CHAPTER 157: NATURAL RESOURCE PROTECTION

GENERAL PROVISIONS

§ 157.01 PURPOSE AND INTENT

(A) The purpose of this Chapter is to implement the policies of the Future Land Use and Conservation Elements in the City of Port St. Lucie Comprehensive Plan by establishing regulations regarding the protection of natural resources and native vegetation and the protection of historic and prehistoric resources in order to maintain the quality of life in Port St. Lucie and to protect the health, safety, welfare, and general well being of the citizens of Port St. Lucie.

(B) The implementation of this chapter is intended to accomplish the following objectives:

1. Preserve and protect native upland habitat within Port St. Lucie to maintain a diversity of plant and animal life supported by the plant communities native to this area, and in particular species that are listed by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Preservation of Native Flora of Florida Act, and the Florida Natural Areas Inventory because of their status as endangered, threatened, or of special concern.

2. Protect and sustain natural wetland systems, to minimize activities that degrade, destroy or otherwise negatively impact wetland values and functions, and where appropriate, to reestablish and restore productive wetland systems.

3. Protect and preserve estuarine beaches by prohibiting alteration and requiring restoration of degraded beaches during development and redevelopment of property.

4. Prevent the degradation or loss of native shoreline habitat and encourage improvement of habitat degraded by shoreline protection structures or other means by prioritizing methods of allowable shoreline stabilization.

5. Promote soil conservation by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity which disturbs or otherwise results in the movement of earth on land situated in the city and thereby reduce sedimentation and air and surface water pollution resulting from soil erosion.

6. Protect surface water flow by controlling filling activities and changes in drainage patterns.

7. Ensure that the activities associated with excavating and the resulting excavation itself do not degrade the natural resources of the city and adversely impact the quantity or quality of surface water or groundwater.

8. Encourage water conservation through the preservation of existing plant communities, reestablishment of native plant communities, site development that retains stormwater runoff on site, and recognition of environmentally sensitive site development concepts.

9. Preserve and protect properties of historical, cultural, archaeological, aesthetic and architectural merit which represent distinctive elements of the city's cultural, social, economic, political, scientific, religious, and architectural history.

§ 157.02 RELATIONSHIP TO OTHER REQUIREMENTS

In addition to meeting the requirements of this chapter and other applicable city regulations, development plans shall comply with all applicable federal, state, county, and water management district regulations.

§ 157.03 COMPLIANCE WHEN SUBDIVIDING LAND

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these requirements.

ARTICLE I - NATURAL RESOURCES AND NATIVE VEGETATION

§ 157.04 ENVIRONMENTAL SITE ASSESSMENT

(A) As part of any development application involving land containing or adjacent to wetlands, containing listed plant or animal species, or for parcels greater than or equal to two acres in size, an Environmental Site Assessment prepared by a qualified ecologist, biologist, or equally qualified individual shall be provided as a component of the application for development approval. The Environmental Site Assessment shall be conducted according to professionally accepted standards and include the following:

1. Site location map with the specific property clearly indicated and aerial photograph with property boundaries and acreage clearly indicated.

2. Maps at an appropriate scale using the Florida Land Use and Cover Classification System (FLUCCS) which identify the location and approximate extent of wetlands, upland habitat, and resident listed species located on the property.

3. A written assessment of the site, including an onsite inventory, field survey of existing vegetation, wetlands, rare, endangered, threatened, or species of special concern, both flora and fauna, and areas of invasive exotic vegetation using the Florida Land Use and Cover Classification System (FLUCCS).

4. Soil types and conditions.

5. Identification and discussion of areas of previous alteration or degradation, including present and past uses of site.

6. A written jurisdictional determination of wetlands from the appropriate state agencies, such as the South Florida Water Management District and the Florida Department of Environmental Protection.

7. General description of any proposal for wetland mitigation when applicant has shown that there are no reasonable design alternatives or modifications available to lessen the impacts and the wetlands must be altered in order to allow reasonable use of the property.

8. A mitigation plan that describes actions to be taken that replace those functions and values of the ecological community or communities lost as a result of proposed land alteration or utilization.

9. Any preliminary management plans as may be required by other provisions of this Code. Final preserve management plans will be required to be submitted prior to the granting of any permits to commence site development activities, including land clearing.

§ 157.05 WETLAND PROTECTION

(A) Wetlands serve many important hydrological and ecological values and functions. They reduce the impact of flooding by acting as natural retention and water storage areas; help protect shorelines against erosion; provide habitat for a diverse community of plants and animals; provide a nesting and resting ground for species of migratory birds; and minimize urban runoff by filtering water. Land alteration activity which destroys, reduces, impairs or otherwise adversely impacts a wetland or natural body of water shall be prohibited unless specifically approved by the Site Plan Review Committee in accordance with Sections 158.235-245 of the Zoning Code and the regulatory agencies such as the Florida Department of Environmental Protection and the South Florida Water Management District, or the Army Corp of Engineers, empowered by law to authorize such activities.

(B) Development on land containing or adjacent to wetlands shall be required to submit an environmental site assessment as part of the site plan approval process identifying the location and extent of any wetlands located on the property and providing an explanation of how the development plan will ensure that pre-development water flow, circulation, and water quality will be maintained during and after development is completed. Where alteration of wetlands is necessary in order to allow reasonable use of property one or more of the following shall be required:

1. Either the restoration of disturbed wetlands,

2. Creation of additional wetlands, or

3. Participation in an approved mitigation bank

(C) Wetland Determination**.** If the environmental site assessment verifies the existence of wetlands, the application shall also include a written jurisdictional determination from the appropriate state agency, such as the South Florida Water Management District and the Florida Department of Environmental Protection. Wetland boundaries shall be delineated in the field according to the state unified wetlands delineation methodology.

(D) Buffer Requirements:

1. All wetlands shall, at a minimum, be protected by a native upland buffer with an average width of fifty (50) feet and a minimum width at any one (1) point of fifteen (15) feet from the landward edge of all wetland perimeters.

2. All wetlands and associated native buffers shall be set aside and designated on the site plan as conservation areas and be protected by a preserve area management plan.

(E) Mitigation. Where impacts to wetlands cannot be avoided, mitigation shall be determined for individual projects by applying the Uniform Wetland Mitigation Assessment Method, pursuant to Chapter 62-345, Florida Administrative Code. Any proposed impacts to wetlands shall be mitigated as required by the appropriate state agency. A copy of the mitigation plan approved by applicable state agency shall be submitted to the City prior to any permitted authorized alteration of wetlands on a site. Wetland mitigation shall occur within St. Lucie County.

(F) Permitted Uses. The following uses may be permitted in wetland and buffer zones:

1. Minor maintenance and repair of existing structures or improved areas provided such structures or improved areas are not expanded.

2. Docks, piers, walkways, and open boat shelters pursuant to other provisions of this Code and the requirement of applicable state permitting agencies.

3. Drainage outfall or control structures pursuant to the authorized stormwater management permit.

4. Approved and permitted public improvement projects as authorized by City Council and applicable state permitting agencies.

(G) Protection Standards: Removal or alteration of native wetland vegetation is prohibited except as permitted by appropriate state regulatory agencies. Mangrove trimming shall be performed only in accordance with the Florida Mangrove Trimming and Preservation Act, as may be amended.

1. No construction of impervious surfaces shall be permitted in the buffer zone except as specifically provided for in this Code.

2. Rural, Estate, and Single-family residential zoning categories of development shall provide a grassy swale landward of, parallel and adjacent to, the required buffer zone.

3. Pursuant to Section 157.21, siltation and erosion control measures shall be used during and after construction.

(H) In the event that alteration occurs to a wetland or buffer without first obtaining the appropriate review and approval required by this chapter, corrective actions in the form of restoration shall be required.

§ 157.06 NATIVE UPLAND HABITAT PROTECTION

(A) Natural upland plant communities preserve the ecological values and functions of significant plant and wildlife habitats, provide habitat corridors, minimize habitat fragmentation, and maintain and enhance the diversity and distribution of plant and animal species within the city. Development activities on all parcels with native upland habitat shall be evaluated for the protection of native upland habitat and listed species habitat prior to clearing, grading, or other alteration of the habitat.

(B) A site survey for gopher tortoises shall be conducted on all upland properties. If gopher tortoises are identified on the property, then the property must also be surveyed for listed species associated with gopher tortoise burrows. Site surveys shall be conducted by qualified ecologist, biologist, or equally qualified individual.

(C) Minimum Preservation Requirements

1. Residential. All residential development subject to site plan or subdivision plat approval shall meet the following requirements for provision of open space.

    a. Fifty percent of the total area of each site must remain as open space.

    b. An environmental assessment shall be provided that identifies those areas of the site, if any, where native upland habitat exists using the Florida Land Use and Cover Classification System (FLUCCS).

c. When native upland habitat exists on the property, a minimum of twenty-five (25) percent of the total native upland habitat on site shall be preserved.

d. A native upland buffer around wetlands and/or native habitat preserved for listed species may be counted toward meeting the native upland habitat preserve requirement.

2. Nonresidential. All nonresidential development subject to site plan or subdivision plat approval on all parcels greater than or equal to two acres in size shall include an environmental assessment that identifies those areas of the site, if any, where native upland habitat exists using the Florida Land Use and Cover Classification System (FLUCCS).

a. When native upland habitat exists on the property, a minimum of twenty-five (25) percent of the total native upland habitat on site shall be preserved.

b. A native upland buffer around wetlands and/or native habitat preserved for listed species may be counted toward meeting the native upland habitat preserve requirement.

c. When possible, wildlife corridors shall be provided between preserve areas within and adjacent to the development site.

(D) Preserve Areas

1. Whenever possible, preserve areas should form a contiguous tract, be adjacent to wetlands, or link to adjacent parcel preserves. Wildlife corridors should be established where possible.

2. Preserve areas shall be maintained in their natural state, except that invasive, non-native vegetation shall be eradicated prior to issuance of a certificate of occupancy. Fences shall be allowed around the perimeter of the preserve.

3. Designation and Management. All preserved native upland habitat shall be identified on the site plan or subdivision plat, designated as conservation areas, and protected by a management plan. A conservation easement may be required.

(E) Mitigation

1. The ability to mitigate for native upland preserve areas shall be determined during the development review process and considered by the City Council, based on the advice of the Site Plan Review Committee. This determination shall be based on the environmental assessment, prepared by the applicant, addressing the reasons for mitigation, which may include one (1) or more of the following circumstances:

a. Preserved areas would be ten acres or less, and cannot be connected with other preserved areas which would result in an area ten acres or more.

b. The proposed preserve area within a project would result in a small, fragmented area with limited habitat value compared to available alternatives.

c. The site is proposed for a public project that will provide substantial benefit to the health, safety, and welfare of citizens.

2. Jurisdictional wetlands shall not be used as mitigation for upland habitat.

3. Forms of mitigation that may be approved by the City Council, on the advice of the Site Plan Review Committee, include the programs or a combination of the programs listed below.

    a. Offsite Mitigation: The applicant may propose to preserve similar or more rare native upland habitat at a mitigation ratio of one and one-half (1.5) acres of off-site preservation for each one (1) acre required to be preserved on site depending upon the size, location, and quality of the habitat of the off-site preserve. The proposed off-site preserve shall be within the corporate limits of the City of Port St. Lucie. The applicant shall submit environmental assessments for both the on-site and off-site preservation areas for comparison purposes.

    b. Payment in Lieu of Preservation: Monetary donations in lieu of preservation of native upland habitat shall be made to the Conservation Trust Fund for the acquisition and management of land containing native upland habitat at a mitigation ratio of one and one-half (1.5) acres of off-site preservation for each one (1) acre required to be preserved on site.

        i. The mitigation fee shall be as established by Ordinance 07-151, as may be amended. The mitigation fee shall be calculated and paid at the time the applicant applies for a clearing permit.

        ii. Conservation Trust Funds shall only be used for acquisition and management of upland preserves, development of passive recreation facilities on such lands consistent with the permitted principal uses and structures of the Open Space Conservation Zoning District, and education pertaining to such lands.

~~§~~ 157.07 PROTECTION OF ENDANGERED, THREATENED, OR LISTED SPECIES

(A) Various plant and animal species found in the city of Port St. Lucie are listed by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Preservation of Native Flora of Florida Act, and the Florida Natural Areas Inventory because of their status as endangered, threatened, or of special concern reflecting a depletion in population so critical that extinction is possible. Development activities on all parcels greater than or equal to two acres in size or parcels containing listed plant or animal species shall be evaluated for the protection of listed species habitat prior to clearing, grading, or other alteration of the habitat.

(B) An environmental site assessment as set forth in Section 157.04 (A) shall be required prior to issuance of a clearing permit for vegetation removal on any portion of a parcel where either direct or indirect impact to significant listed species habitat is known or reasonably likely to occur.

(C) A site survey for gopher tortoises shall be conducted on all upland properties as set forth in Section 157.06(B).

(D) If the environmental site assessment for the property reveals the presence or probability of listed species, the following regulations shall apply:

1. The applicant shall submit written evidence of coordination with all applicable agencies (e.g., US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission) concerning the listed species at the time of development application submission.

2. A management plan will be required to ensure protection of the species. See Section 157.08 for preserve area management plan requirements.

3. Relocation of listed species and all commensal listed species, as appropriate, to an off-site preserve may be permitted provided the regulating agency approves a relocation plan. A copy of the approved relocation plan shall be submitted to the City prior to issuance of a final development order.

4. Protection areas may be included in required open space and buffer zones as provided for in this chapter.

§ 157.08 PRESERVATION AREA MANAGEMENT PLAN

(A) All applicants for development approval on sites that contain wetland, native upland habitat, or listed species preserve areas shall submit a preserve area management plan for review and approval by the Zoning Administrator following recommendations from applicable state and federal agencies. The plan shall contain the information listed below:

1. The location and size of the preserve area.

2. Identify the party responsible for the maintenance of the preserve and provide procedures for the transfer of responsibilities where applicable.

3. Removal and continued regular management of invasive non-native vegetation and debris.

4. Map(s) depicting the location of wetlands, upland habitat, and the location of individual species, nest sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate, using the Florida Land Use and Cover Classification System (FLUCCS).

5. Protection of listed species in accordance with the established guidelines from applicable state and federal agencies.

6. In residential developments, the preserve management plan should identify the means to be used to notify individual lot owners of the existence, location, and regulations pertaining to the preserve area(s).

7. Habitat management practices, including prescribed burning or other methods to stimulate natural processes.

8. Proposed permitted uses within preserve area, including the location of proposed nature trails and boardwalks, if any.

9. Wetland maintenance and enhancement requirements, if applicable.

10. Any additional measures deemed necessary to protect and maintain the values and functions of the preserve area, including regular monitoring and reports on compliance.

§ 157.09 DESIGNATION OF PRESERVATION AREA

(A) All preservation areas shall be designated as conservation areas and identified on the site plan or plat. A conservation easement may be required.

(B) Preservation areas required under different provisions of this Code may be used toward preserved open space requirements.

§ 157.10 MANGROVE PROTECTION

The Florida Department of Environmental Protection has been delegated by the Florida Legislature the statewide responsibility for the protection of the mangrove forest system with specific allowances for limited trimming and alteration to be conducted by professional mangrove trimmers without the need for prior permit authorizations. Any person seeking to alter or trim mangroves within the City of Port St. Lucie may do so only in compliance with the provisions of Sections 403.9321 through 403.9333, Florida Statutes, as may be amended from time to time. Any person seeking to alter or trim mangroves within the City of Port St. Lucie must contact the Florida Department of Environmental Protection for permitting requirements.

§ 157.11 – 157.20 RESERVED

ARTICLE II SOIL AND WATER

§ 157.21 SOIL, EROSION, AND SEDIMENT CONTROL

(A) Land disturbing activities can cause excessive runoff and accelerate the process of soil erosion, degrade wetland systems, including estuarine wetland systems in the North Fork of the St. Lucie River and the Indian River Lagoon, degrade water quality and shoreline resources, clog storm sewers and swales, and silt navigational channels. In addition, emissions of particulate matter during construction and demolition, including but not limited to incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition, or wrecking of buildings or structures, or the stockpiling of particulate substances, can constitute a nuisance for adjacent property owners and degrade air quality. No person may engage in land-disturbing activity until a plan for the control of erosion and sedimentation has been submitted and approved by the city.

(B) The erosion and sediment control plan shall be in accordance with the Engineering Standards for Land Development.

(C) Exemptions. Minor land-disturbing activities, such as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, provided such activities do not contribute to any on-site generated erosion, or degradation of lands or water beyond the boundaries of the property of the residence involved.

(D) Violations of this article shall constitute grounds for the issuance of a stop-work order by the City Engineer or his/her designee.

§ 157.22 STORMWATER MANAGEMENT

(A) Stormwater runoff peak discharge rate, volumes, and pollutant loadings shall be managed to minimize the adverse impacts of erosion, sedimentation, flooding, and water pollution to protect surface water, groundwater, and other natural resources.

(B) The design, construction, and performance of all surface water management systems shall be in compliance with applicable federal and state regulations, requirements of the South Florida Water Management District, and the requirements of this Code. In all cases, the strictest of the applicable standards shall apply.

(C) Exemptions. The following development activities are exempt from the requirements of this subchapter.

1. Maintenance activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.

2. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent hazards, with approval from the City Engineer.

(D) Standards for the stormwater management plan, design, and calculations shall be in accordance with the Engineering Standards for Land Development. Stormwater systems shall be designed to meet the city's adopted level of service for drainage as follows:

1. The level of service adopted for stormwater management facilities for existing surface water management systems shall be as shown in the South Florida Water Management District (SFWMD) permit governing said system.

2. Systems without a permit shall be as shown in SFWMD rules in effect at the time of the system's original construction.

§ 157.23 FLOODPLAIN PROTECTION

All development located in a floodplain shall meet the provisions of Chapter 152.

§ 157.24 SHORELINE PROTECTION

(A) Priorities for Shoreline Land Use. When reviewing applications for rezoning or amendments to the City's Comprehensive Plan, shoreline land use shall have the following priorities:

1. Water-dependent uses such as production or protection of fish, shellfish and wildlife; protection or conservation of coastal and natural resources; recreation, public access, and navigation, provided they have no significant adverse impact upon the land, water or adjacent land uses.

2. Water-related or water-enhanced uses such as recreation.

3. Scenic waterfront communities.

4. Uses which are not water-dependent or water-related which do not result in a diminution of coastal resources, and which are compatible with existing or committed uses in the city.

(B) Estuarine beaches. Natural sandy beaches occur in the city on some high energy estuarine shorelines. Sandy, unhardened beaches play an important role in natural shoreline dynamics and protect upland properties and adjacent submerged wetlands by providing a gradually sloping surface for dispersal of wave and water energy. The integrity of this beach system is dependent upon its ability to fluctuate in response to the natural forces of the ocean, such as tides, waves, winds, and storm floods. Pestilent exotic species can invade beaches, displacing native vegetation and endangering the natural qualities of the shore. No alteration of estuarine beaches shall be allowed unless permitted under Section 157.24 (C) and Section 157.25. The following standards shall apply:

1. Buffer area. A ten-foot wide buffer area shall be established landward to the mean high tide line of all estuarine beaches. No retention or discharge of stormwater shall be permitted within this buffer area. All pestilent exotic vegetation, as per Chapter 154 Landscaping, shall be removed from the beach and buffer area.

2. Restoration. Restoration of estuarine beaches degraded by pestilent exotic species and failed shoreline protection structures shall be required as part of development and redevelopment. Restoration shall include removal of pestilent exotic vegetation, pursuant to Chapter 154, Landscaping; and, removal of shore protection structure, if technically feasible, pursuant to the requirements of this Code.

(C) Shoreline Protection Structures. Native shoreline vegetation helps to protect the shoreline against erosion; provides habitat for a diverse community of plants and animals; plays a fundamental role in estuarine ecology and water quality; and is aesthetically pleasing and can be reasonably incorporated as a landing asset for waterfront residence. Rip rap, geotextiles, and geogrids can provide a substrate for marine organisms and native wetland shoreline vegetation, and can aid in the dispersal of coastal energies on shorelines, thereby increasing resistance to erosion and damage by storm driven waves. Seawalls and bulkheads fronted by berms of vegetated rip rap provide better protection for estuarine habitat and shoreline areas than seawalls or bulkheads alone.

(D) No shoreline protection structures shall be constructed in the city without first receiving a permit pursuant to the provisions of this Code. Other permits, as may be required by federal, state, and regional authorities, must be submitted to the city prior to issuance of the permit.

(E) Standards for shoreline stabilization. The following prioritization of shoreline stabilization techniques shall apply:

1. Developments located along shorelines which are not already hardened, or which have failed or damaged seawalls, shall use native wetland shoreline vegetation for shoreline stabilization.

2. When stabilization of shorelines with native wetland shoreline vegetation is not technically feasible, then shoreline shall be stabilized with a combination of geotextiles or geogrids and native wetland shoreline vegetation.

3. When stabilization of shorelines with geotextiles and geogrids and native wetland shoreline vegetation is not technically feasible, then shorelines shall be stabilized with a combination of rock rip rap and native wetland shoreline vegetation.

4. When replacement of failed seawalls with native wetland shoreline vegetation or vegetated rock rip rap is not technically feasible, then seawalls or bulkheads shall be permitted.

(F) Prohibitions. Protection structures will not be permitted if any interfere with normal

littoral processes or impact coastal natural resources.

§ 157.25 MARINA SITING CRITERIA

(A) Improperly situated docking facilities can impede navigation by cluttering waterways. Pilings can contribute to poor water quality conditions by disrupting flow of tidal flushing. Docking facilities can prevent necessary sunlight from reaching seagrasses, which provide essential habitat and nutrition for marine organisms. Collisions with boats and barges is the largest human-related factor causing manatee deaths in Florida.

(B) Marina siting criteria shall be applied to all commercial, industrial, and residential multi-slip marinas. Criteria shall be reviewed by the Site Plan Review Committee as part of development approval.

1. Preference shall be given to sites which have been legally distributed or identified as suitable in local marina siting plan elements as opposed to sensitive areas.

2. Non-water dependent uses (such as bait and tackle, restaurants, utilities and marina support facilities) shall be situated on uplands.

3. Marinas shall demonstrate that they have sufficient upland area to accommodate all needed utilities and marina support facilities.

4. Docking facilities shall only be approved which require minimal or no dredging and/or filling to provide access by canal, channel, or road.

5. Marina basins shall only be approved when the locations have adequate depths to accommodate the proposed boat use.

6. Dock and decking design and construction shall ensure penetration of light sufficient to support existing shallow water habitats.

7. Landscape buffers and setbacks shall be required to mitigate impacts upon adjacent land uses.

8. Marinas shall identify which docking facilities are to be rented and which are to be sold. Areas available to the public shall be identified and maintained as such.

9. Sewer pump-out service shall be made available at all marinas capable of servicing or accepting boats inhabited overnight or boats which require pump-out service.

10. In the event marina fueling facilities are developed, adequate and effective measures shall be taken to prevent contamination of area waters from spillage or storage tank leakage.

11. Prior to operation of marina fueling facilities, the developer shall concurrently submit to the city a copy of the application for a terminal facility and the applicable portion to the DNR “Florida Coastal Pollutant Spill Contingency Plan.” The plan shall describe the methods of fuel storage, personnel training, methods to be used to dispense fuel, and all the procedures, methods, materials, and emergency response contractors to be used in the event of a spill.

12. Marina and appurtenant upland areas shall be compatible with the Future Land Use Map and applicable land development regulations in terms of the types and intensities of uses that are permitted.

13. Marinas shall not be sited in designated critical manatee habitat.

14. All proposals for marina development shall comply with all state and federal regulations for the protection of manatees and include a manatee protection plan that includes programs for education and public awareness.

(C) In addition to the criteria listed in (A), the following additional criteria shall be required of commercial, industrial, and residential multi-slip marinas over 25 slips:

1. Marinas shall include a hurricane contingency plan which shall include those methods to be taken to secure property and facilities at the marina, the time period necessary to complete the preparation and the safe evacuation of all marina personnel and those who rent or own space at the marina.

2. All proposals for marina development shall include a market study indicating the need, market area, and user profile of the marina and which shall include projected costs and revenues proving the economic feasibility of the marina.

§ 157.26 MINING

(A) No mining activities shall take place in the city without a Mining Permit.

(B) Permit criteria.

1. The city shall not issue a mining permit until all other necessary federal, state, and regional permits have been issued by appropriate agencies and presented to the city.

2. The city shall not issue a mining permit until the following standards are met:

a. Water use and reclamation plans.

i. All mining operations within the city shall be required to submit a water use plan and reclamation plan, if applicable, for city approval prior to permit of mining activities.

ii. The Site Plan Review Committee shall review and approve all plans prior to permit issuance.

§ 157.27-157.30 RESERVED

ARTICLE III HISTORIC AND PREHISTORIC RESOURCE PROTECTION

§ 157.31 HISTORIC AND PREHISTORIC PRESERVATION

(A) Any development activity on a property that contains a site of historical and archaeological significance as defined in this subsection shall be subject to the prevailing city, state, and federal regulations. No archaeological or historic sites in the city shall be destroyed or altered without a permit from the city. Permits shall be issued after the site review procedure has been

completed, according to the instruction of the City Council.

(B) Site Review Procedures. The following procedures shall be followed when historic or archaeologic sites identified by the city, or other sources, exist on a property for which a building permit is sought from the city:

1. All sites shall be subject to a determination of significance. Significance shall be determined by the Site Plan Review Committee in accordance with state and federal regulations.

2. Significant sites shall be protected from adverse effects of development through mitigation, as determined by the Site Plan Review Committee and approved by the City Council in accordance with state and federal regulations.

(C) Designation. The city shall have the authority to designate areas, places, buildings, structures, and archaeological sites as significant historic or prehistoric sites, and thereby ensure their protection. Designation of sites as significant shall be the responsibility of the Site Plan Review Committee. Significant sites shall be subject to mitigation requirements during development.

(D) Sites shall be identified in one of three ways:

1. On the Florida State Master Site File;

2. By the city as part of a historic and prehistoric site survey;

3. By property owners, qualified professionals, or site developers.

(E) The criteria established by the National Register of Historic Places shall be the set of standards to be used in the determination of significance to designate historic sites, districts, places, buildings, structures, landscape features, archaeological sites, and other improvements or physical features that are significant in Port St. Lucie's history, architecture, archaeology or culture and possess an integrity of location, design, setting, materials, workmanship, feeling or association, and meets one or more of the following criteria:

1. (Significant event) Are associated with events that have made significant contributions to the pattern of history in the community, St. Lucie County, the state or the nation; or

2. (Significant person) Are associated with the lives of persons significant in our past; or

3. (Architectural significance) Embodies the distinctive characteristics of an architectural type, period, style or method of construction; or the work of a prominent designer or builder; or contains elements of design, detail, materials, or craftsmanship of outstanding quality; or that represents a significant innovation or adaptation to the South Florida environment; or represents a distinguishable entity whose components may lack individual distinction; or

4. (Archaeological Significance) Have yielded, or are likely to yield information in history or prehistory; or

5. Is listed in the National Register of Historic Places; or

6. Is listed on the Florida State Master Site File; or

7. (Aesthetic significance) Is a part of or related to a landscape, park, environmental feature or other distinctive area, and should be developed or preserved according to a plan based upon a historic, archaeological, cultural, or architectural motif; or because of its prominent or special local, contrast of siting, age, or scale is an easily identifiable visual feature of a neighborhood or area or contributes to the distinctive quality of such neighborhood or area.

(F) Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

2. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person; or

3. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her, productive life; or

4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events; or

5. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

6. A property or district achieving significance within the past 50 years if it is of exceptional importance.

(G) Historic significance shall be determined by a qualified professional through a site assessment survey and shall contain:

1. Mapping of the site.

2. Standard site data compiled and submitted to the Florida Master Site File.

3. Archival research of site.

4. An assessment of site integrity, including potential effects of vegetation removal.

5. An assessment of significance in terms of National Register eligibility, to include information on architectural style, condition, date of construction and significance.

6. Recommendations of appropriate site treatments and determination of significance.

(H) Archaeological significance shall be determined through an archaeological site assessment survey conducted by a qualified professional and shall analyze the significance of the site in terms of site condition and the importance of cultural remains. The site assessment shall contain:

1. Mapping of the site, including horizontal and vertical boundaries.

2. Standard site data compiled and submitted to the Florida Master Site File.

3. Apparent site function based on type and distribution of artifacts and associated features.

4. An assessment of site integrity, including potential effects of vegetation removal.

5. An assessment of significance in terms of National Register eligibility.

6. Recommendations of appropriate site treatments.

(I) Mitigation of project impacts will be required when a historic or prehistoric site, which has been determined to be significant by the city, is located on a development site. Mitigation shall include either:

1. Preservation of the site, or a portion of the site through modification of the development through redesign, reorientation of the project site, sensitive reuse, or other similar actions; or,

2. Data recovery in accordance with the guidelines as set forth in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983), as amended.

3. Adequacy of proposed mitigation shall be determined by the Site Plan Review Committee.

(J) Sensitive development uses for historic structures and associated features, such as restoration, rehabilitation, or maintenance activities, is allowable as long as reuse meets the provisions of The Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings, as amended.

(K) Any determination of site significance or mitigation requirements shall be subject to appeal by the applicant to the City Council.

§ 157.32 HUMAN BURIAL SITES

(A) When human bones are identified on a site, the local law enforcement, Medical Examiner, and the State Archeologist should be notified, as set forth in Chapter 872, Florida Statutes.

(B) Burial sites should be preserved in situs. When prevention is not possible, human remains should be removed in a manner approved by the State Archeologists in the Division of the Bureau of Archives.

§ 157.33-157.39 RESERVED

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