Martin County in consultation with the South Florida Water Management District.

3) Filling, which occurs landward of the buffer zone, must be stabilized and/or contained to prevent runoff and degradation of buffer zone vegetation within 30 days of vegetation removal.

(c) Construction within or adjacent to the wetlands and/or wetlands buffer zone.

1) No construction shall be permitted within the wetlands or wetlands buffer zones, except to provide access to the site where reasonable upland access exists. In such circumstances, a plan shall be submitted to the Martin County Growth Management Department demonstrating that no reasonable upland access exists, and specifying the proposed alternative access, and must be approved in writing. Such access must be designed and located in such a manner that the least amount of damage to the wetland and/or wetland buffer zone is assured.

2) Public and private dock structures shall be consistent with the County regulations governing docks.

3) The structure and foundation of docks shall be designed to accommodate surface water flows, and shall not be designed to impede, interrupt or impound surface water flows.

4) Marina development shall conform to the marina siting section of the Martin County Comprehensive Growth Management Plan.

5) Maintenance of existing functional structures is permitted, provided the maintenance is performed in the least intrusive manner possible and shall not result in additional damage to the wetland or wetland zone.

- 6) The use of heavy equipment shall be minimized in the wetland areas and/or buffer zones.
- 7) There shall be no temporary filling of the wetland area or buffer zone for construction.
- 8) All pilings shall be secured, placed or set to the desired depth by the least disruptive method based on existing site characteristics.
- 9) Wetland buffer zones, or any other designated upland preserve area, shall be protected from encroachment due to construction and/or building maintenance activities as follows:
  - [a] New construction proposed to be adjacent to these areas shall be set back a minimum of ten feet (or greater if warranted by specific site conditions) for primary structures. Minimum preserve area setbacks for accessory structures (pool decks, screen enclosures, driveways, etc.) shall be five feet.
  - [b] Residential lots of record as defined in the Comprehensive Growth Management Plan may have setbacks for both primary and accessory structures reduced to less than ten feet, but no less than five feet, provided:
    - (1) The existing development of adjacent lots is similar;
    - (2) The wetland buffer zone or other designated upland preserve area can be protected from encroachment; and
    - (3) The lot cannot be reasonably developed with the setback criteria in 8.4.A.1.d.(2)(c)9[a] above.
  - [c] The five-foot setback criteria may be eliminated for lots of record provided that the Growth Management Director, in consultation with the Building and Zoning Director, determines that the subject lot was essentially devoid of vegetation in the preserve area on the date of the adoption of this plan, and thus no purpose would be served by the additional five-foot buffer zone.
  - (d) Prohibition of planting exotic vegetation within wetlands or wetland buffer zone.
    - 1) Planting of exotic vegetation or incompatible native vegetation shall not occur within, or encroach upon, the wetland area or buffer zone.
    - 2) Any proposed planting occurring in the wetland area or buffer zone must receive prior approval from the Martin County Growth Management Department, and shall be native vegetation compatible with the existing soil and climatic conditions.
  - (e) Disposal of wastes in and around the wetlands and buffer zone.
    - 1) The discharge of domestic, industrial or agricultural wastewaters containing heavy metals, herbicides, pesticides or any other toxic substances in excess of concentrations established by State, Federal and/or County guidelines into the wetlands and/or buffer zone shall be prohibited.
    - 2) New developments (other than residential lots of record) shall be connected to a regional sewage system if the system is within one-fourth mile of the development.
    - 3) Existing lots of record as described in section 4.5.A. in the Land Use Element must meet the provisions of section 4.5.H., wastewater service, of the Land Use Element, and must meet the requirements of the Martin County Health Department (DHRS) for a septic tank or other individual wastewater treatment system prior to receiving any development approvals. They must also meet the next [sic] provision (8.4.A.1.d.(2)(e)5)).
    - 4) Septic tanks and drainfields shall not be constructed within 75 feet of the wetland area.

5) The disposal of hazardous material in designated areas shall not occur within 200 feet of the wetland area and/or buffer zone. The regulated storage and use of hazardous material shall only be allowed, as permitted, in accordance with adopted local, State and Federal regulations.

6) If a solid waste disposal facility is planned near a wetland or buffer zone, that facility shall be designed in such a manner as to have no negative effect on the wetland and/or buffer zone.

(f) Stormwater and surface water management.

1) Direct discharge of stormwater into wetlands and/or buffer zones shall be prohibited.

2) Stormwater retention basins shall be used to maintain post-development discharges at predevelopment levels. In addition, retention basins shall be designed and constructed with sediment traps and litter or trash screens. The retention basin shall be vegetated, and the use of herbicides and/or pesticides within the retention basin for vegetation and insect control shall be discouraged.

3) Any alteration of water levels within wetlands shall be prohibited unless determined necessary to restore and/or maintain the natural hydroperiod of the wetland system by way of a surface water management plan approved by Martin County in consultation with the South Florida Water Management District.

4) Timing and volume of water discharge shall be appropriate to restore and/or maintain the natural hydroperiod.

(g) Waivers and exceptions. The following exceptions to section 8.4.A.1.d.(1), buffer zone provisions, are to be recognized:

1) Any residential lot of record so existing on April 1, 1982, may reduce the buffer zone to 20 feet landward of the mean high water line, provided that:

a. Existing native upland and transitional vegetation adjacent to the mean high water line shall be maintained and the 20-foot buffer shall be exceeded if the lot size is large enough to allow such a site design and the larger buffer zone conforms to the neighborhood pattern; if no native vegetation exists within this zone, there is no requirement to replant with this material.

b. For 4:1 slopes or greater (e.g., code standard or shallower slope) from the residence to mean high water, a stormwater detention swale, a minimum of 12 inches in depth, shall be provided in the buffer zone and run along the entire width of the lot.

c. For less than 4:1 slopes (e.g., steeper slope than code standard) from the residence to mean high water, a stormwater detention berm, a minimum of 16 inches high, shall be provided in the buffer zone and run along the entire width of the lot and extend up the sides of the lots for at least one-third of its depth.

d. For 4:1 slopes or greater (e.g., code standard or shallower slope) from the residence to mean high water, and a minimum buffer zone of 50 feet, the requirements for a swale can be waived.

e. For lots with existing native vegetation in the buffer zone, a berm or swale, as required, shall be provided upland and outside this zone.

2) The setback of a minimum of ten feet from the wetlands buffer zone may be reduced or eliminated by the Growth Management Director where:

a. The lot is a single-family residential lot of record so existing on February 20, 1990;

b. The lot has a total upland area of no more than 21,780 square feet; and

c. The required wetland buffer area was disturbed or cleared of native vegetation prior to April 1, 1982, to the extent that the provision of a setback to the buffer protection zone would serve no practical purpose.

3) The minimum wetland buffer for properties, including Community Redevelopment Area properties, with legally hardened shorelines (i.e. seawalls, riprap, retaining walls and/or interlocking brick) that do not contain a predominance of native wetland or upland vegetation shall be 20 feet from mean high water. A minimum 25-foot wide wetlands buffer shall be required for manmade, unhardened, shorelines within existing manmade canals and basins and the first 20 feet from mean high water shall be restored with native vegetation to provide shoreline stabilization. Protection of adjacent water quality through stormwater control shall be required for all reduced buffers as set forth in section

8.4.A.1.d.(2)(g)1).

4) For legal, single-family, residential lots of record as of April 1, 1982, that have hardened shorelines, the wetland buffer may be reduced to a minimum of 15 feet by the Director, Growth Management Department upon a determination that special and unique circumstances exist, which have created a hardship for the property owner. Protection of adjacent water quality through stormwater control shall be required as set forth in section 8.4.A.1.d.(2)(g)1).

e. *Policy: Preservation of upland native habitat.* Martin County shall ensure that a minimum of 25 percent of the existing upland native habitat in the County will be preserved. To attain this goal, the current total County upland preservation percentage of 10.9 percent will be increased to 15 percent in 1995, 20 percent in 2000 and 25 percent in 2005 (see Figure 9-5 [sic]). These percentage goals will be attained for both endangered/rare and common uplands, to the maximum extent feasible.

**Editor's note:** There is no Figure 9-5.

It is the intent of the policies related to native upland habitat that all development shall protect and preserve native upland habitat in place within the development.

The following definitions shall apply:

(1) "Native upland habitat" is defined as native plant community associations, including canopy, understory and ground cover, or any combination thereof, which are generally undisturbed and unimproved.

(2) "Special habitats" are those native upland habitats that are endangered, unique or rare in Martin County, or regionally rare.

Determination of endangered or regionally rare habitat will be based on those habitats identified by the Treasure Coast Regional Planning Council, and supported by applicable State and Federal authorities.

Determination of unique or rare native upland habitats in Martin County shall be approved by the Board of County Commissioners based on the mapping of such habitat required as part of this policy.

Special habitats in Martin County include sand pine/scrub oak associations, turkey oak associations, hardwood hammock associations, tropical hammock associations, coastal hammock associations and cabbage palm/oak hammock which may have such native trees as cypress, magnolia, maple and bay trees.

(3) "Common habitats" are those native upland habitats which are not included in the definition of special habitats. Pine/palmetto flatwoods associations are a common native upland habitat in Martin County.

*Measure:* By 2000/2001, Martin County shall identify and map all special and common native upland habitat in Martin County.

f. *Policy: preserve requirements for common habitat.* All development shall preserve in place within the development 25 percent of each type of common native upland habitat which occurs on-site.

g. *Policy: Preserve requirements for special habitat.* Where special habitat occurs on-site, all of the special habitat, up to 25 percent of the total upland property on-site, shall be preserved.

h. *Policy: Calculation of preserve area requirements.*

(1) Where only common habitat occurs on-site, preservation of no more than 25 percent of the total upland native habitat on-site shall be required. Where possible, 25 percent of each common habitat type shall be preserved.

(2) Where special habitat occurs on-site:

(a) When the special habitat amounts to less than 25 percent of the total upland, then all of the special habitat shall be preserved.

(b) When special habitat amounts to more than 25 percent of the total upland, then an area of special habitat equal to 25 percent of the total upland shall be preserved.

(3) Where common and special habitat both occur on-site, then the maximum area to be preserved shall be no more than 25 percent of the total upland.

(a) Where common habitat and unique, endangered, threatened or rare habitat, or both, exist on the same site, the first requirement to be met shall be the preservation of 25 percent of the total uplands in unique, endangered, threatened or rare habitat.

1) When 25 percent of the total upland has been preserved in unique, endangered, threatened or rare habitat, there shall be no further requirements for 25 percent of common upland native habitat.

2) When there is insufficient unique, endangered, threatened or rare upland habitat to provide a preserve area equal to 25 percent of the total uplands, then all unique, endangered, threatened or rare upland habitat shall be preserved; and in addition, the following rules shall apply to the remaining common habitat:

a) If the habitat consists of single type, then 25 percent of the habitat shall also be preserved; provided, however, that in no case shall over 25 percent of the total uplands be required for upland habitat preservation.

b) If the habitat consists of more than one type, then 25 percent of the common habitat shall also be preserved by preserving up to 25 percent of each common habitat type in such proportions as comply with the requirements of section 4.2.08 [sic]; provided, however, that in no case shall over 25 percent of the total uplands be required for upland habitat preservation.

By way of illustration of subsections 8.4.A.1.h.(3)(a)2)a) and (b), a 100-acre site with 100 acres of upland consisting of 24 acres of rare upland habitat and 76 acres of common habitat must preserve 24 acres of rare habitat and one acre of common habitat. A 100-acre site with 100 acres of upland consisting of 35 acres of rare habitat and 65 acres of common habitat must preserve 25 acres of rare habitat. A 100-acre site with 100 acres of upland consisting of five acres of rare habitat and 20 acres of common habitat must preserve five acres of rare habitat and five acres of common habitat. A 100-acre site with 100 acres of upland and 45 acres of upland habitat consisting of five acres of rare and 40 acres of common habitat comprised of 20 acres of one particular common habitat type

and 20 acres of another particular common habitat type must preserve five acres of rare and five acres of each particular common habitat type. In contrast, a 100-acre site with 45 acres of upland consisting of five acres of rare habitat and 20 acres of one type of common habitat and 20 acres of another type of common upland habitat must preserve five acres of rare habitat and a total of 6.25 acres of common habitat in such proportions as comply with the requirements of section 4.2.08 [sic].

3) Golf courses. Golf courses shall retain and preserve a minimum of 30 percent of the total upland area of the golf course in native vegetation. Because of high water use by golf courses and the potential for increased runoff of nutrients, pesticides and herbicides, increased preservation is warranted. This golf course requirement shall be applied to the area designated as a golf course, and shall not reduce the 25 percent of common habitat, or 25 percent of total upland where endangered, unique or rare habitat exists for the remaining parts of the project.

(4) Perimeter buffer and wetland and estuarine buffers are separate from upland preserve requirements. The total native upland habitat set aside may exceed 25 percent when buffers are included. Areas set aside for buffers may be included in the calculations for native upland habitat requirements only when they are made up of the appropriate habitat types and meet the standards of this section.

(5) Preserved habitat shall be located in areas with intact canopy, understory and groundcover in a functional, clustered arrangement which maximizes wildlife utilization and maintains the longterm viability of native upland plant communities. Except for necessary roadway crossings and other access purposes, native upland preserve areas shall be arranged in a continuous clustered fashion where possible, adjacent to lakes, wetlands, natural water bodies and other preserved habitat located on- or off-site. The use of upland preserve areas as long narrow buffers between lots is discouraged.

(6) Areas where trimming, mowing or other intrusions will be necessary for maintenance cannot be included in the calculation of preserve areas. This includes drainageways that require maintenance and the area under power lines.

(7) The minimum width for preserve areas shall be 50 feet.

(8) Splitting or phasing property in single ownership in order to lessen preserve requirements shall be prohibited.

i. *Alternative compliance for Mixed Use projects within the Mixed Use Overlay of a designated CRA.* Lots of record as of February 20, 1990, that are located within the Mixed Use Overlay of one of the seven designated CRAs, may provide alternative compliance to on-site preservation in order to meet the goals for preserving upland native habitat. Offsite preservation of upland native habitat may be substituted for on site preserve requirements where the following standards are met. The off site habitat shall be the same size, type and habitat value as the native upland habitat on site and shall be located within the CRA. The offsite preserve area shall be part of a sustainable preserve system planned for the CRA. The applicant may pay the full cash value of the offsite preserve or may donate land that is part of a planned CRA preserve system. Whether through prior purchase by the CRA and cash donation to cover their cost or through land donation, the offsite parcel must be in place and in public ownership at the time of final site plan approval or of any earlier approvals which allow site clearing. Existing public conservation areas may not be used as an alternative for on site compliance unless they were purchased specifically for the purpose of meeting this policy.

j. *Policy: When required preserve areas preclude reasonable use of a site.* This option may be used only after all perimeter buffer requirements have been met. Innovative design techniques shall be applied to site design to maximize on-site preservation of native upland habitat. The requirements for an on-site preserve area may be reduced only after a showing that, notwithstanding such innovative design techniques, these requirements preclude reasonable use of the site. Requirements may be reduced only in the amount necessary to provide reasonable use of the site. The mitigation measures allowed by this policy can only be used when reasonable use is precluded. All other development must preserve native upland habitat on-site, except for the waivers and exceptions identified in policy i., above.

Where buffer requirements have been met, innovative design has been applied and reasonable use is not possible, then the following options are available as approved by the Board of County Commissioners:

- (1) Purchase similar upland native habitat community(ies) outright within the same planning area; if not available, then purchase in Martin County; or
- (2) Create an equal amount of similar required native upland habitat adjacent to other areas of preserved native habitat on- or off-site.

The off-site preservation area must be preserved in place on a site deeded to the County or to a private conservation group recognized by the County.

A preserve area management plan shall be provided for the off-site areas of preservation or of habitat creation. Longterm funding for management must be assured by the applicant prior to development plan approval as per Policy A.7.1. [sic] of this element.

k. *Policy: All agricultural uses shall be required to comply with the applicable objectives and policies set forth in this element. Any exceptions or exemptions to the policies of this plan will require a plan amendment supported by adequate data and analysis.*

l. *Policy: Management plans for upland areas.* For all required upland preserve areas and/or upland transition zones, new development shall provide and implement a preserve area management plan to:

- (1) Remove and provide continued management of exotic vegetation and debris;
- (2) Revegetate the upland preserve area with appropriate native vegetation, if necessary;
- (3) Provide for the protection of plant and animal species of regional concern in accordance with recommendations from applicable State and Federal agencies;
- (4) Provide any additional measures deemed necessary to protect and maintain the functions and values of the upland preserve areas; and
- (5) Each PAMP shall be certified by a responsible professional as provided in the LDRs.

The certification shall state that the PAMP meets all of the requirements of the Comprehensive Growth Management Plan and the LDRs and will assure continuance of the preserves functions and values as native upland habitat.

m. *Policy: Native habitat requirements around constructed lakes.* All new development shall provide and maintain native littoral zone vegetation and a buffer zone of native upland and transitional vegetation around all deepwater habitats which are constructed on-site according to the following criteria:

- (1) The littoral zone area shall include a total area of at least ten square feet per linear foot of lake perimeter. The littoral zone planting area consists of that area between one foot above control water elevation to four feet below control water elevation.

(2) The native upland and transitional zone buffer area shall also include a total area of at least ten square feet per linear foot of lake perimeter. The native upland and transitional zone planting area consists of that area beyond the landward extent of the littoral zone planting area. The native upland and transitional zone buffer may consist of preserved or planted vegetation but shall include trees, understory and groundcover of native species only.

(3) The required area of littoral zones and upland buffer zones may be created by utilizing contiguous areas adjacent to the lake or by creating habitat islands within the water body to the extent that no less than 25 percent of the lake shoreline is provided with littoral zones and adjacent upland buffers a minimum of ten feet wide. Utilization of islands with native littoral zone and upland vegetation are encouraged to meet this requirement.

n. *Policy: Wildlife habitat preservation.* The County shall take positive steps to ensure the preservation of native upland habitat of sufficient size that enables individual wildlife and plant species that are rare, endangered, threatened or of special concern to survive on a longterm basis. This policy may be satisfied through one of the following methods, subject to Board of County Commissioners' approval:

(1) Environmentally sensitive siting of manmade facilities on individual sites through preservation of viable native habitat (micrositing).

(2) Dedication of land for preservation and/or conservation purposes to the County, or some other common entity.

(3) Habitat protection fee (land value exaction).

(4) Transfer of development rights.

(5) Increased preservation of native habitat adequate to support existing populations of protected plants and animals.

The County shall study and establish a minimal threshold level by which the above policy is to be implemented, and also, the County shall adopt development regulations to implement the mechanisms for upland habitat protection.

o. *Policy: Protection of buffer zones and/or preserve areas.* Wetland buffer zones or any other designated upland preserve area shall be protected from encroachment due to construction and/or building maintenance activities.

(1) New construction proposed to be adjacent to these areas shall be setback a minimum of ten feet (or greater if warranted by specific site conditions) for primary structures.

Minimum preserve area setbacks for accessory structures (pool decks, screen enclosures, driveways, etc.) shall be five feet.

(2) Single-family lots of record, as defined by this Comprehensive Growth Management Plan, may have setbacks for both primary and accessory structures reduced to less than ten feet but not less than five feet, provided:

(a) The existing development of adjacent lots is similar;

(b) The wetland buffer zone or other designated upland preserve area can be protected from encroachment; and

(c) The lot cannot be developed with the setback criteria in subsection 8.4.1.n.(1) above.

(3) The five-foot setback criteria may be eliminated for lots of record, as defined by this Comprehensive Growth Management Plan, provided that the Growth Management Director, in consultation with the Building and Zoning Director, determines that the subject lot was essentially devoid of vegetation in the preserve area on the date of the

adoption of this plan, and thus, no purpose would be served by the additional five-foot buffer zone.

(4) The professional certifying the PAMP shall include assurance that buffers are adequate to protect the preserve area.

(5) Violations. Where evidence indicates that clearing, or other development or manmade impacts, has taken place, subsequent to February 20, 1990, and in violation of applicable upland native habitat preservation requirements, wetland buffer zones or any other designated upland preserve area development restrictions in effect at the time the violation occurred, restoration shall be required before any development permits or orders are issued, or within 90 days after receiving a notice of violation. This requirement shall include submittal of a minimum two-year letter of credit, or other acceptable financial alternative, to assure the successful restoration of the particular violation.

p. The upland protection requirements detailed in section 8.4.A.1.e. through n. above may be waived by the Board of County Commissioners to the minimum extent necessary for stormwater treatment projects listed in the adopted Capital Improvements Plan, constructed by the Martin County Board of County Commissioners and reservoirs, stormwater treatment areas and related facilities constructed as part of the Comprehensive Everglades Restoration Plan in any part of Martin County.

(1) The project shall be designed to cause the least amount of negative impact to upland habitat. Waivers to existing requirements will be based on the principle of protecting the highest quality habitat and impacting the lowest quality habitat. Below are example habitats ranked from lowest to highest in quality and importance.

(a) Common upland habitat impacted by exotic vegetation.

(b) Common upland habitat, undisturbed.

(c) Special habitat (endangered, unique or rare upland habitat) shall be protected as specified in sections 8.4.A.1.g. and 9.4.A.7.g. of the Comprehensive Plan.

(2) All projects shall follow all State and Federal regulations and permitting requirements.

(3) No such waiver to the Comprehensive Plan policies or the Land Development Regulations shall be granted that would jeopardize the continued existence of threatened or endangered species as listed by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

2. *Objective. Wildlife, fish and habitat.* To protect and enhance wildlife and fish populations and habitat.

a. *Policy: Land use decisions guidelines.* Land use decisions shall consider the effects of development impacts on fish, wildlife and habitat and the cumulative impact of development or redevelopment upon wildlife habitat. In cases where rare, endangered, threatened or species of special concern are known to be present, a condition of approval will be that a preserve area management plan be prepared at the time of site plan submittal. Classification of fish, wildlife and habitat is defined by the Federal government, the State of Florida, including the Florida Game and Freshwater Fish Commission. In addition, this includes any species or native habitat the Treasure Coast Regional Planning Council determines to be regionally rare, endangered or threatened with extinction. To ensure adequate protection, protected plants and animals, which cannot be provided with sufficient undisturbed habitat to maintain the existing population

in a healthy viable state on-site, shall be effectively relocated in accordance with local, State and Federal regulations.

b. *Policy: Secondary impacts.* Reasonable assurance must be provided in the PAMP that a regulated activity will not cause adverse secondary impacts to a water resource. The PAMP must also provide reasonable assurance that the secondary impacts from construction, alteration and intended or reasonably expected use of a proposed activity will not cause violations of water quality standards or adverse impacts to the functions of wetlands or other surface waters.

Martin County shall require reasonable assurance be provided that the construction, alteration and intended or reasonably expected uses of development will not adversely impact the ecological value of uplands to aquatic or wetland dependent listed animal species for enabling existing nesting or denning by these species. Table 9-6 (Source: South Florida Water Management District--November 1996), as amended, identifies those aquatic or wetland dependent species that use upland habitats for nesting or denning.

c. *Policy: Site plan review guidelines.* Site plan review and evaluation shall consider development impacts on wildlife, fish and habitat. The County shall require reasonable safeguards to prevent or significantly reduce the potential adverse impacts of development activities. These safeguards shall be incorporated into a preserve area management plan, and shall be based upon recommendations resulting from an environmental assessment of the proposed activity by a qualified biologist or ecologist in consultation with applicable State and Federal agencies. The preserve area management plan shall describe a habitat management program that addresses those particular endangered, threatened or species of special concern found on-site. It will specify:

- (1) All activities to be undertaken to support habitat values to sustain viable communities;
- (2) The manner and method in which disrupted wildlife or habitat will be relocated;
- (3) Management procedures necessary to maintain viability of protected habitat;
- (4) Design features and management techniques to protect the habitat and endangered, threatened and plant and animal species of special concern from the effects of drainage and other development related or agricultural use impacts; and
- (5) The extent, type and timing of any planting and the provision to enhance habitat conditions.

d. *Policy: Protection for bald eagles and sea turtles.* The County will continue to actively enforce regulations of the County Code of Ordinances which protect the bald eagle, prohibits the taking, selling, harassing or transporting of sea turtles and sea turtle eggs, and protects fish and wildlife within the Lake Okeechobee Management Area and the islands of the south fork of the St. Lucie River. As the County prepares its Land Development Code, it shall evaluate the effectiveness of the existing ordinances cited above, and make appropriate changes, as necessary, to assure the protection of sea turtles and bald eagles and other protected plant and animal species.

e. *Policy: Site assessment for endangered plant and animal population.* Proposed site clearing activities within the known range of endangered or threatened species or where such species are expected to occur based upon habitat suitability and species ranges shall be surveyed by qualified environmental consultants and/or government ecologists prior to

approval and commencement of such activities to determine whether or not populations of endangered, threatened or plant and animal species of special concern occur.

f. *Policy: Plants listed by the Exotic Pest Plant Council.* The County shall prohibit the planting of Australian Pine, Melaleuca, Brazilian Pepper, Mimosa pigra, carrotwood and other exotic pest species so identified by the County. Utilization of these plant types to meet the requirements of the County's Landscape Code shall be prohibited. Removal and continued management of these pest exotic species will be required as a condition of development approval.

g. *Policy: Tree Protection Ordinance.* The County shall adopt a tree protection ordinance by 1994 which places the highest priority on preserving oaks and other hardwood varieties.

h. *Policy: Manatee protection measures: Boat Facility Siting Plan (BFSP).* In accordance with Section 370.12(2)(t)(4), Florida Statutes, Protection of Manatees or Sea Cows, the BFSP adopted by Martin County on March 5, 2002, and approved by the Florida Fish and Wildlife Conservation Commission on June 27, 2002, is hereby incorporated into this Martin County Comprehensive growth Management Plan. All development orders regarding, and all development of, boat facilities shall be consistent with the BFSP.

i. *Policy: Other manatee protective measures: Manatee Protection Plan (MPP).*

(1) Martin County shall work with the FWC and FIND to ensure that there is adequate sign posting of existing speed zones throughout all applicable areas of the county. The waters in and around marina and/or boat ramps shall be designated as a no wake or idle speed zone. Martin County will work with the FWC Division of Law Enforcement, Martin County Sheriff's Office, and other enforcement agencies to ensure the availability of adequate resources and personnel to enforce the speed restrictions, present and future.

(2) Martin County will propose an Interlocal Agreement with FIND through which FIND would assume the responsibility for installing and maintaining all vessel speed zone signs in Martin County. Martin County will request that FIND install and maintain additional signs at locations where enforcement personnel report low levels of awareness by vessel operators.

(3) The BCC shall establish a Manatee Protection Advisory Committee (MPAC). The Committee's primary responsibility will be to assess the progress and success of implementation of the MPP and the BFSP by reviewing and analyzing new manatee and boating data, discussing manatee protection issues, evaluating enforcement efforts and making recommendations to the county for improving manatee protection in local waterways.

(4) Martin County, through MPAC, will work cooperatively with FWC to monitor manatee mortality caused by collisions with watercraft in county waterways. If the annual rate of mortality shows an increasing or decreasing trend, speed zones will be reviewed for changes. The MPP shall be reviewed, not less than every seven years with the County's CGMP as part of the Evaluation and Appraisal Report cycle and updated and modified as necessary.

(5) Martin County shall work with FDEP, COE, USFWS and SFWMD to enhance seagrass restoration. The purpose of the program is to enhance estuarine natural resources, improve water quality, and provide additional foraging habitat for manatees. Consideration will be given to creating a benthic substrate conducive to the natural

recruitment of seagrasses. The county will also work with SFWMD and FDEP to establish an acceptable salinity envelope for estuarine areas.

(6) Martin County will dedicate the level of funding and staff necessary to implement the goals and policies of the Manatee Protection Plan. Martin County will fund this initiative through competitive grants, grants from FWC, and/or other sources, as deemed appropriate.

j. *Policy: Protection of sea turtles.* Martin County shall continue to enforce existing provisions regulating activities disruptive to sea turtles, their nests and eggs. These provisions include:

- (1) The prohibition of horseback riding and campfires on or seaward of the primary dune during sea turtle nesting season, and extending to all areas landward of the primary dune where sea turtles are known to nest;
- (2) The prohibition of disturbing, touching, harassing, killing or taking of any sea turtle, hatchling, egg or part of the same;
- (3) The submission of a sea turtle protection plan for Martin County approval, in consultation with DEP, for any development that involves coastal construction;
- (4) Standards for coastal construction to eliminate or minimize impacts on sea turtles, their nests and eggs;
- (5) Procedures for protection and/or mitigation;
- (6) Standards for site development that protect sea turtles;
- (7) Restrictions and standards on nighttime lighting for both new and existing development and additional restrictions during nesting season;
- (8) Standards for existing beach access points;
- (9) Standards for beach/dune preservation stabilization and/or restoration and standards for mechanical beach cleaning.

3. *Objective. Estuarine environmental quality.* To ensure that the quality of estuarine water within the County is maintained at current levels of dissolved oxygen, nutrients, turbidity, chemical pollutants and trace metals, as defined by the Florida Department of Environmental Protection administrative rules, as amended, at the time of adoption of the Comprehensive Growth Management Plan.

a. *Policy: Drainage system retrofit.* Retrofitting of substandard public drainage systems shall occur during repair, expansion or redevelopment activities. This policy is intended to address water quality problems resulting from inadequately maintained systems, or those systems constructed previous to a complete understanding of the negative effects of stormwater runoff water quality on the marine environment. The County's stormwater program shall assure a new benefit to the estuary in terms of enhanced water quality and the rate, volume and timing of inflows.

b. *Policy: Surface and stormwater management regulations.* The County should continue to actively enforce established surface and stormwater management regulations so as to eliminate inadequately maintained or designed systems which are degrading water quality.

c. *Policy: Interagency cooperation for water release.* The County should continue to cooperate with the U.S. Army Corps of Engineers and the South Florida Water Management District in monitoring and minimizing the impacts to the St. Lucie Estuary from the release of waters from Lake Okeechobee and surrounding agricultural areas.

d. *Policy: Intergovernmental cooperation for water quality.* The County shall participate with surrounding local governments to improve water quality in the drainage basins within the County, and provide assistance to improve water quality in other mutually shared drainage basins within adjacent counties such as the C-23 and C-24 Canal.

e. *Policy: Drainage basin plans.* The County will complete drainage basin plans for areas of the County by 1995, as needed.

f. *Policy: Seagrass beds.* No development which impacts seagrass beds shall be permitted, except in accordance with section 8.4.A.4.h. and other applicable sections of this element. Access walkways may be permitted provided they are constructed and located so as to allow for successful maintenance and expansion of existing seagrass beds. For the purpose of this Comprehensive Growth Management Plan, "seagrass beds" are defined as longterm, persistent, viable habitat characterized by rhizome development and growth.

g. *Policy: Beach renourishment impacts.* Whenever the County proposes a beach renourishment project, it shall only undertake the effort if it is documented that the extent and quality of existing sea turtle nesting habitat will not be diminished and excessive turbidity and sedimentation in the nearshore reef formations will not result.

4. *Objective. Marine natural systems.* To protect and preserve the functions and values of marine natural systems. These systems serve a multitude of functions including, but not limited to, wildlife habitat, flood control and erosion control.

a. *Policy: Enforce shoreline performance standards in review of estuarine development proposals,* including docks, which are defined as fixed or floating structures providing access to submerged lands. Martin County shall protect the estuarine shoreline protection zone and upland transition zone in order to protect the stability of the estuary, enhance water quality and preserve shoreline mangrove communities.

(1) *Shoreline protection zone.* The shoreline protection zone shall include all estuarine waters within Martin County, including those lands contiguous to said waters where fringe mangrove communities or wetland vegetation occur, and where estuarine and freshwater wetlands abut the section of the northwest fork of the Loxahatchee River which lies within the jurisdiction of the adopted management plan for the Loxahatchee National Wild and Scenic River.

(2) *Upland transition zone of the shoreline protection zone.* In order to maintain the functional integrity of the estuarine shoreline zone, including the mangrove communities, the interior boundary of the upland transition zone of the shoreline protection zone is established at a line extending 50 feet laterally upland from the mean high water (MHW) and 50 feet laterally upland from the landward limit of the shoreline mangroves or other wetland vegetation, whichever is greater. This 50-foot upland area is a subarea of the shoreline protection zone, and is known as the "upland transition zone."

(3) *Mangroves.* The shoreline mangroves shall include communities which contain red (*Rhizophora mangle*) and black (*Avicennia germinans*) mangroves. White (*Laguncularia racemosa*) and Buttonwood mangroves may be included in the shoreline protection zone if they are associated with wetland characteristics and integrally tied to the estuarine environmental system.

(4) *Performance standards.*

(a) *Vegetation.* Those mangrove or wetland vegetative communities which are isolated inland and separated from open water areas by non-wetland natural vegetation communities, shall be preserved and protected in accordance with the provisions of this element, but shall not be subject to the restrictions within the shoreline protection zone of Policy 8.4.A.4.a.(2). However, the minimum buffer requirements outlined in Policy 8.4.A.1.d.(1)(c) must be met.

The existence of a narrow band of Australian Pine or other berm vegetation such as those created by mosquito impoundment dikes shall not constitute "isolation" as used above. This standard shall not be interpreted as allowing destruction of non-mangrove wetlands landward of the area protected by this standard when such wetlands are protected by other policies and standards in this element.

(b) *Protection of buffer zones and/or preserve areas.* Wetland buffer zones, or any other designated upland preserve area, shall be protected from encroachment due to construction and/or building maintenance activities.

1) New construction proposed to be adjacent to these areas shall be setback a minimum of ten feet (or greater if warranted by specific site conditions) for primary structures. Minimum preserve area setbacks for accessory structures (pool decks, screen enclosures, driveways, etc.) shall be five feet.

2) Single-family lots of record, as defined by this plan, may have setbacks for both primary and accessory structures reduced to less than ten feet, but not less than five feet, provided:

[a] The existing development of adjacent lots is similar as to setbacks;

[b] The wetland buffer zone or other designated upland preserve area can be protected from encroachment;

[c] The lot cannot be developed with the setback criteria in 8.4.A.4.a.(4)(b)1) above; and

[d] The Growth Management Director determines that the subject lot was essentially devoid of vegetation in the preserve area (on the date of the adoption of this plan), and no purpose would be served by requiring a ten-foot buffer area rather than a five-foot buffer zone.

(c) *Water access.* Within the estuarine shoreline protection zone defined above in section 8.4.A.4.a.(1), no development shall be permitted, except to provide the property owner reasonable access to the water.

1) Such development shall be restricted to accessways running perpendicular to the shoreline, and shall be no greater than 12 feet in width.

2) For those properties that are designated for marine waterfront commercial use, the access to the water may extend through the shoreline protection zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities. The access must be accepted by the Growth Management Department and provide for a public benefit. The alterations through the shoreline protection zone should generally not exceed a width of 30 feet. Where the vehicle turnaround and maneuver areas are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Said access shall comply with all applicable State and Federal regulations. Boat entry and retrieval facilities shall be allowed.

3) For those properties that are designated for institutional use on the Comprehensive Growth Management Plan future land use maps, and when such properties are used for

public boat ramps, docking, fishing piers and related facilities providing benefits which exceed those lost as a result of shoreline protection zone alterations, an accessway running generally perpendicular to the shoreline shall be no greater than 150 feet in width at its maximum design. This exemption shall be used only to the extent necessary to provide access to the water.

4) For proposed bridges within public rights-of-way crossing estuarine waters or waters of the State, public access shall be allowed by clearing that portion of affected wetland vegetation so long as a revegetation and management plan is reviewed, adopted and implemented by the County in accordance with applicable State regulations.

5) The Growth Management Director (or designee) shall approve any such request for clearance only after receiving a satisfactory plan of the proposed development which shall demonstrate the need for access and shall designate the property boundaries, to scale (including the limits of the estuarine shoreline protection zone). The plan shall also demonstrate the reason for the development and other information as may be required by the Martin County Code of Laws and Ordinances. The decision of the Growth Management Director may be appealed to the Board of County Commissioners.

6) The Board of County Commissioners may approve the subject request upon a finding of need, together with a finding that the plan presented represents the minimum reasonable mangrove destruction needed for access.

(d) *Shoreline uses.* No structure, other than docks and bridges in public rights-of-way (waterward of the mangrove line) and elevated walkways, limited to those necessary for the use and enjoyment of the shoreline property owner and County approved public utilities, shall be permitted within the shoreline protection zone. Elevated walkways that cross over navigable waters of the State shall be reviewed by the Martin County Board of County Commissioners for compliance with the policies of this plan.

(e) *Transition zone development.* Within the 50-foot upland transition zone of the shoreline protection zone no permits shall be required for maintenance of existing uses or maintenance of uses permitted by this section.

(f) *Filling in transition zone.* By July 1, 1990, the Land Development Code shall specify procedures under which fill may be allowed in the upland transition zone of the shoreline protection zone. Where filling or other alteration is allowed under the Land Development Code, or in compliance with a preserve area management plan approved by the Martin County Growth Management Department, standards shall assure:

- 1) No wetlands are filled;
- 2) There is no adverse impact to the estuary, mangrove and/or other wetland communities;
- 3) Preservation and/or revegetation of native indigenous vegetation is maximized; and
- 4) Fill is the minimum necessary to assure that the owner is not denied reasonable use of his property.

(g) *Management plans.* Where the 50-foot upland transition zone is infested with exotic vegetation, or where fill is permitted as allowed above, a management plan shall be required and implemented to provide stable slopes and to revegetate with and maintain appropriate native vegetation.

(h) *Exceptions.* The following exceptions to section 8.4.A.4.a.(1) and (2) above are to be recognized:

- 1) For lots of record with an upland area of one acre or less, the upland transition zone shall be reduced to 25 feet.
- 2) The minimum shoreline protection zone for properties, including Community Redevelopment Area properties, with legally hardened shorelines (i.e. seawalls, riprap, retaining walls and/or interlocking brick) that do not contain a predominance of native wetland or upland vegetation shall be 20 feet from mean high water. Protection of adjacent water quality through stormwater control shall be required as set forth in section 8.4.A.4.a.(4)(h)5).
- 3) For legal, single-family, residential lots of record as of April 1, 1982, that have hardened shorelines, the shoreline protection zone may be reduced to a minimum of 15 feet by the Director, Growth Management Department upon a determination that special and unique circumstances exist, which have created a hardship for the property owner. Protection of adjacent water quality through stormwater control shall be required as set forth in section 8.4.A.4.a.(4)(h)5).
- 4) For those properties located on manmade canals and basins with unhardened shorelines that were in existence on the date of the adoption of this plan, the required upland transition zone (Policy 8.4.A.4.a.(1) and (2)) may be reduced to a minimum of 25 feet. The first 20 feet from mean high water shall be restored with native vegetation to provide shoreline stabilization. The presence of mangroves on the site will not affect the implementation of this reduced transition zone.
- 5) Residential lots of record as of 1982 can have the upland transitional zone of the shoreline protection zone reduced. However, within this buffer zone, adequate stormwater controls will be incorporated to protect and/or enhance the adjacent water body. This will be accomplished by establishing a minimum of a 20-foot buffer zone that incorporates a stormwater detention swale or berm. The 20-foot buffer shall be exceeded if the lot size is large enough to allow such a design and the larger buffer zone conforms to the neighborhood pattern.
  - a. For 4:1 slopes or greater (e.g., code standard or shallower slope) from the residence to the mean high water, a stormwater detention swale, a minimum of 12 inches in depth, shall be provided in the buffer zone and running along the entire width of the lot.
  - b. For less than 4:1 slopes (e.g., steeper slope than code standard) from the residence to the mean high water, a stormwater detention berm, a minimum of 16 inches high, shall be provided in the buffer zone and running along the entire width of the lot and extending up the sides of the lots for at least one-third of its depth.
  - c. For 4:1 slopes or greater (e.g., code standard or shallower slope) from the residence to the mean high water, and a minimum buffer zone of 50 feet, the requirements for a swale can be waived.
  - d. For lots with existing native vegetation in the buffer zone, a swale or berm, as required, shall be provided upland and outside this zone.
  - e. For lots with no native vegetation in the buffer zone, there is no need to replant with this material.
- 6) Areas within the shoreline protection zone that have been voluntarily altered after the effective date of the Comprehensive Plan (adopted 1982) by the planting of wetland vegetation, including mangroves, shall be exempt from additional setbacks from such plantings. Such alterations must be documented, and must not have been required for remedial purposes or as part of any prior development approval.

7) Removal of exotic vegetation or planting of appropriate native vegetation when approved in writing by the Growth Management Director and when the affected shoreline zone (where exotic vegetation has been removed) is replanted with appropriate native species to the extent necessary to stabilize the shoreline and meet the requirements of this element.

b. *Policy: Location of construction activity near estuarine systems and appropriate vegetation and landscaping requirements.* No new construction shall be permitted to threaten the stability of the estuary system. The County shall coordinate with the all Federal, State and regional agencies in managing development and conservation decisions in a way which protects the values and functions of wetlands, spoil islands and submerged lands. The circumstances under which shoreline protection measures shall be permitted shall be established by the County Engineer and the Director of the Growth Management Department, and approved by the Board of County Commissioners. Any criteria and standards must incorporate the following:

(1) Shoreline stabilization shall be accomplished by the establishment of appropriate native wetland and/or transitional upland vegetation.

(2) Except as provided in subsection 8.4.A.4.b.(3), hardening of the shoreline shall be allowed only when erosion is causing a serious (significant) threat to life or property in light of the circumstances listed below, except as provided in Policy 8.4.A.4.a.(4)(c)2 regarding boat entry/retrieval facilities and boat ramps. Native plant revegetation used in combination with riprap materials, pervious interlocking brick systems, filter mats and other similar stabilization methods shall be used in lieu of vertical seawalls. Vertical seawalls may be allowed to stabilize or harden a shoreline only when the Martin County Engineering Department, in coordination with the Martin County Growth Management Department, determines that significant erosion exists and that no other protection method is suitable to the specific and unique conditions of the site. An example would be a significantly eroding shoreline which drops so sharply that no suitable bank exists for the placement of native plants, riprap materials or other materials used in other similar stabilization methods. The lack of any suitable alternative to the use of vertical seawalls must be field checked, reviewed and verified by the Martin County Environmental Planner prior to issuance of a building permit for construction of a vertical seawall.

(3) Bulkheads or vertical seawalls may be allowed under the following circumstances: the lot is a residential lot of record so existing on April 1, 1982; and the lot fronts on a manmade canal created prior to April 1, 1982; and 75 percent or more of the canal lots of the subdivision or plat have permitted bulkheads or vertical seawalls existing as of January 1, 2000; and the lot is undeveloped as of January 1, 2000.

(4) In drafting the appropriate criteria and standards noted in subsection 8.4.A.4.b.(2), the above requirements must be met. In addition, the following factors, if applicable, shall be taken into consideration:

(a) Existing shoreline protection trends as established within the immediate area where the shoreline protection measure is proposed;

(b) Special problems and opportunities associated with existing manmade canals;

(c) Invasion and domination of the native shoreline vegetation by undesirable exotic vegetation, including Australian Pine, Melaleuca and Brazilian Pepper; and

(d) Unique water dependent requirements of existing and proposed marine waterfront commercial uses.

(5) Native indigenous vegetation within and adjacent to the estuary, including mangrove and upland vegetation, especially on slopes and bluffs, shall be preserved. Such vegetation contributes to marine productivity and water quality; offers protection from erosion and flooding; and contributes to the natural soil building process. Vegetative and landscaping requirements should emphasize the importance of planting indigenous coastal vegetation to minimize the water usage for irrigation purposes.

(6) In all new development, in which plats or site plans are required to be submitted, plans shall show sufficient preservation area to protect natural banks and prevent the necessity for future shoreline hardening. Where banks have been previously cleared or filled, and are not sufficiently stabilized, then the banks shall be resloped (if necessary) and revegetated with appropriate native vegetation.

(7) In all cases where shoreline hardening is allowed, revegetation with native shoreline vegetation appropriate to tidal and upland sections of the shoreline shall be required as an integral part of the project. Such vegetation shall be protected and maintained in accordance with a preserve area management plan approved by the Martin County Growth Management Department. This requirement is intended to provide scenic buffering along the waterway and to improve and/or maintain the biological functions of the shoreline protection and upland transition zone.

(8) For residential lots of record, retaining walls for construction of primary or accessory structures located landward of the upland transition zone of the shoreline protection zone (Policy 8.4.A.4.a.(1)) can be placed up to five feet waterward of the upland transition zone line if slopes are to be maintained and the transition zone is replanted in native vegetation compatible with elevations and proximity to water; and, provided that all zoning district setback criteria are met.

c. *Policy: Proposed alterations to natural tidal flushing patterns and circulation of estuarine waters.* Martin County shall not permit significant alteration of tidal flushing and circulation patterns by development without demonstrated proof by the applicant that such alteration will not have a negative impact on the natural environment.

The phrase "significant alteration of tidal flushing and circulation patterns" is defined as an alteration that would:

- (1) Reduce water quality.
- (2) Cause erosion.
- (3) Reduce nutrient input into estuarine system (mangrove detrital matter).
- (4) Cause potential for saltwater intrusion into groundwater.
- (5) Cause siltation or shoaling.
- (6) Prevent or restrict tidal flushing.

d. *Policy: Prohibition of canals.* Martin County shall prohibit the construction of canals, as defined in this subsection. For purposes of this subsection, a "canal" is defined as any artificial waterway providing access to waters of the State, or to any of the rivers, streams, creeks, canals or other waters of the State, or their tributary systems, for the purposes of navigation, aesthetics, recreation and/or enhancement of property. This definition expressly excludes nonresidential canals required for agricultural irrigation and drainage purposes. Also excluded are appropriately designed swales and ditches approved by the Public Works Director, as necessary, for controlled outflow of surface water.

Canals, as defined above, alter the natural characteristics of existing ecosystems, damage natural habitat and generally cause adverse impacts to natural hydrology. Canals have been shown to cause saltwater intrusion, over-drainage, lowered water quality, inadequate flushing and long-range cumulative degradation of the estuary. The County shall continue to monitor the state-of-the-art and when longterm tests in actual situations demonstrate that new techniques exist to eliminate negative impacts, this section may be amended. A supportive analysis of this policy is presented in the Data Inventory and Analysis, Part II.

e. *Policy: Coordination of development activities along the estuarine shoreline with appropriate public entities.* Martin County shall coordinate review of estuarine shoreline development with appropriate Federal, State, regional and local agencies to prevent irreparable or irretrievable loss of natural coastal resources. Intergovernmental coordination shall also provide cost-effective utilization of experts in marine biology, coastal engineering and soil conservation. To this end, as appropriate, the County shall coordinate with public agencies, including the U.S. Department of the Interior, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, National Oceanic and Atmospheric Administration, U.S. Soil Conservation Service, U.S. Fish and Wildlife Service, the State Departments of Environmental Regulation and Natural Resources, and the State Game and Freshwater Fish Commission, the South Florida Water Management District, the Treasure Coast Regional Planning Council, and potentially impacted local governments.

f. *Policy: Information and technical assistance on matters related to the estuary system.* Martin County shall make environmental education and management an integral part of park and recreation policies and programs. In addition, the Growth Management Department shall provide general information assistance and referral services to citizenry interested in the impacts of Martin County's physical development on natural resources and resource conservation. To this end, the Board of County Commissioners shall encourage the continued operation and maintenance of the Jensen Beach Environmental Education Center and other similar facilities.

g. *Policy: Use of proven cost-effective innovative techniques to preserve values and functions of the estuary system which also equitably balance public and private property rights.* The County shall monitor new effective growth management techniques suitable to local conditions for preserving the value and function of the estuary system. The County shall evaluate the impact of growth management techniques on public and private property rights to assure equitable treatment of these rights. Effective new techniques shall be adopted and included in the County's implementation program for managing the estuary system as such techniques are identified and found cost-effective for local adaptation. Such innovative management techniques as transfer of development rights, tax incentives, public purchase or lease of development rights or other innovative land and water management techniques shall be considered as approaches for resolving property rights issued in an equitable manner.

h. *Policy: Marine grassbeds and tidal marsh areas.* Marine grassbeds and tidal marsh areas shall not be modified, except as permitted by local, State and Federal regulations. Since these areas are sensitive to increased turbidity and other forms of pollution, water runoff and the introduction of nutrients shall be consistent with the historic requirements of the natural system. Any additions of contaminants, including excessive nutrients, shall

be minimized and the cumulative impact of proposed alterations shall be monitored through continued effective water quality management.

i. *Policy: Mangrove protection.* The County shall continue to actively enforce existing regulations to protect mangroves. Any modification to existing regulations must effectively address minimum criteria, standards and any adverse environmental impacts. *Measure:* Policies 8.4.A.4.a.--i. shall be incorporated in the Martin County Code by July, 1990.

5. *Objective. Priority of water-dependent and water-related uses.* Upon adoption of the Comprehensive Growth Management Plan, Martin County will develop and implement criteria for prioritizing water-dependent and water-related land use activities within the most appropriate identified waterfront land use areas.

a. *Policy:* The priority ranking of waterfront land use activities within the estuarine shoreline zone shall be:

- (1) Public boat ramps and public use marinas;
- (2) Other water-oriented recreation;
- (3) Commercial fishing and sport fishing;
- (4) Water-dependent industries or utilities;
- (5) Residential with marinas or other water-oriented recreation uses; and
- (6) Water-related uses.

b. *Policy: Shoreline zoning.* The Martin County Zoning Code shall be amended to include an overlay estuarine shoreline zoning district to encourage the preferred uses, where compatible, with existing residential development and with environmental constraints.

c. *Policy: Estuarine protection zone.* All development within the estuarine protection zone of the coastal areas of Martin County shall meet the shoreline performance standards found in Policy 9.4.A.8.a.(4) of the Conservation and Open Space Element.

d. *Policy: Commercial marina and large multislip docking facilities siting criteria.* The following criteria shall be used by the Martin County Growth Management Department and the Board of County Commissioners in the site plan review process for all commercial marina projects and multislip docks with more than 15 boat slips. The following general criteria shall be evaluated and enhanced to provide greater specificity prior to the adoption of any revised or new development regulations regarding docks, mangrove protection or the overlay estuarine shoreline zoning district prior to July, 1991. Prior to July 1992, the County shall assure that specific regulations regarding locating commercial marina facilities shall be incorporated in the development regulations.

(1) *Definitions.*

(a) *Commercial marina:* A commercial marina is a boat facility constructed and used for the purpose of sale, lease or rent of boat dockage for profit.

(b) *Class 3 resource area:* Designation is found in aquatic preserves. Class 3 resource area generally contains deep water areas or areas of no significant vegetation or wildlife attributes, and nearshore and bottom areas have been significantly modified by man.

(c) *Large multislip docking facility:* A large multislip docking facility is a boat facility constructed and used as a private docking area within residential areas. As such, the facility is considered for the exclusive use of the residents and is not for use by the general public.

(2) *Proximity to population centers and navigable water bodies.* Preference will be given to facilities which are within reasonable traveling distance to significant populations of commercial marina users. Preference will also be given to sites on large navigable water bodies that require minimal site alterations.

(a) *Conflict with drawbridges.* Marina sites shall have minimum conflict with area drawbridges in accessing navigable water bodies.

(b) Access from existing or proposed major roadways to a proposed marina site should be sought.

(3) *Land use (existing and permitted).*

(a) *Existing zoning:* Marinas shall not be sited in areas where Martin County zoning regulations specifically prohibit such use.

(b) *Comprehensive plan:* Marinas shall be located in areas which are designated in the approved County Comprehensive Growth Management Plan as waterfront commercial land uses. Large multislip docking facilities may be located in areas of residential development in accordance with the locational criteria in this element.

(c) *Existing use:* Preference shall be given to sites which have already been legally disturbed over those requiring the clearing of sensitive natural coastal habitat.

(d) *Surrounding land use or zoning:* Preference will be given to sites which do not conflict with the permitted land uses or zoning of adjacent properties.

(4) *Support services (utilities and public facilities).*

(a) *Adequate upland and access:* Commercial marinas proposed on publicly-owned submerged lands must demonstrate they have sufficient upland area to accommodate all needed and proposed utilities and commercial marina support facilities. If necessary, on-site utilities are not to be provided (i.e., sewage [sewerage], electricity, etc.), and adequate access to such utilities must be demonstrated. The utilities/treatment requirements, off- or on-site, must be consistent with the provisions of the Sanitary Sewer and Potable Water Elements.

(b) *Adequate traffic capacity:* Applicants must demonstrate that proposed on-site driveways and parking areas have the capacity to accommodate the projected number of clients. The County shall expedite the development of standards for pervious parking areas. Preference will be given to facilities which have pervious parking areas in their designs. In certain cases where sailboats and larger type power boats are the prospective clients of the proposed commercial marina, the applicant may be required to demonstrate that the anticipated increase in boat traffic caused by the presence of his commercial marina will not adversely impact local traffic conditions on highways by requiring additional draw bridge openings per hour.

(c) *Sewage capacity:* All applicants for new or expanded commercial marina construction permits must provide adequate sewage handling capacity in accordance with State and County statutes for their projected number of clients. Sewage handling capacity may be in the form of on-site pump-out or connection to a public treatment plant. All commercial marinas with fueling facilities must provide pump-out facilities at each fueling dock or location. Commercial marinas which provide for live aboard or overnight transient traffic will provide sewage treatment facilities adequate to comply with requirements for sanitation facilities.

(d) *Spill containment and hazardous waste handling procedures:* All applicants for development approval must provide a documented plan in conjunction with submittal

materials detailing their capacity to mitigate through construction practices, rapidly respond to, clean up and dispose of any spills of petroleum products or other hazardous waste materials found within the boundaries of their property. Further, the applicant shall submit a plan for approval that documents how he plans to valve off, secure, close down and/or remove any hazardous materials from his site prior to the landfall of a hurricane, and to secure said materials in a reasonably secure environment. Every effort shall be made to construct the site to limit storm damage, to include either the hardening, moving to the landward extent or constructing below erosion/scour probabilities the fueling, sewerage pumpout, any other hazardous chemical system and the infrastructure. The applicant must also provide an approved plan for the storage, handling and eventual disposal of all such hazardous or toxic chemicals or waste products (i.e., oil sludge, paints, fiberglass resins, thinners, cleaners, etc.) that may accumulate in the normal operation of the commercial marina. Lists of chemical compounds and waste products considered hazardous or toxic by Martin County may be obtained from the Martin County Solid Waste Department and should be supplemented by review of the Florida Department of Environmental Protection and U.S. Environmental Protection Agency list of such chemicals and products.

(5) *Environmental constraints.*

(a) *Sensitive areas.*

1) No marinas, public or private, shall be allowed in those portions of the Loxahatchee River Federally designated as wild and scenic.

2) Any applicant seeking a development order shall demonstrate to the satisfaction of Martin County that the proposed commercial marina is not contrary to the public interest, and does not have any significant, adverse environmental impacts on water bodies containing one of the following designation(s):

[a] Aquatic preserves;

[b] Outstanding Florida waters;

[c] Class I waters;

[d] Marine sanctuaries;

[e] Estuarine sanctuaries;

[f] Manatee sanctuaries or areas of critical manatee habitat;

[g] Areas approved by the Florida Department of Environmental Protection for shellfish harvesting;

[h] Other highly productive or unique coastal habitats as determined by the Florida Department of Environmental Protection based on vegetative communities or wildlife species present;

[i] Areas designated by the Florida Department of Community Affairs' "Oil Spill Sensitivity Atlases" (1984) as particularly sensitive to oil spills; and

[j] Nonchannelized areas of the south fork of the St. Lucie River which have been selected for further study by the County.

(b) *Water quality:* A specific criterion for the approval of any new marina facility, or the expansion of any existing marina facility, shall be that the applicant maintain water quality standards provided in F.S. ch. 403. To ensure compliance, the applicant will maintain a water monitoring program approved by the Florida Department of Environmental Protection and the County shall be copied on all correspondence.

(c) *Water depth:* Marina facilities shall only be approved in areas having adequate water depth to accommodate the proposed boat use. A minimum water depth of four feet mean low water shall be required.

Greater depths shall be required for facilities proposing to accommodate vessels having drafts of greater than three feet. These depths will also be required in all natural or created navigation channels connecting the proposed facilities to major, Federally maintained navigation channels, inlets or deep water areas.

(d) *Access dredging:* Proposed marina or docking facilities that require minimal or no dredging shall be given preferential treatment. In instances where dredging is required to create or maintain access channels, the applicant will develop a plan which will minimize both the initial dredging and any subsequent maintenance dredging required. This section does not restrict maintenance dredging by the Corps of Engineers or any other entity required to maintain such improvement in any existing navigable or residential channels.

(e) *Erosion prevention:* On sites historically prone to erosion along the St. Lucie Canal, marina applicants will be required to ensure adequate shoreline stabilization within the bounds of their property and to demonstrate that the anticipated increase in boat traffic projected for their marina will be managed in such a manner as to not aggravate the already existing problems along the waterway. These requirements do not allow the construction of vertical seawalls, except where necessary to allow access for trailers, forklifts or travelifts at those needed access points to the water.

(f) *Environmental restoration:* In cases where environmental degradation occurs for whatever reason, an applicant shall develop a restoration or mitigation plan under F.S. ch. 403 and Martin County's mangrove and estuarine protection requirements. This plan will be considered along with his application for development approval. Such mitigation and restoration plans will be reviewed by Martin County in terms of the following criteria:

- 1) Type of unavoidable environmental or resource degradation involved;
- 2) Suitability of the proposed plan to compensate for the anticipated public resource loss;
- 3) Adequacy of existing and proposed restoration technology to accomplish the stated objectives of the plan; and
- 4) Time-frame in which the restored habitat will reach a functional parity with the habitat to be sacrificed.

In certain cases where the applicant has not developed a mitigation or restoration plan as part of the permit application and the degradation of public resources appears likely, a restoration or mitigation plan may be developed by appropriate local and State agencies and made a requirement for the issuance of the requested permit.

(g) *Impacts on archaeological or historic resources.* Marina facilities shall be approved only after the applicant has demonstrated there will be no adverse affect on any archaeological or historical resource, as defined by the Martin County Comprehensive Growth Management Plan and the Florida Department of State. In the event a previously undiscovered historical or archaeological site is discovered during the construction phase of a marina development project, construction will stop until knowledgeable experts can be brought in to evaluate the discovered resource and make provisions for its removal or preservation.

(h) *Hurricane evacuation and protection:* Applicants for new or expanded marina facility permits shall document sufficient capacity to provide maximum practicable

protection for the contents and property of their proposed clients while they are on the proposed premises from the effects of hurricane winds, wave action and storm associated water surge. All proposed structures shall meet the coastal zone construction standards of Martin County and the State of Florida.

(i) *Access markers:* All proposed marinas accessing major government maintained waterways must provide access channel markers showing speed limits, depth restrictions and other pertinent information concerning their marina, where appropriate.

(j) *Public access:* Preference will be given to marina applications in which all proposed facilities, docks, restaurants, shops, etc., will be open to the general public on a first-come, first-served basis.

(k) *Flushing:* Proposed marina waters will have good flushing characteristics with adjacent water bodies.

(l) *Critical species protection:* Rare, threatened or endangered flora and fauna shall not be adversely affected by a potential marina use.

(m) *Vegetative cover:* A proposed marina use will not adversely impact specific critical habitat supporting rare, threatened or endangered species of special concern [sic].

(n) *Seagrass beds:* Commercial marinas shall not be permitted to be constructed over seagrass beds, except for access walkways to the dock(s). The access walkways shall be constructed and located so as to allow for successful maintenance and expansion of existing seagrass beds. To this end, specific locational and construction criteria shall be established and implemented by the County.

e. *Policy: Public access, boat ramp siting criteria.* The following criteria shall be used by the Martin County Growth Management Department and the Board of County Commissioners in the development and site plan review procedure for all boat ramp projects:

(1) *Utilization and public demand.* Size and location of boat ramps throughout Martin County should be determined based on population centers and projected needs. Proposed boat ramps should be near significant population centers and offering access to large navigable bodies of water.

(2) *Land use (existing and permitted).*

(a) *Comprehensive plan:* Public boat ramps shall be located in areas delineated for institutional use on the future land use maps of the Comprehensive Growth Management Plan. Private boat ramps may be located within other land use designations if a need for such facilities can be demonstrated.

(b) *Existing use:* Preference will be given to sites which have already been legally disturbed.

(3) *Support facilities.*

(a) *Non-water-related facilities:* All boat ramp facilities such as restrooms, trash bins, pump-out stations and parking shall be located in upland areas with a sufficient vegetative barrier between them and adjacent wetland habitats to ensure no adverse impacts to those areas.

(b) *Adequate traffic capacity:* Boat ramps will require adequate public highway access for their intended capacity, and adequate upland areas for all required facilities associated with the proposed ramp.

(c) *Sewage capacity:* All larger regional boat ramps of public launch facilities must provide adequate sewage handling facilities for their anticipated utilization levels. Such

facilities shall consist of restrooms, pump-out facilities and dumping stations, if necessary, or where appropriate.

(4) *Environmental constraints.*

(a) *Sensitive areas:*

1) No boat ramps shall be allowed in those portions of the Loxahatchee River Federally designated as wild and scenic.

2) In the following sensitive areas, the applicant shall be required to demonstrate to the satisfaction of Martin County that the proposed boat ramp is not contrary to the public interest, does not have any significant, adverse environmental impacts and that a more suitable site is not available:

[a] Aquatic preserves;

[b] Outstanding Florida waterways;

[c] Marine sanctuaries;

[d] Estuarine sanctuaries;

[e] Manatee sanctuaries or areas of critical manatee habitat; and

[f] Other highly productive or unique habitats.

(b) *Water depth:* Boat ramps shall be approved only in areas having sufficient water depths to accommodate the type of boats projected to be used at the given site. Water depth restrictions shall be clearly posted at all boat ramps.

(c) *Access dredging:* Preference will be given to sites where no dredging is required. Boat ramps may be permitted in locations requiring only maintenance dredging.

(d) *Erosion prevention:* Boat ramps located in areas historically prone to shoreline erosion may require a shoreline stabilization plan as part of their permitting procedure. The object of such design plans will be to ensure that neither the presence of the boat ramp itself, nor the anticipated increase in boating caused by the boat ramp, aggravates the existing problem.

(e) *Access markers:* Channel markers showing the locations and depth limits of all County maintained boat ramps and connecting channels will be placed along the major adjacent waterway. (new)

(f) *Surface water drainage.* Surface water drainage in the area of boat ramps should be designed to prevent siltation and poor quality runoff.

6. *Objective. Beach and dune and off-shore systems.* To develop procedures and standards to protect, enhance and restore beach and dune systems and minimize construction-related impacts.

a. *Policy: Barrier island restrictions.* The County shall continue to actively enforce barrier island development through:

(1) Density limitations on the barrier island (Hutchinson Island) which restrict development on vacant, uncommitted properties to single-family units;

(2) The shoreline protection provisions of Policy 8.4.A.4.a. of this element and Policy 9.4.A.8.a. of the Conservation and Open Space Element;

(3) Beach/dune protection provisions which prohibit development within the dune preservation zone other than approved shore protection, beach restoration, dune crossovers or activities related to beach safety; and

(4) Site plan design standards which are applicable to all developments on the barrier islands that require site plan approval, and which specify provisions for the following: open space, buffer areas, minimum building separations, maximum height of structures

and requirements for setbacks, park and recreation, transportation, public safety and stormwater systems.

b. *Policy: Coastal Construction Code.* The County shall examine any changes to the Florida Department of Community Affairs Model Coastal Construction Code and modify those regulations on coastal construction, where necessary, to be consistent with the State requirements established.

c. *Policy: Enforcement of existing regulations.* Enforcement of existing regulations regarding protection of sea turtles and the beach dune environment shall be maintained or improved accordingly in special barrier island regulations.

d. *Policy: Cumulative impacts on beach/dune systems.* Land use decisions shall consider the specific and cumulative efforts of development and redevelopment activities upon beach and dune systems. Existing barrier island regulations shall guide developments affecting beach and dune systems, as specified in Coastal Management Policies 8.4.A.6.a. and 8.4.A.6.c., and in accordance with the shoreline protection zone standards found in Policy 8.4.A.4.a. and 9.4.A.4.a. in the Coastal Management and Conservation and Open Space Elements, respectively.

e. *Policy: Shoreline preservation and restoration.* The County shall continue to monitor and evaluate jointly with the U.S. Army Corps of Engineers, Florida Department of Environmental Protection and other interested parties, major causative factors underlying shoreline erosion and desirable preventative measures for abatement, preservation and restoration of shorelines.

f. *Policy: Erosion control structures.* The County recognizes that nonstructural environmental management techniques for shoreline stabilization are preferable to structural plans designed to harden and reinforce the shoreline. Generally, structural plans to harden the shoreline promote erosion on adjacent properties and intensify longterm erosion by altering natural defenses against erosion. It is best to stabilize the shoreline by protecting and enhancing the preservation of indigenous vegetation which contributes to natural dune building. Therefore, shoreline erosion control measures shall be limited to those techniques that do not interfere with the natural beach and dune systems, adversely affect adjacent properties, sea turtle nesting and hatching activities or negatively impact coastal natural resources such as Sabellariid worm reefs. Structural means (i.e., permabags, seawalls, etc.) may be used only if:

1) Nonstructural means are not suitable to the specific and unique conditions of the site; and

2) Structural means do not negatively impact adjacent properties by creating more erosion potential or deteriorating land values.

Existing erosion control structures that are damaged or destroyed may be repaired or replaced only with structures which are compatible with this policy and found to be necessary to protect existing, previously approved structures.

g. *Policy: Beach and dune protection.* Motorized vehicles shall be prohibited from operation on the beach and primary dune system, except in an emergency situation or as approved by special permit from the Florida Department of Environmental Protection and the Martin County Board of Commissioners.

h. *Policy: Landscaping materials permitted on primary dune.* One hundred percent of all landscaping material used on the primary dune system shall be composed of native plants adapted to soil and climatic conditions occurring on-site. On other portions of

barrier islands and in drought prone areas at least 50 percent of all landscaped areas shall be composed of native or drought tolerant plants adapted to soil and climatic conditions occurring on-site. To the maximum extent feasible, it is recommended that compliance with these requirements be achieved through preservation of existing native plant material.

i. *Policy: Clearing restrictions.* Martin County shall restrict the clearing of beach and dune vegetation, and restrict the excavation of dune materials in the dune preservation zone. The "dune preservation zone" is defined as the mean high water line of the Atlantic Ocean to a point 50 feet westerly of the coastal construction control line, as in force and in effect on June 1, 1985. Clearing or excavation of the beach or dune, for any reason, other than approved shore protection, beach restoration, dune crossovers or activities related to beach safety shall not be permitted.

j. *Policy: Floodproofing of sanitary sewer systems.* New sanitary sewer facilities in the hurricane vulnerability zone shall be floodproofed to prevent inflow of raw sewage from leaking into sanitary sewer facilities during flood events. New septic tanks shall be fitted with backflow preventers.

k. *Policy: Designation of the St. Lucie near shore reef as a national marine sanctuary.* In 2000/2001, Martin County shall coordinate with the Florida Department of Environmental Protection, the Federal Marine Sanctuary Program and the Treasure Coast Regional Planning Council to evaluate the designation of a national marine sanctuary within the coastal waters of Martin County. The potential site of this marine sanctuary would be the St. Lucie near shore reefs, located at Bathtub Reef Park. The evaluation of the designation should include the continued reasonable use of Bathtub Reef Park.

7. *Objective: Coastal public access.* The acquisition and maintenance of sufficient beach and shoreline access areas to meet projected public need in Martin County.

a. *Policy: Cove Road Park access.* The County shall make established improvements incorporated in the Recreation and Capital Improvements Elements (see chapters 7 and 14) at the eastern terminus of Cove Road. Additional improvements to the site which would facilitate access to St. Lucie Inlet State Park are subject to Board of County Commissioners' approval.

b. *Policy: Parking, support facilities and maintenance.* Necessary access, parking and support facilities shall be developed and maintained for all County-owned shoreline recreation areas. Maintenance shall include regular trash collection and beach cleanup.

c. *Policy: Shoreline improvement projects.* Publicly-funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and trash collection.

d. *Policy: Enforcement of public access provisions.* Martin County shall continue to enforce the public access provisions of the 1985 Coastal Zone Protection Act by continuing to prohibit interference by any development of accessway through private lands, provided that such access has been obtained through appropriate legal means. A development may alter an access point only if:

(1) The alteration is of similar quality and convenience;

(2) The alteration is consistent with this element and all other applicable regulations of the Martin County Code of Ordinances and elements of the Comprehensive Growth Management Plan; and

(3) The alteration is approved by the local government.

e. *Policy: Acquisition of waterfront parcels.* The County shall continue with the ongoing program of acquiring and developing water access recreation sites by jointly utilizing the Martin County Land Acquisition Selection Program in conjunction with other Federal, State and regional agencies (Bureau of Land Management's Land and Water Conservation Funds Grants; South Florida Water Management District's State Land Acquisition Program; and the Florida Inland Navigation Districts, respectively) to acquire waterfront resource-based parcels with public access.

f. *Policy: Public access acquisition.* By October, 1990, provision for public right-of-way access shall be established as a priority in the land acquisition selection criteria evaluation procedure for all parcels being acquired for public recreation use.

8. *Objective. Historic resources.* After the adoption of the Comprehensive Growth Management Plan, there shall be no loss of historic resources on County-owned property, and historic resources on private property shall be protected, preserved or used in a manner that will allow their continued existence.

a. *Policy: Procedures within the Land Development Code.* The Land Development Code, when revised pursuant to F.S. § 163.3202(1), will establish procedures that require that all public and private development and redevelopment proposals are reviewed for their impact upon historic resources. These procedures shall be developed according to Policy F.1.a. [sic] in the Land Use Element.

b. *Policy: Site plan review to protect historic or archaeological resources.* Applicants for site plan review shall consult the Florida Master Site File maintained by the Florida Department of State, Division of Historical Resources, to determine if the proposed project will affect historic or archaeological resources in the County. These findings shall then be submitted to the Growth Management Department as part of the development and site plan review procedure.

c. *Policy: Setback requirements for historic or archaeological sites.* Historic and archaeological sites shall be incorporated into required setbacks, buffer strips or open spaces up to the maximum area required by the development regulations. The County shall consider the feasibility of establishing waivers for nonsafety related setback requirements and site planning requirements in order to accommodate historic structures or sites within a proposed development.

d. *Policy: Historic or archaeological site preservation alternatives.* As an alternative to preserving historic or archaeological sites, the owner may allow excavation of the site by the Division of Historical Resources, or their approved alternate, prior to development. Should a site be scientifically excavated, then development may proceed without preserving the site.

e. *Policy: Notification of discovery of historic or archaeological sites.* In the event of discovery of any historic or archaeological resources during land development activities, such activity shall be halted immediately in that area, and the Martin County Growth Management Department and Florida Department of State Division of Historical Resources shall be notified. Proper protection, to the satisfaction of both of these agencies, shall be provided, either by preservation or excavation by qualified scientists. Protection shall be done according to the procedures outlined in Policy F.2.a. [sic] in the Land Use Element.

f. *Policy: Identification of significant resources.* By December, 2000/2001, Martin County shall aid and cooperate with the Treasure Coast Regional Planning Council in identifying and mapping significant, historical, archaeological and paleontological resources within the County.

g. *Policy: Preservation Ordinance.* By December, 1996, after the inventory and mapping is completed, Martin County shall adopt an Historic Preservation Ordinance to provide appropriate protection for significant historic resources. It shall be developed in accordance with Policy F.3.a. [sic] in the Land Use Element and Policy 6.4.A.3.c. of the Housing Element.

8.4.B. *Goal.* The protection of human life and capital facilities from the destructive effects of hurricanes and natural disasters by limiting public expenditures and development activities in identified coastal high hazard areas, providing for safe and effective emergency evacuation and establishing procedures for post-disaster redevelopment.

1. *Objective. Hazard mitigation and coastal high hazard area.* To limit public expenditures in the designated coastal high hazard area to necessary public services in order not to subsidize new development in this area.

a. *Policy: Coastal high-hazard area.* The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

b. *Policy: Limit public expenditures.* In order to limit public expenditures in the coastal high hazard area, Martin County will:

(1) Continue to approve only detached single-family development in residentially designated areas in the Hutchinson Island area, not exceeding two units per gross upland acre;

(2) Supply water and/or sanitary sewer services necessary to correct deficient systems that are polluting the Indian River Lagoon, or other environmentally sensitive water bodies. Septic tanks will only be approved on lots one-third acre (14,520 square feet) or larger, provided they are served by central water and meet all other Health Department criteria;

(3) Provide services necessary to ensure public access to beaches and/or other public waterfront recreation/conservation areas;

(4) Provide services needed to minimize evacuation times during emergency events as specified in the policies of subsection 8.4.B. of this section of the Coastal Management Element; and/or

(5) Provide those services that restore or enhance natural resources.

c. *Policy: Public services.* Necessary public services are defined as:

(1) Water and/or sanitary sewer services necessary to correct deficient systems that are polluting the Indian River Lagoon, or other environmentally sensitive water bodies;

(2) Services necessary to ensure public access to beaches and/or other public waterfront recreation/conservation areas;

(3) Services needed to minimize evacuation times during emergency events; and/or

(4) Services that restore or enhance natural resources.

d. *Policy: Infrastructure or service expansion restrictions.* Public funds shall not be used for infrastructure or service expansion or improvements to areas designated as

coastal high hazard areas unless such funds are necessary to meet one of the following conditions:

- (1) Provide services to existing subdivisions (structures approved for development prior to the adoption of this policy);
- (2) Provide adequate evacuation in the event of an emergency;
- (3) Provide for recreational needs and other appropriate water-dependent and water-related uses;
- (4) Provide support to public and private land development specifically designed to minimize storm hazards as deemed necessary for such public facilities by the Land Development Code.

e. *Policy: Expansion of Barrier Island Ordinance.* Martin County shall investigate the need to expand the provisions of the Barrier Island Ordinance to all areas within the coastal high hazard area, as defined in Policy 8.4.B.1.a. This investigation shall be performed in 1991, and either adopted revisions to existing ordinances or the adoption of a new ordinance shall be done by October, 1993.

f. *Policy: Relocation of infrastructure.* Martin County shall consider relocating infrastructure outside of the coastal high hazard area when opportunities for replacement exist. Any such relocation may not cause a lowered level of service standard for existing residents. The County's policy is to replace infrastructure in the coastal high hazard area if damaged and when State funding is available.

2. *Objective. Direct population away from coast.* Encourage low density land uses within the coastal high hazard area in order to direct population concentrations away from this area.

a. *Policy: Coordination of land development regulations and infrastructure improvements.* Land development regulations and supporting urban infrastructure improvements shall be coordinated to assure that development on coastal barrier islands and other high hazard coastal areas do not result in a concentration of population or overexpenditure of public and private funds.

b. *Policy: Barrier island development regulations.* Martin County shall continue to enforce the barrier island development regulations which address, at a minimum:

- (1) Maximum residential densities;
- (2) Wetland preservation;
- (3) Shoreline protection;
- (4) Flood damage prevention;
- (5) Endangered species habitat protection;
- (6) Potable water and wastewater requirements;
- (7) Site design standards;
- (8) Recreation and open space standards;
- (9) Transportation standards;
- (10) Public safety standards; and
- (11) Stormwater quality standards.

c. *Policy: Hutchinson Island Resource Planning and Management Plan.* The County shall continue to implement the findings and recommendations of the Hutchinson Island Resource Planning and Management Plan by requiring that until such time as Martin County and St. Lucie County have adopted a plan to increase traffic capacity to

Hutchinson Island to assure future LOS, that new development on the island which is not vested shall be limited to single-family residences.

d. *Policy: Acquisition of coastal high hazard area lands.* Martin County shall identify funding that would be available for buying land within the areas within the category 1, 2 and 3 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas for public access, conservation or open space. This policy shall be coordinated with Policies 9.4.A.1.g., 9.4.A.2.e., 9.4.A.2.g. and 9.4.A.11.b. of the Conservation and Open Space Element.

e. *Policy: Construction restrictions within the category 1, 2 and 3 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas.* Martin County shall continue its existing limits on construction within the category 1, 2 and 3 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas. Furthermore, the County shall investigate the feasibility of expanding the Barrier Island Ordinance development restrictions, as well as other applicable development restrictions, to include all areas within the category 1, 2 and 3 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas.

3. *Objective. Hurricane evacuation.* To provide for public safety during emergency evacuation by maintaining or reducing Martin County emergency evacuation clearance time and maintaining an adequate emergency evacuation roadway system.

a. *Policy: Emergency evacuation plan.* Martin County shall maintain an in-County emergency evacuation clearance time for a category V hurricane of NTE 13 hours as documented in the Treasure Coast Regional Hurricane Evacuation Study Update 2003.

b. *Policy: New development evacuation plans.* All new development proposed within the category 1, 3 and 5 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas shall include detailed plans and procedures for evacuation in the event of a hurricane.

c. *Policy: Emergency evacuation mitigation requirements.* All new developments which are projected to increase emergency evacuation clearance times above the adopted Martin County emergency evacuation clearance time shall mitigate their impacts fully prior to issuance of certificates of occupancy.

d. *Policy: Emergency shelter space requirements.* All residential developments vulnerable to coastal flooding shall provide emergency shelter space to accommodate the 25 percent of development residents who are expected to seek shelter locally, or as technical studies deem appropriate. The requirement to provide emergency shelter space is in addition to the emergency evacuation mitigation requirements of Policy 8.4.B.3.c. Emergency shelter space shall be allocated at 20 square feet per person, or as the guidelines for hurricane evacuation shelter selection (ARC 4496) and the State of Florida Model Hurricane Evacuation Shelter Selection guidelines recommend. In addition, new mobile/manufactured home developments outside areas vulnerable to flooding shall provide shelter space as required above, which meets established wind load, cyclical load and impact resistance requirements contained in the Martin County, South Florida or State-wide Building Codes. Shelter space may be established either on-site or off-site, provided this space is located, equipped and stocked with provisions and maintained and retained in accordance with the specifications provided by the Martin County Emergency Management Director. No emergency storm shelters shall be approved on the barrier islands.

The on-site shelter space option will not be available to developments that lie in surge vulnerable areas as identified on Figure 8-5 of this Element. No certificates of occupancy shall be issued for any units until such time as the developer can verify by an inspection accomplished by the Martin County Emergency Management Office that emergency shelter space to accommodate the needs generated by development is available. Emergency shelter space, once verified by the developer and the Martin County Emergency Management Office, shall not be modified, changed or used in any manner which would render it unusable as a shelter. This requirement shall be imposed on successor owners or operators of the property so designated as a shelter.

**Editor's note:** Figure 8-5 is on file in the office of the Martin County Growth Management Department.

e. *Policy: Emergency evacuation road improvements.* Martin County, as part of the 2010 Transportation Study, shall examine the emergency evacuation routes to determine those that may be inadequate. Inadequate roadway links are those that have insufficient traffic capacity as determined by its level of service, are subject to flooding and prone to blockage by tree fall in high winds. The study will determine responsibility for the costs of improvements. Those roadway links determined to be inadequate by this examination will be given priority in the Capital Improvements Element. Roadway links that are insufficient due to tree fall shall be corrected by the County's ongoing tree trimming and/or removal program.

f. *Policy: Hazardous tree fall program.* An ongoing program to be administered by the Martin County Road Department shall remove Australian pines and other trees prone to high wind damage along identified emergency evacuation routes to eliminate hazardous tree fall condition along these routes.

g. *Policy: County/City cooperation.* Martin County and the City of Stuart shall coordinate hurricane evacuation plans. As part of that coordination, Martin County shall request that the City of Stuart participate in the determination of emergency evacuation routes that may be inadequate.

h. *Policy: Density limitations on Hutchinson Island.* New development on Hutchinson Island that is not vested (that is, vacant, uncommitted parcels) shall continue to be limited to single-family residences.

i. *Policy: Emergency technical data update requirements.* Emergency technical data reports and plans used in emergency management for hurricanes, floods, nuclear power plant emergencies and other emergencies should be updated annually to reflect changes in population size and distribution, location of high-risk populations, adequacy of transportation systems and shelters and the latest scientific findings affecting emergency management.

j. *Policy: Public information responsibilities.* Public information should continue to be developed and disseminated by the Emergency Management Director on who should evacuate, how to evacuate and what services are available for the population in a hurricane.

4. *Objective: Post-disaster redevelopment.* The establishment of post-disaster procedures for immediate and longterm response to a hurricane or natural disaster, including cleanup and redevelopment.

a. *Policy: Post-Disaster Recovery Task Force.* The County Commission shall appoint a Post-Disaster Recovery Task Force to include, at a minimum, the Growth Management

Director, Emergency Management Director, Public Services Director and other members at the discretion of the Commission. Staff shall be provided by the departments whose directors sit on the task force.

b. *Policy: Post-disaster procedures.* The Post-Disaster Recovery Task Force shall adhere to the procedures of the Comprehensive Emergency Management Plan.

c. *Policy: Cleanup and repair priorities.* Immediate cleanup and repair actions needed to protect the public health and safety shall receive first priority (within two weeks of the storm event) in emergency permitting decisions. These actions include the following:

- (1) Repairs to potable water, wastewater and power facilities;
- (2) Removal of debris and inspection for hazardous materials;
- (3) Stabilization or removal of structures about to collapse;
- (4) Minimal repairs to make dwellings habitable; and
- (5) An environmental assessment by the Martin County Environmental Health Unit.

d. *Policy: Redevelopment activities.* Longterm redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks. At that time, Martin County shall encourage activities that are consistent with the Comprehensive Emergency Management Plan and specific redevelopment plans developed by the Recovery Task Force.

e. *Policy: Streamlined development approvals.* Martin County shall develop procedures that streamline the development approval process for those property owners who meet all conditions for rebuilding within coastal areas.

f. *Policy: Acquisition of lands.* Martin County shall pursue acquisition of lands identified in Policy 8.4.A.3.d. in order to provide public access, protect natural resources or remove it from development.

g. *Policy: Rebuilt structures.* If rebuilt, structures which suffer cumulative damages within any five-year period in excess of 50 percent of their appraised value shall be rebuilt to meet all current requirements, including those enacted since construction of the structure.

h. *Policy: Structures with repetitive damage.* Structures which suffer repeated damage to pilings, foundations or loadbearing walls shall be required to rebuild landward of their current location or to modify the structure to delete the areas most prone to damage. Water-dependent uses shall be exempt from the requirement to rebuild landward of their current location if, when rebuilt, the structure is modified to minimize future damages.

i. *Policy: Repair of seawalls.* Repair or reconstruction of seawalls will be permitted only if it meets the provisions of Policy 8.4.A.4.b. in this element, and must be accompanied by beach fill.

j. *Policy: Coordination on hurricane technical report update.* The County should coordinate with the Treasure Coast Regional Planning Council during updates of the hurricane technical report for inclusion in the unified local mitigation strategy to:

- (1) Identify structures within the category 1, 2 and 3 hurricane surge areas as identified in the 1993 Florida Hurricane Surge Atlas;
- (2) Inventory their assessed value;
- (3) Judge the utility of the land for public access; and
- (4) Make recommendations for acquisition when post-disaster opportunities arise.

k. *Policy: Hutchinson Island development order restrictions.* Limit development both before and after a natural disaster on Hutchinson Island by enforcing the following Hutchinson Island development restrictions:

(1) Prior to a hurricane, or other declared natural disaster, Martin County shall limit development on Hutchinson Island by continuing to enforce the existing barrier island development restrictions.

(2) After a hurricane, or other declared natural disaster, any approved development order on Hutchinson Island must satisfy the following conditions or it shall be considered null and void:

(a) One-third or less of the physical improvements committed to in the development order are not completed;

(b) The development has not had any active construction for a period of six months; and

(c) The physical improvements on-site that have been constructed have sustained damage in excess of 50 percent of their appraised value.

If the development order is determined to be null and void, the applicant shall be required to submit a new petition for development approval that complies with current regulations and is consistent with the redevelopment plan developed by the Recovery Task Force.

l. *Policy: Residential density reduction petition to St. Lucie County.* The County shall petition St. Lucie County to reconsider the issue of reducing residential densities south of the FPL Power Plant, and adopt Policy 8.4.B.4.k. above.

m. *Policy: Redevelopment of parcels.* After a hurricane, or other declared natural disaster, parcels whose existing development has been damaged may be redeveloped, provided, the new development does not exceed the density and/or intensity of use of the previous development.

5. *Objective. Coastal infrastructure.* After plan adoption, Martin County shall maintain established levels of service and service areas, and shall phase and maintain infrastructure, in order to assure that adequate public facilities and services are available to existing and projected residents and visitors to the coastal area of Martin County.

a. *Policy: Level of service standards.* The level of service (LOS) standards adopted elsewhere in this Comprehensive Growth Management Plan for public facilities and the additional standards under this objective shall be applied by the Martin County Growth Management Department whenever development orders or permits are requested.

b. *Policy: Beach renourishment project standards.* Beach renourishment projects shall meet the following level of service standards:

(1) Beach fill must include a protective berm high enough to prevent flooding by a ten-year storm event; and

(2) Beach renourishment projects shall have a design life of at least five years.

c. *Policy: Level of service guidelines for new development.* The Martin County Growth Management Department shall require that all applicants for development permits in the coastal zone demonstrate that the project will comply with the adopted levels of service for necessary public facilities as stated in the Capital Improvements Element.

d. *Policy: Infrastructure.* The County shall ensure concurrency in the coastal zone as required in the Capital Improvements Element for all levels of service, including evacuation clearance time specified in Policy 8.4.B.4.a.

e. *Policy: Road improvements.* New road construction, or roadway improvement projects, shall include turn lanes, parking lanes or other paved areas which can be used to increase the number of traffic lanes for emergency evacuation.

f. *Policy: Natural disaster.* The Martin County Emergency Services Department and Emergency Management Agency shall review developments that occur in areas of potential natural and manmade disasters for such safety factors as adequacy of shelter for residents, ability of surrounding roads to accommodate emergency traffic and ability of internal roads to accommodate emergency traffic.

g. *Policy: Wastewater treatment.* Public and private wastewater treatment facilities which have a history of malfunctioning should be repaired immediately or replaced by the responsible governmental entity or private operator.

h. *Policy: Public utility hookup guidelines.* All new and existing developments utilizing septic tank and package sewage treatment facilities, and which have a history of noncompliance with applicable standards, shall connect to government-owned or investor-owned sewerage systems where an existing sanitary sewer is available. Procedures and policies guiding the connection of new and existing developments to sanitary sewer systems are found in chapter 10, Sanitary Sewer Services Element, section 10.2.B. and C., and Policies 10.4.A.1.g., 10.4.A.1.h., 10.4.A.3.a., 10.4.A.3.d., 10.4.A.3.e., 10.4.A.5.a. and 10.4.A.5.b.

i. *Policy: Storm or surface water runoff.* Any new surface water or stormwater runoff discharge points into coastal water should be prohibited or restricted to areas of extremely good flushing potential.

6. *Objective: Interjurisdictional resource management.* To ensure that resources occurring in or affecting more than one governmental jurisdiction are effectively managed to preserve, protect and enhance coastal natural systems, wildlife, fisheries and habitat.

a. *Policy: Interjurisdictional plans coordination.* The County shall continue to coordinate with the appropriate agencies to achieve the goals and policies of and to implement the Treasure Coast Regional Comprehensive Policy Plan, Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, North Fork of the St. Lucie River and Indian River Lagoon Aquatic Preserve Protection Plans, Hutchinson Island Resource Planning and Management Plan and other such plans and programs as require the involvement of the County. Appropriate agencies include, but are not limited to, the Treasure Coast Regional Planning Council, U.S. Army Corps of Engineers, South Florida Water Management District, Departments of Natural Resources, Environmental Regulation and Community Affairs.

b. *Policy: Aquatic preserve feasibility study.* The County will continue to study the feasibility of the designation of the south fork of the St. Lucie River as an aquatic preserve. A final position by way of a resolution to the TCRPC will be adopted should applicable regulations be received from the Department of Environmental Protection by the Board of County Commissioners.

c. *Policy: St. Lucie River estuary.* The County will coordinate with the Martin Soil and Water Conservation District and other related agencies in promoting awareness of new information concerning the St. Lucie River estuary system and the impacts of development on the functions and values of the estuary system.

d. *Policy: Coordination with State and Federal level facilities.* The County will continue to coordinate with, and assist, where appropriate, those agencies responsible for protection and management of Federal wildlife refuges, State parks, waterways and beaches. A complete listing of such facilities is contained in the Recreation Element and Conservation/Open Space Element.

e. *Policy: Cooperate to enhance natural systems.* The County will cooperate and coordinate with surrounding local governments, as well as State agencies, in an effort to enhance existing natural systems.

f. *Policy: Beach renourishment.* The County will coordinate all applications for beach renourishment with applicable Federal, State and regional agencies, and shall cooperate with other local sponsors in a review and comment function for beach renourishment proposals that may have an effect on the resources of Martin County.

g. *Policy: Protection of local estuaries.* Martin County shall cooperate and coordinate with other local governments in protecting local estuaries. This cooperation and coordination shall have as its purpose local governments assistance to those agencies responsible for protection and management of the local estuarine systems.

h. *Policy: City/County coordination.* Martin County shall cooperate and coordinate with the City of Stuart on marina siting criteria so that both the County and City have effective, consistent criteria in their development and site plan procedures for marina projects.

(Ord. No. 606, pt. III(#01-12, Exh. C), 12-11-2001; Ord. No. 627, pt. IV(Exh. E), 12-10-2002; Ord. No. 630, pt. I(Exh. A), 5-27-2003; Ord. No. 660, pt. I(#04-16, Exh. B), 12-7-2004; Ord. No. 677, pt. I(#05-4, Exh. A), 9-6-2005; Ord. No. 780, pt. 1(Exh. A), 12-11-2007)