

NATIVE VEGETATION

DEFINITIONS

SW Code Definition

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 (*Schinus terebinthifolius*), Australian pine (*Casuarinaceae* spp.), Melaleuca (*Melaleuca* 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.

Landscaping, Land Clearing & Tree Protection Code Definition

Native Species means those species indigenous to Florida as determined by the best available scientific and historical documentation and suitable for planting in Brevard County. *The Atlas of Florida Native Plants* maintained by the Institute for Systemic Botany, University of South Florida shall be used as a reference.

Comp Plan Definition

Native Vegetation - plant species that naturally occur in and are indigenous to a specified geographic area.

Zoning Definition

None

SJRWMD Chapter 40C-400, F.A.C. Definition

None

FDEP 1996 Mangrove Trimming & Preservation Act

None

USES

Use in County Code

Sec. 62-3666. General provisions.

(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:

- 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.

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.

(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:

- 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.

Sec. 62-3667. Class I waters.

(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.

Sec. 62-3668. Class II waters, Outstanding Florida Waters, aquatic preserves, conditionally approved Class III shellfishing waters and Class III waters.

(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.

(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.

(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.

(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:

- 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:
 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.

Use in Comp Plan

None in the surface water protection context.

Use by State

SJRWMD Chapter 40C-400

40C-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation

(2)(d) All fill placed in wetlands, other than fill on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones", as described in Chapter 3, Roadside Design Manual by American Association of State Highway and Transportation Officials dated October 1988, hereby incorporated by reference, revegetation shall be with herbaceous species endemic to adjoining, undisturbed wetlands. These replanted wetland areas shall be maintained, and planted as necessary, to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within clear zones, that are disturbed by fill

shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and forested wetlands, other than forested wetlands in clear zones, that are disturbed by fill shall achieve a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction. A maintenance plan must be developed and implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than 10 percent of the areal cover in any stratum at any time for the five year period following the initial planting or restoration of the site.

40C-400.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters.

(1)(d) Dredging shall be restricted to that quantity necessary for actual installation of the support piles, and no fill other than the support piles shall be placed within wetlands or other surface waters. Any disturbance of the side slopes of the waterway shall be stabilized with native vegetation;

FDEP 1996 Mangrove Trimming & Preservation Act
None

FDEP 62-312.440 Permitting Requirements for Shoreline Stabilization.

(1) Permit applications for shoreline stabilization shall be evaluated on the following criteria:

- (a) Except as provided in paragraphs 403.813(2)(e) and 373.414(5)(b), F.S., and Chapter 62-330, F.A.C., vertical seawalls as defined by Chapter 62-330, F.A.C., shall not be permitted within the waters regulated by this Part.
- (b) Native aquatic vegetation shall be used for shore line stabilization, except at sites where an applicant can affirmatively demonstrate that the use of vegetation, including the existing undisturbed vegetation on site, will not prevent erosion. The Department may allow the use of rip rap and other sloping revetments provided that:
 - 1. No dredging and/or filling will be authorized other than that necessary for safe and efficient installation of the revetment;
 - 2. Filter cloth underliners shall be used for all revetments;
 - 3. The slope of the revetment shall be no steeper than 2 Horizontal:1 Vertical;
 - 4. No revetment shall be placed over or within a sea grass bed community; and
 - 5. Only rocks two feet in diameter or larger shall be used as the outer layer of a rip rap revetment.