

## For Discussion on 11/19/08

**Overriding public benefit** means the result of a development action by a private property owner that substantially preserves, restores or enhances those natural functions which define areas of critical concern, environmentally sensitive areas, shorelines or water bodies, identified by the county comprehensive plan, the natural resources management division or state or federal agencies. An overriding public benefit shall include but not be limited to proposals which preserve, restore or enhance floodplain, wetland, shoreline or prime aquifer recharge functions and provide for the dedication of associated lands to the county or other acceptable public entity or agency.

### **Sec. 62-3667. Class I waters**

- (5) Dredging or filling of class I waters shall be prohibited, except for permitted utility crossings, publicly owned recreational projects which do not degrade water quality, environmental restoration projects, necessary maintenance of existing projects, and projects with an **overriding public benefit**.

Does the group want to change this or leave as-is?

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### **Impervious Comp Plan Glossary Definition** (Effective November 7, 2008)

**Impervious Surface Area** -- the aerial extent of any material that prevents or resists penetration by fluids and absorption of stormwater into the ground.

### **Impervious Code Definition**

**Impervious surface** means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This shall include but not be limited to semi-impervious surfaces such as compacted clay, as well as most surfaced areas, roofs, sidewalks and other similar structures.

### **Various definitions of Pervious found on-line**

- A surface which allow the penetration of water into the ground.
- A surface which can be penetrated by water and air.
- Able to be penetrated; permeable.

See Attachment A for uses of “pervious” and “impervious” in code

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Group definition of “Dock”

Dock means a fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels either temporarily or indefinitely.

There was a suggestion to perhaps further define “dock” with “extending into Class I waters, Class II waters, Class III waters, Outstanding FL waters, and Aquatic Preserves.” Upon further investigation, Staff determined that this is not necessary and would create a definition that could potentially conflict with other agency definitions or uses of the term. The use of “dock,” as currently defined, in the surface water protection ordinance implies that the dock will be located within these water body types in that the code only addresses uses in and adjacent to these water body types. Likewise, a similar qualifying phrase was stricken from the definition of “Pier.”

Pier means a fixed or floating structure ~~extending into navigable water~~ used to provide over-water pedestrian access from the land for recreational purposes including walking, fishing, swimming, or observing. The berthing of buoyant vessels, either temporarily or indefinitely, is not permitted.

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### **FYI Items...**

Staff reduced the minimum height elevation for walkways from three feet to two feet above grade and acknowledged pervious paver systems:

- a. Elevated walkways shall be no wider than four feet and elevated to a height no less than two ~~three~~ feet above grade.
- b. Pervious walkways shall be no wider than four feet. Pavers shall not be considered pervious, except for approved pervious paver systems.

Staff struck “best” from 62-3668(3):

Alteration or construction within the shoreline protection buffer other than that which is permitted under this division shall be prohibited, unless it is shown to be in the ~~best~~-public interest and does not adversely impact water quality and natural habitat.

Edited 62-62-3668 from this....

- (67) For projects or parcels without mangroves, no more than 20 percent of the lot width or 25 linear feet, whichever is greater, of any shoreline protection buffer of a project or parcel, or the offshore emergent vegetation associated with a project or parcel, may be altered for ~~reasonable~~ buffer access. The remainder of the shoreline protection buffer shall be

maintained in unaltered vegetation, except for noxious species, as permanent open space. Approved shoreline protection systems and temporary access are not subject to the provisions of this section. This, however, shall not preclude mitigation projects, the planting of native vegetation, or the development described in applicable sections of this division within the shoreline protection buffer areas.

...to this...

- (67) No more than 20 percent of the lot width or 25 linear feet, whichever is greater, of any shoreline protection buffer of a project or parcel, or the offshore emergent vegetation associated with a project or parcel, may be altered for ~~reasonable~~ buffer access. All alteration allowable uses shall demonstrate avoidance and minimization. The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for ~~non-native invasive plants as defined in Section 62-4332~~ noxious species, as permanent open space. Approved shoreline protection systems and temporary access are not subject to the provisions of this section. This, however, shall not preclude mitigation projects, the planting of native vegetation, or the development described in applicable sections of this division within the shoreline protection buffer areas.

And changed this...

- ~~(78) For projects or parcels with mangroves, Mangrove alteration shall be in compliance with the Mangrove Trimming and Preservation Act as implemented through Florida Administrative Code alteration of mangroves is prohibited except for allowable buffer access of no more than ten percent or six feet, whichever is less. All allowable uses shall demonstrate avoidance and minimization. The remainder of the shoreline protection buffer shall remain unaltered, except as provided in this division for the removal of noxious species. This shall not preclude mitigation projects or the planting of native vegetation.~~

...to this...

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