

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
<p>Accessory use means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.</p>	<p>Sec. 62-3668(5): Development within the shoreline protection buffer is limited to fences, docks, boat ramps, pervious walkways and elevated walkways. In addition, approved accessory uses are permitted in nonvegetated bulkheaded canals adjacent to class II and class III waters which utilize approved stormwater management techniques.</p>	Public		
	<p>Sec. 62-3668(8): For residential lots platted or established by deed on the official record books of the county prior to September 8, 1988, the following shall apply: Structures may be built within the shoreline protection buffer only if it can be shown that there is insufficient lot depth to allow the development of primary and accessory structures permitted and defined by the existing zoning classification of the property, and if all other alternatives and remedies are not applicable.</p>			
<p>Alteration of mangroves means the cutting, removing, defoliating, disturbing or otherwise damaging or destroying of mangroves.</p>	<p>Sec. 62-3668(7): For projects or parcels with mangroves, alteration of mangroves is prohibited unless the applicant can demonstrate to the satisfaction of the office of natural resources management that reasonable access and development described in subsection (5) of this section cannot occur without the alteration of mangroves. If alteration is allowed by the natural resources management division, no more than ten percent or six feet, whichever is less, of the mangroves may be altered for reasonable access and development described in subsection (5) of this section. 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.</p>	Group	Group suggested that there be a distinction between legal vs. illegal alteration of mangroves	
<p>Best public interest means public projects which clearly demonstrate a net benefit to the public, as determined by the board of county commissioners, and which adequately mitigate adverse environmental impacts.</p>	<p>Sec. 62-3667(2): Alteration 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. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fishing, fish and wildlife management, open space and nature trails, and similar uses. Development within the buffer is limited to structures for water access such as docks, boat ramps and pervious walkways and elevated minor structures.</p>	Group & Public	Confusion between "best public interest," "overriding public benefit," & "public interest"	Refer to Issue #2 in Surface Water Protection Ordinance Issues Identified by Staff
	<p>Sec. 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.</p>			
<p>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.</p>	None			

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<p>Public Interest means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.</p>	<p>Sec. 62-3668(11): Dredging and filling shall not be permitted in or connected to class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters unless the activity is clearly in the public interest, such as approved maintenance dredging on existing public navigational channels, or where dredging may improve the water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility crossings, or for shoreline hardening as allowed by this division.</p>			
<p>Dock, private means a fixed or floating structure, including moorings, used for berthing buoyant vessels or for shoreline access or water-oriented recreation. A private dock shall contain no more than two boat slips, and shall not be utilized for the purpose of producing or as an inducement to producing income.</p>	<p>None</p>	Group	<p>Problem with the second sentence (producing income). Rental of private slips occurs. This is likely covered by zoning. Why should it be in definition?</p> <p>Sail vs. power</p> <p>Zoning def vs. NRMO def</p>	
<p>Dock - No code definition</p>	<p>Sec. 62-3661. Definitions: Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.</p> <ol style="list-style-type: none"> 1. Residential/recreational marina means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas. 2. Commercial/recreational marina means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests. 3. Commercial/industrial marina means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category. <p>Sec. 62-3666(5): New navigation canals connected to the Indian River lagoon system are not permitted. Existing ditches, drainage rights-of-way, drainage easements and stormwater facilities which connect to the Indian River lagoon system shall not be widened or deepened to accommodate boat traffic. New boat docks, boathouses and other related structures, or the expansion of these existing structures, shall not be allowed or permitted within or adjacent to existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system. Existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system that have been specifically designated for boat traffic on subdivision plats or site plans, or which have been historically and effectively utilized for buoyant vessel navigation prior to the effective date of the ordinance from which this division is derived, shall be exempt from this subsection.</p> <p>Sec. 62-3667(2): Alteration 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. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fishing, fish and wildlife management, open space and nature trails, and similar uses. Development within the buffer is limited to structures for water access such as docks, boat ramps and pervious walkways and elevated minor structures.</p> <p>Sec. 62-3668(5): Development within the shoreline protection buffer is limited to fences, docks, boat ramps, pervious walkways and elevated walkways. In addition, approved accessory uses are permitted in nonvegetated bulkheaded canals adjacent to class II and class III waters which utilize approved stormwater management techniques.</p>			

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<p>Erosion means the wearing away of a shoreline or side slopes through the operation of currents, boat wakes, tides or the natural activity of rainfall.</p> <p>(Continued next page)</p>	<p>Sec. 62-3661. Definitions: Bulkhead and seawall mean a manmade shoreline wall, breakwater or encroachment, excluding riprap, designed or positioned to break the force of waves or to hold back or protect the shoreline from erosion. Headwalls and other similar minor structures necessary for the implementation of permitted stormwater management systems shall not be considered bulkheads.</p>	Public		
	<p>Sec. 62-3661. Definitions: Riprap means any shoreline hardening, revetment or structural alteration utilizing rock, concrete or other similar material, which alters the naturally occurring shoreline for the purpose of stabilization or erosion protection. Riprap shall not include bulkheads, seawalls or approved reinforced rock revetment habitats.</p>			
	<p>Sec. 62-3666(1)c: The applicant shall design and install the permitted bulkhead system as to provide reasonable assurance that the erosion of the abutting properties will not be accelerated by the establishment of the applicant's bulkhead.</p>			
<p>Erosion (continued)</p>	<p>Sec. 62-3666(2): For shorelines not within the criterion of subsection (1) of this section, hardening of the shoreline shall be allowed only when the applicant can demonstrate that erosion is causing a significant shoreline loss as recognized by the natural resources management division, pursuant to subsection (4) of this section. All requests for shoreline hardening must be submitted to and approved by the natural resources management division prior to any hardening activities. Riprap material, pervious interlocking brick systems, filter mats and other similar stabilization methods, combined with vegetation, shall be used in lieu of seawalls and bulkheads when hardening of the shoreline is approved under this subsection. For those properties on the Indian River lagoon immediately between two adjacent existing seawalls, the natural resources management division may permit reinforced rock revetment habitats, provided all additional required permits and reviews from appropriate agencies have been obtained. All permitted structures shall be subject to the additional requirements of this division. When feasible, the seawall portion of the structure shall be located above the mean high-water line.</p>			
	<p>Sec. 62-3666(9): Approved alteration pursuant to this division that occurs within the shoreline protection buffers shall be reviewed by the county natural resources management division. The natural resources management division shall have the authority to require the applicant to utilize temporary sediment or turbidity control methods during construction. All erosion control methods shall be submitted in writing, shall be approved by the natural resources management division and shall be installed by the applicant. Sediment and turbidity control methods shall be in place and maintained throughout the alteration process. One of the following erosion control methods may be used by the applicant in most circumstances. Combinations of these methods or other methods may be required depending upon site-specific characteristics:</p> <ul style="list-style-type: none"> a. Baled hay or straw barriers... b. Silt fence... c. Vegetative buffer. A densely vegetated buffer may effectively prevent sedimentation of the surface water body if the vegetation completely or nearly completely covers the ground. Vegetation buffers shall consist of existing vegetation with a greater than 75 percent understory cover and shall remain undisturbed. The removal of existing native vegetation for the replacement of non-native vegetation as a buffer requirement shall be prohibited. Minimum required buffer depths shall be 50 percent of the required shoreline protection buffer depth. Additional erosion control methods may be required in conjunction with approved vegetation buffers. 			

Targeted Definitions

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	<p>Sec. 62-3668(10): A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:</p> <ul style="list-style-type: none"> a. A survey of the property... b. A sketch, drawn to scale... c. A description of the type of structures proposed and the construction materials to be used. d. A description of how the surface water quality will be protected... <ul style="list-style-type: none"> 1. A stormwater system shall be designed by an engineer registered by the state... 2. A densely planted shoreline of viable native vegetation, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground. 			

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<p>Hardening means alteration of the shoreline from its natural state utilizing riprap material, interlocking brick systems, rock revetments, seawalls and bulkheads or similar structures.</p>	<p>Sec. 62-3661. Definitions: Riprap means any shoreline hardening, revetment or structural alteration utilizing rock, concrete or other similar material, which alters the naturally occurring shoreline for the purpose of stabilization or erosion protection. Riprap shall not include bulkheads, seawalls or approved reinforced rock revetment habitats.</p>	Public	What about hardening in buffer?	
	<p>Sec. 62-3666(2): For shorelines not within the criterion of subsection (1) of this section, hardening of the shoreline shall be allowed only when the applicant can demonstrate that erosion is causing a significant shoreline loss as recognized by the natural resources management division, pursuant to subsection (4) of this section. All requests for shoreline hardening must be submitted to and approved by the natural resources management division prior to any hardening activities. Riprap material, pervious interlocking brick systems, filter mats and other similar stabilization methods, combined with vegetation, shall be used in lieu of seawalls and bulkheads when hardening of the shoreline is approved under this subsection. For those properties on the Indian River lagoon immediately between two adjacent existing seawalls, the natural resources management division may permit reinforced rock revetment habitats, provided all additional required permits and reviews from appropriate agencies have been obtained. All permitted structures shall be subject to the additional requirements of this division. When feasible, the seawall portion of the structure shall be located above the mean high-water line.</p>			
	<p>Sec. 62-3666(3): For any proposed shoreline hardening, the natural resources management division must be provided with plans, test results or other professionally accepted information that affirmatively demonstrates that any proposed shoreline hardening project will not:</p> <ul style="list-style-type: none"> a. Adversely impact water quality. b. Result in the loss of shoreline and aquatic vegetation. c. Adversely affect adjacent properties. d. Adversely affect biological communities. e. Increase the waterward extension of the existing shoreline, except as provided in subsection (1)e of this section. f. Adversely affect the flow of water or create a navigational hazard. 			
	<p>Sec. 62-3666(4): Utilizing the following minimum criteria, the natural resources management division shall assess each estuarine or riverine shoreline under application for shoreline hardening for significant shoreline loss. Shorelines must exhibit one or more of the following criteria to qualify for local approval of stabilization alternatives other than the establishment of native vegetation:</p> <ul style="list-style-type: none"> a. Clear and convincing evidence of increasing destructive loss of existing established native vegetation...; b. Clear and convincing evidence of properly designed, permitted and installed alternatives to shoreline hardening which have failed to stabilize the shoreline, such as but not limited to the establishment of native vegetation, gently sloping or tiered shorelines, or other similar alternatives; c. Clear and convincing evidence of lawfully existing permanent structures which face imminent threat of destruction from continued shoreline loss; or d. Clear and convincing evidence of continuous historical accelerated shoreline loss... <p>Clear and convincing evidence shall be the responsibility of the applicant or his authorized agent. The criteria set out in this subsection shall be the minimum required. All applicants shall be subject to and responsible for obtaining all additional necessary approvals or permits, prior to local approval. State or federal approval of shoreline hardening shall not exempt the applicant from local approval or denial of a project. All appeals of decisions of the natural resources management division shall be subject to the provisions of section 62-3665.</p>			
	<p>Sec. 62-3668(11): Dredging and filling shall not be permitted in or connected to class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters unless the activity is clearly in the public interest, such as approved maintenance dredging on existing public navigational channels, or where dredging may improve the water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility crossings, or for shoreline hardening as allowed by this division.</p>			

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<p>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.</p>	<p>Sec. 62-3661. <u>Definitions</u>: Accessory use means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.</p>	Group		
	<p>Sec. 62-3666(10): For structures that existed prior to the effective date of the ordinance from which this division is derived, remodeling and other types of development which do not increase the amount of impervious surfaces within or threaten the integrity of the shoreline protection buffer will be allowed.</p>			
	<p>Sec. 62-3668(4): Properties shall, through the use of swales, berms, native vegetation or other appropriate methods, detain stormwater runoff prior to discharge to the surface water. A professional engineer shall design a stormwater system to retain the first one inch of runoff from impervious surfaces which drain to the shoreline. All requirements for stormwater management shall be reviewed and approved by the division of stormwater management and shall be inspected by the natural resources management division, as necessary.</p>			
	<p>Sec. 62-3668(9): Within the shoreline protection buffer, the total amount of alteration, including all impervious surface, within the shoreline protection buffer shall be limited to 30 percent of the required shoreline protection buffer area, excluding the approved removal of non-native noxious vegetation.</p>			
	<p>Sec. 62-3668(10): A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:</p> <ul style="list-style-type: none"> a. A survey of the property... b. A sketch, drawn to scale, on the survey... c. A description of the type of structures proposed and the construction materials to be used. d. A description of how the surface water quality will be protected. The following methods may be used by the applicant in most circumstances. However, combinations of these methods or other methods may be required, depending upon site-specific characteristics: <ul style="list-style-type: none"> 1. A stormwater system shall be designed by an engineer registered by the state. The stormwater system must be capable of retaining the first one inch of runoff from all impervious surfaces which drain to the shoreline. The stormwater system may be located within the shoreline protection buffer, but shall not be located or designed to require the removal of existing native shoreline vegetation within ten feet of the shoreline without approval by the county office of natural resources. 2. A densely planted shoreline of viable native vegetation, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground. 			

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<p>Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.</p> <p>1. Residential/recreational marina means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.</p> <p>2. Commercial/recreational marina means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests.</p> <p>3. Commercial/industrial marina means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category.</p>	<p>Sec. 62-3666(6): Marina siting criteria shall be as follows:</p> <p>a. Development of new residential/recreational, commercial/recreational and commercial/industrial marinas shall be subject to the following conditions:</p> <p>1. Marinas shall not be located in approved or conditionally approved shellfish harvesting waters or class II waters.</p> <p>2. Commercial/recreational and commercial/industrial marinas shall not be located in Aquatic Preserves or Outstanding Florida Waters.</p> <p>3. All marinas shall affirmatively demonstrate compliance with Policy 9.9 of the Conservation element and Objective 5 and subsequent policies of the Coastal Management element of the Brevard County Comprehensive Plan, as amended. The affirmation shall include, but not be limited to, siting, habitat, and water quality criteria.</p> <p>b. Redevelopment or expansion of existing residential/recreational, commercial/recreational and commercial/industrial marinas shall affirmatively demonstrate compliance with Policy 9.9 of the Conservation element and Objective 5 and subsequent policies of the Coastal Management element of the Brevard County Comprehensive Plan, as amended. The affirmation shall include, but not be limited to, siting, habitat, and water quality criteria.</p>	Group		
<p>Native vegetation means vegetation originating, found or usually occurring within a particular region, area, climate or ecosystem. Native vegetation shall not include non-native, noxious or nuisance species such as Brazilian pepper (<i>Schinus terebinthifolius</i>), Australian pine (<i>Casuarinaceae</i> spp.), <i>Melaleuca</i> (<i>Melaleuca</i> spp.) or other similarly recognized species. In addition, ornamental, landscape or typical crop vegetation, including sod and lawn grasses, shall not be included as native vegetation.</p> <p>(Continued next page)</p>	<p>Sec. 62-3666(4): Utilizing the following minimum criteria, the natural resources management division shall assess each estuarine or riverine shoreline under application for shoreline hardening for significant shoreline loss. Shorelines must exhibit one or more of the following criteria to qualify for local approval of stabilization alternatives other than the establishment of native vegetation:</p> <p>a. Clear and convincing evidence of increasing destructive loss of existing established native vegetation due to wave, wake or stormwater activity;</p> <p>b. Clear and convincing evidence of properly designed, permitted and installed alternatives to shoreline hardening which have failed to stabilize the shoreline, such as but not limited to the establishment of native vegetation, gently sloping or tiered shorelines, or other similar alternatives;</p> <p>c. Clear and convincing evidence of lawfully existing permanent structures which face imminent threat of destruction from continued shoreline loss; or</p> <p>d. Clear and convincing evidence of continuous historical accelerated shoreline loss greater than one foot per year, for a period of not less than ten consecutive years.</p> <p>Clear and convincing evidence shall be the responsibility of the applicant or his authorized agent. The criteria set out in this subsection shall be the minimum required. All applicants shall be subject to and responsible for obtaining all additional necessary approvals or permits, prior to local approval. State or federal approval of shoreline hardening shall not exempt the applicant from local approval or denial of a project. All appeals of decisions of the natural resources management division shall be subject to the provisions of section 62-3665.</p>	Group		

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	<p><u>Sec. 62-3666(9)</u>: Approved alteration pursuant to this division that occurs within the shoreline protection buffers shall be reviewed by the county natural resources management division. The natural resources management division shall have the authority to require the applicant to utilize temporary sediment or turbidity control methods during construction. All erosion control methods shall be submitted in writing, shall be approved by the natural resources management division and shall be installed by the applicant. Sediment and turbidity control methods shall be in place and maintained throughout the alteration process. One of the following erosion control methods may be used by the applicant in most circumstances. Combinations of these methods or other methods may be required depending upon site-specific characteristics:</p> <p style="margin-left: 20px;">a. Baled hay or straw barriers. Bales, approximately 1.5 feet by 1.5 feet by three feet or 40 to 50 pounds in size, shall be placed in a line (end to end) that is perpendicular to the runoff flow from the alteration site. Each bale shall be firmly staked with a minimum of two stakes approximately two inches by two inches by four feet in dimension. A small amount of loose soil, of a size approximately six inches by six inches by the length of the hay bales, shall be placed by shovel and lightly compacted along the landward edge of the bales. If the baled hay or straw barrier is breached during the alteration process, the breach must be repaired immediately. It is recommended that extra bales and stakes be kept at the alteration site to make any necessary repairs.</p> <p style="margin-left: 20px;">b. Silt fence. Filter fabric, in conformance with section 985 of the specifications of the state department of transportation, shall be placed in a line that is perpendicular to the runoff flow from the alteration site. The fabric shall be firmly attached to wooden posts, two inches by four inches by four feet in size, or having a 2.5-inch diameter, spaced at a maximum distance of six feet. Posts may be positioned either vertically or canted 20 degrees toward flow direction and the alteration site.</p> <p style="margin-left: 20px;">c. Vegetative buffer. A densely vegetated buffer may effectively prevent sedimentation of the surface water body if the vegetation completely or nearly completely covers the ground. Vegetation buffers shall consist of existing vegetation with a greater than 75 percent understory cover and shall remain undisturbed. The removal of existing <u>native vegetation</u> for the replacement of <u>non-native vegetation</u> as a buffer requirement shall be prohibited. Minimum required buffer depths shall be 50 percent of the required shoreline protection buffer depth. Additional erosion control methods may be required in conjunction with approved vegetation buffers.</p>			
Native vegetation (continued)	<p><u>Sec. 62-3667(3)</u>: 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 access. This shall not preclude mitigation projects or the planting of <u>native vegetation</u>.</p>			
	<p><u>Sec. 62-3668(4)</u>: Properties shall, through the use of swales, berms, <u>native vegetation</u> or other appropriate methods, detain stormwater runoff prior to discharge to the surface water. A professional engineer shall design a stormwater system to retain the first one inch of runoff from impervious surfaces which drain to the shoreline. All requirements for stormwater management shall be reviewed and approved by the division of stormwater management and shall be inspected by the natural resources management division, as necessary.</p>			
	<p><u>Sec. 62-3668(6)</u>: 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 access. The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. This, however, shall not preclude mitigation projects, the planting of <u>native vegetation</u>, or the development described in applicable sections of this division within the shoreline protection buffer areas.</p>			

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	<p><u>Sec. 62-3668(7)</u>: For projects or parcels with mangroves, alteration of mangroves is prohibited unless the applicant can demonstrate to the satisfaction of the office of natural resources management that reasonable access and development described in subsection (5) of this section cannot occur without the alteration of mangroves. If alteration is allowed by the natural resources management division, no more than ten percent or six feet, whichever is less, of the mangroves may be altered for reasonable access and development described in subsection (5) of this section. 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 <u>native vegetation</u>.</p> <p><u>Sec. 62-3668(10)</u>: A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:</p> <ol style="list-style-type: none"> a. A survey of the property, signed and sealed by a surveyor registered in the state, locating the mean high-water line, the ordinary high-water line or the safe upland line. b. A sketch, drawn to scale, on the survey described in subsection (10)a of this section, indicating the location and building dimensions of the structures, and any proposed alteration of the shoreline protection buffer. c. A description of the type of structures proposed and the construction materials to be used. d. A description of how the surface water quality will be protected. The following methods may be used by the applicant in most circumstances. However, combinations of these methods or other methods may be required, depending upon site-specific characteristics: <ol style="list-style-type: none"> 1. A stormwater system shall be designed by an engineer registered by the state. The stormwater system must be capable of retaining the first one inch of runoff from all impervious surfaces which drain to the shoreline. The stormwater system may be located within the shoreline protection buffer, but shall not be located or designed to require the removal of existing native shoreline vegetation within ten feet of the shoreline without approval by the county office of natural resources. 2. A densely planted shoreline of viable <u>native vegetation</u>, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground. 			
<p>Reinforced rock revetment habitat means an approved bulkhead or seawall established between existing seawalls on each immediately adjacent shoreline, with a required rock revetment adjoining the structure on the seaward (waterward) side, designed to allow for aquatic habitat and additional shoreline benefits.</p>	<p><u>Sec. 62-3661. Definitions</u>: Riprap means any shoreline hardening, revetment or structural alteration utilizing rock, concrete or other similar material, which alters the naturally occurring shoreline for the purpose of stabilization or erosion protection. Riprap shall not include bulkheads, seawalls or approved <u>reinforced rock revetment habitats</u>.</p> <p><u>Sec. 62-3666(2)</u>: For shorelines not within the criterion of subsection (1) of this section, hardening of the shoreline shall be allowed only when the applicant can demonstrate that erosion is causing a significant shoreline loss as recognized by the natural resources management division, pursuant to subsection (4) of this section. All requests for shoreline hardening must be submitted to and approved by the natural resources management division prior to any hardening activities. Riprap material, pervious interlocking brick systems, filter mats and other similar stabilization methods, combined with vegetation, shall be used in lieu of seawalls and bulkheads when hardening of the shoreline is approved under this subsection. For those properties on the Indian River lagoon immediately between two adjacent existing seawalls, the natural resources management division may permit <u>reinforced rock revetment habitats</u>, provided all additional required permits and reviews from appropriate agencies have been obtained. All permitted structures shall be subject to the additional requirements of this division. When feasible, the seawall portion of the structure shall be located above the mean high-water line.</p>	Group	Can there be other habitat options (e.g., reef balls, concrete pillars, etc.)?	

Targeted Definitions

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<p>Shoreline protection buffer means the protected area adjacent to and landward of the surface waters of the county as established by this division. On nonbulkheaded lots, the waterward extent of the shoreline protection buffer shall be the mean high-water line or the safe upland line, as agreed upon by the applicant. On bulkheaded lots, the waterward extension of the shoreline protection buffer shall be the established or existing bulkhead line.</p> <p>(Continued next page)</p>	<p>Sec. 62-3661. <u>Definitions</u>: Accessory use means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.</p> <p>Sec. 62-3666(9): Approved alteration pursuant to this division that occurs within the shoreline protection buffers shall be reviewed by the county natural resources management division. The natural resources management division shall have the authority to require the applicant to utilize temporary sediment or turbidity control methods during construction. All erosion control methods shall be submitted in writing, shall be approved by the natural resources management division and shall be installed by the applicant. Sediment and turbidity control methods shall be in place and maintained throughout the alteration process. One of the following erosion control methods may be used by the applicant in most circumstances. Combinations of these methods or other methods may be required depending upon site-specific characteristics:</p> <ul style="list-style-type: none"> a. Baled hay or straw barriers. Bales, approximately 1.5 feet by 1.5 feet by three feet or 40 to 50 pounds in size, shall be placed in a line (end to end) that is perpendicular to the runoff flow from the alteration site. Each bale shall be firmly staked with a minimum of two stakes approximately two inches by two inches by four feet in dimension. A small amount of loose soil, of a size approximately six inches by six inches by the length of the hay bales, shall be placed by shovel and lightly compacted along the landward edge of the bales. If the baled hay or straw barrier is breached during the alteration process, the breach must be repaired immediately. It is recommended that extra bales and stakes be kept at the alteration site to make any necessary repairs. b. Silt fence. Filter fabric, in conformance with section 985 of the specifications of the state department of transportation, shall be placed in a line that is perpendicular to the runoff flow from the alteration site. The fabric shall be firmly attached to wooden posts, two inches by four inches by four feet in size, or having a 2.5-inch diameter, spaced at a maximum distance of six feet. Posts may be positioned either vertically or canted 20 degrees toward flow direction and the alteration site. c. Vegetative buffer. A densely vegetated buffer may effectively prevent sedimentation of the surface water body if the vegetation completely or nearly completely covers the ground. Vegetation buffers shall consist of existing vegetation with a greater than 75 percent understory cover and shall remain undisturbed. The removal of existing native vegetation for the replacement of non-native vegetation as a buffer requirement shall be prohibited. Minimum required buffer depths shall be 50 percent of the required shoreline protection buffer depth. Additional erosion control methods may be required in conjunction with approved vegetation buffers. 	Public		
<p>Shoreline protection buffer (continued)</p> <p>(Continued next page)</p>	<p>Sec. 62-3666(10): For structures that existed prior to the effective date of the ordinance from which this division is derived, remodeling and other types of development which do not increase the amount of impervious surfaces within or threaten the integrity of the shoreline protection buffer will be allowed.</p> <p>Sec. 62-3666(12): Non-Native Invasive or Undesirable plant species may be removed from the shoreline protection buffer in the manner authorized in Section 62-4334(4).</p> <p>Sec. 62-3667(1): There shall be a 200-foot shoreline protection buffer extending landward from the ordinary high-water line or the safe upland line as determined by the bureau of survey and mapping of the state department of natural resources, whichever the applicant prefers.</p> <p>Sec. 62-3667(2): Alteration 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. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fishing, fish and wildlife management, open space and nature trails, and similar uses. Development within the buffer is limited to structures for water access such as docks, boat ramps and pervious walkways and elevated minor structures.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
	<p>Sec. 62-3667(3): 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 access. This shall not preclude mitigation projects or the planting of native vegetation.</p> <p>Sec. 62-3668(1): Along class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters, a 50-foot shoreline protection buffer extending landward from the mean high-water line or the safe upland line as determined by the bureau of survey and mapping of the state department of natural resources, whichever the applicant prefers, shall be established.</p> <p>Sec. 62-3668(2): Along class III waters, except conditionally approved class III shellfishing waters, a 25-foot shoreline protection buffer extending landward from the mean high-water line or the safe upland line as determined by the bureau of survey and mapping of the state department of natural resources, whichever the applicant prefers, shall be established.</p> <p>Sec. 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.</p> <p>Sec. 62-3668(5): Development within the shoreline protection buffer is limited to fences, docks, boat ramps, pervious walkways and elevated walkways. In addition, approved accessory uses are permitted in nonvegetated bulkheaded canals adjacent to class II and class III waters which utilize approved stormwater management techniques.</p> <p>Sec. 62-3668(6): 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 access. The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. 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.</p> <p>Sec. 62-3668(7): For projects or parcels with mangroves, alteration of mangroves is prohibited unless the applicant can demonstrate to the satisfaction of the office of natural resources management that reasonable access and development described in subsection (5) of this section cannot occur without the alteration of mangroves. If alteration is allowed by the natural resources management division, no more than ten percent or six feet, whichever is less, of the mangroves may be altered for reasonable access and development described in subsection (5) of this section. 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.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
Shoreline protection buffer (continued)	<p><u>Sec. 62-3668(8)</u>: For residential lots platted or established by deed on the official record books of the county prior to September 8, 1988, the following shall apply: Structures may be built within the shoreline protection buffer only if it can be shown that there is insufficient lot depth to allow the development of primary and accessory structures permitted and defined by the existing zoning classification of the property, and if all other alternatives and remedies are not applicable.</p> <p style="padding-left: 20px;">a. Within class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters, structures may be built within the landward 25 feet of the shoreline protection buffer if all other requirements of this division are met.</p> <p style="padding-left: 20px;">b. Within class III waters, structures may be built within the landward ten feet of the shoreline protection buffer if all other requirements of this division are met.</p> <p style="padding-left: 20px;">c. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment up to 720 square feet within the shoreline protection buffer shall be permitted if additional measures are taken to preserve water quality and natural habitat within the adjacent water body. These additional measures shall, at a minimum, be consistent with Chapters 17-25 and 17.302 F.A.C., as may be amended, and shall include but are not limited:(1) to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters, and (2) revegetation with native shoreline vegetation.</p>			
	<p><u>Sec. 62-3668(9)</u>: Within the shoreline protection buffer, the total amount of alteration, including all impervious surface, within the shoreline protection buffer shall be limited to 30 percent of the required shoreline protection buffer area, excluding the approved removal of non-native noxious vegetation.</p>			
	<p><u>Sec. 62-3668(10)</u>: A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:</p> <p style="padding-left: 20px;">a. A survey of the property, signed and sealed by a surveyor registered in the state, locating the mean high-water line, the ordinary high-water line or the safe upland line.</p> <p style="padding-left: 20px;">b. A sketch, drawn to scale, on the survey described in subsection (10)a of this section, indicating the location and building dimensions of the structures, and any proposed alteration of the shoreline protection buffer.</p> <p style="padding-left: 20px;">c. A description of the type of structures proposed and the construction materials to be used.</p> <p style="padding-left: 20px;">d. A description of how the surface water quality will be protected. The following methods may be used by the applicant in most circumstances. However, combinations of these methods or other methods may be required, depending upon site-specific characteristics:</p> <p style="padding-left: 40px;">1. A stormwater system shall be designed by an engineer registered by the state. The stormwater system must be capable of retaining the first one inch of runoff from all impervious surfaces which drain to the shoreline. The stormwater system may be located within the shoreline protection buffer, but shall not be located or designed to require the removal of existing native shoreline vegetation within ten feet of the shoreline without approval by the county office of natural resources.</p> <p style="padding-left: 40px;">2. A densely planted shoreline of viable native vegetation, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground.</p>			
	<p><u>Sec. 62-3668(14)</u>: Within the shoreline protection buffer, the storage of fertilizers, pesticides, hazardous materials or other pollutants which may run off into surface waters shall be prohibited unless the storage system is an above ground vehicular fuel system meeting the requirements of Chapter 62-761 Florida Administrative Code.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
<p>Structure means anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, a permitted stormwater management system nor an elevated boardwalk shall be considered a structure for the purposes of this division.</p> <p>(Continued next page)</p>	<p>Sec. 62-3661. <u>Definitions</u>: Accessory use means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.</p>	Group		
	<p>Sec. 62-3661. <u>Definitions</u>: Bulkhead and seawall mean a manmade shoreline wall, breakwater or encroachment, excluding riprap, designed or positioned to break the force of waves or to hold back or protect the shoreline from erosion. Headwalls and other similar minor structures necessary for the implementation of permitted stormwater management systems shall not be considered bulkheads.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: Dock, private means a fixed or floating structure, including moorings, used for berthing buoyant vessels or for shoreline access or water-oriented recreation. A private dock shall contain no more than two boat slips, and shall not be utilized for the purpose of producing or as an inducement to producing income.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: Elevated means those structures designed, constructed and located above the ground surface so as to not impede the natural flow of water on the ground surface.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: Hardening means alteration of the shoreline from its natural state utilizing riprap material, interlocking brick systems, rock revetments, seawalls and bulkheads or similar structures.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: 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.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.</p> <ol style="list-style-type: none"> 1. Residential/recreational marina means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas. 2. Commercial/recreational marina means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests. 3. Commercial/industrial marina means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category. 			
	<p>Sec. 62-3661. <u>Definitions</u>: Minor structures means non-habitable structures such as storage sheds, pump houses and gazebos, and which do not exceed 400 square feet in total area.</p>			
	<p>Sec. 62-3661. <u>Definitions</u>: Reinforced rock revetment habitat means an approved bulkhead or seawall established between existing seawalls on each immediately adjacent shoreline, with a required rock revetment adjoining the structure on the seaward (waterward) side, designed to allow for aquatic habitat and additional shoreline benefits.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
	<p><u>Sec. 62-3666(2)</u>: For shorelines not within the criterion of subsection (1) of this section, hardening of the shoreline shall be allowed only when the applicant can demonstrate that erosion is causing a significant shoreline loss as recognized by the natural resources management division, pursuant to subsection (4) of this section. All requests for shoreline hardening must be submitted to and approved by the natural resources management division prior to any hardening activities. Riprap material, pervious interlocking brick systems, filter mats and other similar stabilization methods, combined with vegetation, shall be used in lieu of seawalls and bulkheads when hardening of the shoreline is approved under this subsection. For those properties on the Indian River lagoon immediately between two adjacent existing seawalls, the natural resources management division may permit reinforced rock revetment habitats, provided all additional required permits and reviews from appropriate agencies have been obtained. All permitted structures shall be subject to the additional requirements of this division. When feasible, the seawall portion of the structure shall be located above the mean high-water line.</p>			
<p>Structure (continued) (Continued next page)</p>	<p><u>Sec. 62-3666(4)</u>: Utilizing the following minimum criteria, the natural resources management division shall assess each estuarine or riverine shoreline under application for shoreline hardening for significant shoreline loss. Shorelines must exhibit one or more of the following criteria to qualify for local approval of stabilization alternatives other than the establishment of native vegetation:</p> <ul style="list-style-type: none"> a. Clear and convincing evidence of increasing destructive loss of existing established native vegetation due to wave, wake or stormwater activity; b. Clear and convincing evidence of properly designed, permitted and installed alternatives to shoreline hardening which have failed to stabilize the shoreline, such as but not limited to the establishment of native vegetation, gently sloping or tiered shorelines, or other similar alternatives; c. Clear and convincing evidence of lawfully existing permanent structures which face imminent threat of destruction from continued shoreline loss; or d. Clear and convincing evidence of continuous historical accelerated shoreline loss greater than one foot per year, for a period of not less than ten consecutive years. <p>Clear and convincing evidence shall be the responsibility of the applicant or his authorized agent. The criteria set out in this subsection shall be the minimum required. All applicants shall be subject to and responsible for obtaining all additional necessary approvals or permits, prior to local approval. State or federal approval of shoreline hardening shall not exempt the applicant from local approval or denial of a project. All appeals of decisions of the natural resources management division shall be subject to the provisions of section 62-3665.</p>			
	<p><u>Sec. 62-3666(5)</u>: New navigation canals connected to the Indian River lagoon system are not permitted. Existing ditches, drainage rights-of-way, drainage easements and stormwater facilities which connect to the Indian River lagoon system shall not be widened or deepened to accommodate boat traffic. New boat docks, boathouses and other related structures, or the expansion of these existing structures, shall not be allowed or permitted within or adjacent to existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system. Existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system that have been specifically designated for boat traffic on subdivision plats or site plans, or which have been historically and effectively utilized for buoyant vessel navigation prior to the effective date of the ordinance from which this division is derived, shall be exempt from this subsection.</p>			
	<p><u>Sec. 62-3666(10)</u>: For structures that existed prior to the effective date of the ordinance from which this division is derived, remodeling and other types of development which do not increase the amount of impervious surfaces within or threaten the integrity of the shoreline protection buffer will be allowed.</p>			
	<p><u>Sec. 62-3666(14)</u>: The provisions of this division shall not prohibit the location or construction of public utility crossings or other similar public structures by public utilities, provided these utilities have received all additional required permits or approvals.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
	<p><u>Sec. 62-3667(2)</u>: Alteration 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. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fishing, fish and wildlife management, open space and nature trails, and similar uses. Development within the buffer is limited to structures for water access such as docks, boat ramps and pervious walkways and elevated minor structures.</p>			
<p>Structure (continued)</p>	<p><u>Sec. 62-3668(8)</u>: For residential lots platted or established by deed on the official record books of the county prior to September 8, 1988, the following shall apply: Structures may be built within the shoreline protection buffer only if it can be shown that there is insufficient lot depth to allow the development of primary and accessory structures permitted and defined by the existing zoning classification of the property, and if all other alternatives and remedies are not applicable.</p> <p>a. Within class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters, structures may be built within the landward 25 feet of the shoreline protection buffer if all other requirements of this division are met.</p> <p>b. Within class III waters, structures may be built within the landward ten feet of the shoreline protection buffer if all other requirements of this division are met.</p> <p>c. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment up to 720 square feet within the shoreline protection buffer shall be permitted if additional measures are taken to preserve water quality and natural habitat within the adjacent water body. These additional measures shall, at a minimum, be consistent with Chapters 17-25 and 17.302 F.A.C., as may be amended, and shall include but are not limited:(1) to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters, and (2) revegetation with native shoreline vegetation.</p> <p><u>Sec. 62-3668(10)</u>: A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:</p> <p>a. A survey of the property, signed and sealed by a surveyor registered in the state, locating the mean high-water line, the ordinary high-water line or the safe upland line.</p> <p>b. A sketch, drawn to scale, on the survey described in subsection (10)a of this section, indicating the location and building dimensions of the structures, and any proposed alteration of the shoreline protection buffer.</p> <p>c. A description of the type of structures proposed and the construction materials to be used.</p> <p>d. A description of how the surface water quality will be protected. The following methods may be used by the applicant in most circumstances. However, combinations of these methods or other methods may be required, depending upon site-specific characteristics:</p> <p>1. A stormwater system shall be designed by an engineer registered by the state. The stormwater system must be capable of retaining the first one inch of runoff from all impervious surfaces which drain to the shoreline. The stormwater system may be located within the shoreline protection buffer, but shall not be located or designed to require the removal of existing native shoreline vegetation within ten feet of the shoreline without approval by the county office of natural resources.</p> <p>2. A densely planted shoreline of viable native vegetation, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground.</p>			

Targeted Definitions

Definition	Ordinance Section(s)	Requested by	Group/Public Input	Staff Input
	Sec. 62-3668(11): Dredging and filling shall not be permitted in or connected to class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters unless the activity is clearly in the public interest, such as approved maintenance dredging on existing public navigational channels, or where dredging may improve the water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility crossings, or for shoreline hardening as allowed by this division.			
Reasonable access	Sec. 62-3667(3): 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 access . This shall not preclude mitigation projects or the planting of native vegetation.	Public	What is reasonable access?	
	Sec. 62-3668(6): 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 access . The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. 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.			
	Sec. 62-3668(7): For projects or parcels with mangroves, alteration of mangroves is prohibited unless the applicant can demonstrate to the satisfaction of the office of natural resources management that reasonable access and development described in subsection (5) of this section cannot occur without the alteration of mangroves. If alteration is allowed by the natural resources management division, no more than ten percent or six feet, whichever is less, of the mangroves may be altered for reasonable access and development described in subsection (5) of this section. 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.			