

VILLAGE OF INDIANTOWN - Land Development Regulations

Chapter X

ARTICLE 4 – LANDSCAPING AND NATURAL RESOURCE PROTECTION

Sec. 4-1. – Purpose and Intent.

- (a) The purpose of this article is the protection of existing vegetation, new landscaping, and natural resources within the Village through effective regulation.
- (b) The intent of this article is to promote the preservation of existing plant communities and limit the removal of native vegetation; to assist in the control of soil erosion, dust, heat, air pollution and noise; to maintain property aesthetic and health values; to conserve irrigation water use; to protect wetlands, waterbodies and shorelines; to protect critical habitats and listed species.

Sec. 4-2. – Applicability.

- (a) The regulations of this article shall apply to all lands, proposed development plans and plats, and site activity within the Village. Except as follows, the provisions of this article are not applicable to the Village.

Sec. 4-3. – Landscaping.

- (a) **Landscape Requirements.** This section contains the regulations for the installation and maintenance of landscaping within the Village. The provisions of this section are the minimum landscape requirements and any other regulations relating to removal, replacement, or maintenance of trees which are more restrictive shall supersede these regulations to the extent of any inconsistency.
- (b) **Prohibited species.** Vegetation identified by the Florida Exotic Pest Plant Council (FLEPPC) as a Category I species on the FLEPPC Invasive Species List, as may be amended and updated, shall be removed from a site as a condition of any new development, redevelopment or substantial improvement permit approval and Category I species shall not be installed as a part of any landscape improvement plan. The FLEPPC List is available at the Village Department of Community and Economic Development (Department).
- (c) **Native Species Retention.** All new development, redevelopment or substantial improvement projects shall retain existing native (native species as recognized by the University of Florida Institute of Food and Agricultural Sciences) and mature vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure, approved construction footprints or hazard conditions necessitate its removal. The need to remove existing vegetation shall be demonstrated by the applicant as part of the

permit application or site development plan review process. Retained vegetation shall be protected during construction in accordance with Sec. 4-5(e).

- (d) **Native Species Requirement.** At least seventy-five (75%) of all trees, all palms, all shrubs and all landcovers required by this section to be installed with a development permit shall be South Florida native species. Existing native species retained on-site will count toward this requirement.
- (e) **Landscape Calculations.** Any calculation required in this section resulting in a fractional number shall be rounded to the next highest whole number.
- (f) **Landscape Plan Required.** All new development, redevelopment or substantial improvement projects covered by the requirements of this article shall submit a complete landscape plan to the director of the department or designee. The landscape plan shall be prepared by and bear the seal of a registered landscape architect.
- (g) **Landscape Plan Exemption.** The requirement for a signed and sealed landscape plan prepared by a registered landscape architect is exempt for development within the Rural Residential, Single Family Residential and Limited Residential Zoning Districts provided a site plan including the following is submitted:
 - (1) The location of all existing and proposed improvements, including driveways and overhead and underground utilities, and parcel boundary limits.
 - (2) The location and identification of existing native vegetation to remain on-site.
 - (3) The location of all landscape materials to be installed.
 - (4) A chart identifying the quantities and species of material to be installed.
- (h) **Landscape Plan Waiver.** At the discretion of the director or designee the requirement for a signed and sealed landscape plan prepared by registered landscape architect may be waived. The director's determination will be based on such factors as the complexity and extent of landscape material required by this section, and if, at a minimum, sufficient detail such as, but not limited to, that outlined in Section 4-3(g) is submitted to ensure the requirements of this section are met and the Village will have the capacity to ensure compliance upon completion.
- (i) **Landscape Material Quality.** All landscape materials required by this section shall be Florida Grade No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II.
- (j) **Landscape Material Size.** All landscape materials required by this section shall meet the following size requirements:
 - (1) Trees shall be at least 12 feet in height installed, with a diameter at breast height (DBH) of no less than one and a half (1.5") inches.
 - (2) Palms shall have a clear trunk of at least six (6) feet.

- (3) Shrubs shall be at least two (2) feet in height installed and spaced not less than twenty-four (24) inches on center.
- (4) Ground covers shall be no less than one-gallon materials.

- (k) **Landscape Species Diversity.** To promote and maintain species diversity, all landscape materials required by this section shall meet the following diversity requirements:

Table 4-1

| Required Number of Trees | Required Number of Species |
|----------------------------------|-----------------------------------|
| 1 - 3 | 1 |
| 4 - 10 | 2 |
| 11 - 20 | 3 |
| 21 - 30 | 4 |
| 31 + | 5 |
| Required Number of Palms | Required Number of Species |
| 1 - 3 | 1 |
| 4 - 10 | 2 |
| 11 - 20 | 3 |
| 21 – 30+ | 4 |
| Required Number of Shrubs | Required Number of Species |
| 1 - 3 | 1 |
| 4 - 20 | 2 |
| 21 - 40 | 3 |
| 41 - 60 | 4 |
| 61 + | 5 |

- (l) **Landscape Buffers.** Perimeter landscape buffers are only required for the Light Industrial, Heavy Industrial and Utility Zoning Districts. A perimeter landscape buffer will be required where these districts abut any district other than Light Industrial, Heavy Industrial and Utility Zoning Districts; additionally, a buffer is not required where these districts abut the corporate limits of the Village. The landscape buffer shall meet all of the following requirements:
- (1) Shall be 10 feet in width.
 - (2) Every 20 linear feet of required buffer shall contain at least one (1) tree or Palm, seven (7) shrubs, and three (3) ground covers.
 - (3) Disturbed ground shall be covered in four (4) inches of clean (weed free/seed free) mulch.
 - (4) Existing native vegetation that falls within the buffer area will count toward the buffer quantity requirements of this subsection.

- (m) **Landscape Quantities.** The Tables below specify the quantity of landscape material required by this section for any new development, redevelopment, or substantial improvements on a property.

- (1) The Rural Residential, Single Family Residential and Limited Residential Zoning Districts require the following:

Table 4-2

| Lot Size | Number of Trees or Palms | Number of Shrubs |
|------------------------------|---------------------------------|-------------------------|
| Up to 5,000 square feet | 2 | 4 |
| 5,001 to 10,000 square feet | 4 | 6 |
| 10,001 square feet to 1 acre | 6 | 8 |
| Greater than one acre | 8 | 12 |

- (2) The Neighborhood Mixed Use, Canal Mixed Use, Village Mixed-Use, Downtown, Park and Open Space, and Civil Facilities Zoning Districts require the following:

Table 4-3

| Lot Size | Number of Trees or Palms | Number of Shrubs |
|------------------------------|---------------------------------|-------------------------|
| Up to 2,000 | 1 | 2 |
| 2,001 to 4,500 square feet | 2 | 4 |
| 4,501 to 10,000 square feet | 4 | 6 |
| 10,001 to 20,000 square feet | 6 | 8 |
| 20,001 to one acre | 8 | 12 |
| Greater than one acre | 10 | 18 |

- (3) The Light Industrial, Heavy Industrial and Utility Zoning Districts require the following, in addition to the buffer requirements of Section 4-3(l).:

Table 4-4

| Lot Size | Number of Trees or Palms | Number of Shrubs |
|------------------------------|---------------------------------|-------------------------|
| Up to 5,000 Square Feet | 2 | 4 |
| 5,001 to 10,000 Square feet | 4 | 6 |
| 10,001 square feet to 1 acre | 6 | 8 |
| Greater than one acre | 8 | 12 |

- (4) Where vehicle parking is required for any development, other than within the Rural Residential, Single Family Residential and Limited Residential Zoning Districts, the following applies in addition to that specified in Tables 4-3 or 4-4 above:

Table 4-5

| Required parking spaces | Number of Trees or Palms | Number of Shrubs |
|--------------------------------|---------------------------------|-------------------------|
| Up to 10 | 1 | 2 |
| 11 to 20 | 2 | 4 |
| 21 to 30 | 3 | 6 |
| 31 to 40 | 4 | 8 |
| Greater than 40 | 8 | 12 |

- (5) To ensure adequate canopy coverage is retained in the Village, where the code identifies tree or palm in subsection 4-3(m)(1) – (4) above, it is required that at least half of the required number be canopy trees.
- (n) **Landscape Installation Placement.** The landscape quantities specified in subsection 4-3(m) shall be installed to the maximum extent feasible to showcase and enhance the aesthetic value of a property and to be most visible from outside observers and public spaces. Installed landscape materials shall not:
 - (1) Obstruct clear sight triangles or create other visibility hazards.
 - (2) Interfere with overhead or underground utilities or other infrastructure.
 - (3) Obstruct signage, walkways or create hazards to buildings and sidewalks.
- (o) **Certificate of Occupancy.** All landscape materials required by this section shall be installed, and staked, prior to issuance of a Certificate of Occupancy or other permit close out processes.
- (p) **Payment in Lieu of Landscaping (PLL) Option.** It is the intent of this section that payment in lieu of landscaping (PLL) be an optional method of providing landscaping for previously developed properties where a property cannot reasonably conform to the requirements of this article. The payment or PLL is in the public interest as a means of encouraging the redevelopment of existing properties and as a means of funding Village landscaping within developed areas. The owner of an existing developed property may make a request to the director during the development application review process if they feel compliance is not feasible. It shall be incumbent upon the applicant to provide evidence explicitly establishing that one (1) or more of the following conditions exist:
 - (1) Compliance is not logistically possible.
 - (2) Compliance would cause other aspects of the site (example: parking) to become substandard or further substandard relative to the LDR requirements.
 - (3) Compliance would compete with other site amenities deemed in the prevailing public interest.
 - (4) Compliance could not be achieved through alternative creative vegetative means such as green walls or a green roof.
- (q) **Payment in lieu of landscaping (PLL) Authorization.** The following shall be required in granting an approval for a payment in lieu of landscaping (PLL).
 - (1) The applicant must meet the requirements of this article to the maximum feasible based on the existing site conditions.
 - (2) The PLL must be approved prior to the issuance of the development permit for the site.
 - (3) The PLL must be brought before and approved by the Village Council.
 - (4) Any onsite landscape arrangement satisfied through a PLL shall run with the land, unless the site is redeveloped in a manner that allows for additional potential compliance with the landscaping requirements of this article, in which case said

requirements shall be satisfied on site, or through additional PLL. Any subsequent change of use or alteration which increases the degree of nonconformity to these regulations, if permitted, shall require a recalculation of the PLL and may require payment of additional fees for the cost of landscaping, installation and processing.

- (5) After the authorization of a PLL, the director shall document the degree of nonconformity to be accommodated based upon the percentage of required landscaping that cannot reasonably be provided upon the previously developed property and shall calculate the cost of providing and installing the required landscaping to be exempted by the PLL. This cost plus an administrative fee of \$200.00 for processing shall constitute the payment to be made in lieu of providing the required landscaping.
 - (6) No refund of PLL shall be made when there is a change of use or alteration which reduces the degree of nonconformity.
 - (7) The PLL shall be made to the Village in one lump sum prior to the issuance of any development permit.
 - (8) Funds received from a PLL shall exclusively be used and expended only for the purpose of providing municipal landscaping and streetscape improvements within the Village.
- (r) **Landscape Maintenance.** The owner shall be responsible for the maintenance and protection of all landscaping existing or hereafter installed, which shall be maintained in a healthy growing condition and shall be kept free from invasive species, refuse and debris. Planting beds shall be maintained with four (4) inches of clean mulch. Newly installed trees shall be staked for the first year with the staking removed after one (1) year.
- (s) **Right of Way Landscaping.** Privately installed trees located in the public right-of-way may be adversely impacted by various underground or other construction activities undertaken by the Village. The Village shall not be responsible for any adverse impact on existing private trees in the public right-of-way from activities undertaken by the Village. Any trees and plant material placed in public rights-of-way does not create or vest any property right in association with the planting. Any privately installed trees located in the public right-of-way shall be maintained by the property owner.
- (t) **Florida-Friendly.** It is recommended that whenever possible the Florida-Friendly concept of landscaping shall be utilized. The Florida-Friendly landscape principles identified by the Florida Yards and Neighborhoods program operated by the University of Florida Institute of Food of Agricultural Services Extension, are identified in the most recent edition of the Florida-Friendly Best Management Practices for Protection of Water Resources. The principles encompass the following categories:
- (1) Right Plant, Right Place
 - (2) Water Efficiency
 - (3) Fertilize Appropriately

- (4) Mulch
- (5) Attract Wildlife
- (6) Manage Yard Pests Responsibly
- (7) Recycle Yard Waste
- (8) Reduce Stormwater Runoff
- (9) Protect Waterfront

Sec 4-4. – Irrigation Systems.

- (a) **Permit Required.** The property owner shall obtain a permit from the Village, as required, and be responsible for obtaining the necessary permit(s) from all other applicable agencies having jurisdiction for any new or updated landscape irrigation system that connects to a public utility or utilizes a private well or pump; and to provide a copy of the permit to the Village.
- (b) **Water Conservation.** Any new or updated landscape irrigation system shall incorporate the following water conservation measures.
 - (1) Irrigation controllers shall have rain sensors incorporated into the system.
 - (2) Irrigation systems shall be designed so that, to the greatest extent practical, water is not applied to non-pervious areas.
 - (3) Wherever practical, high water and low water use areas are circuited separately.
 - (4) As feasible and effective, the most water efficient sprinkler head and/or drip line is utilized to conserve water and to minimize evaporation.
 - (5) Wherever practical and feasible, the use of non-potable water is recommended.
 - (6) Wherever practical and feasible, the use of reclaimed water is recommended.
- (c) **Irrigation Plan Submittal.** All proposed development site plans or proposed plat plans submitted to the Village shall include an irrigation plan, if applicable. Submitted irrigation plans shall identify the water source and have sufficient detail to demonstrate conformance with the criteria within Sec. 4-4(b).

Sec. 4-5. – Vegetation Removal, Protection, and Replacement.

- (a) **Permit Required.** Prior to any clearing of improved, vacant, or unimproved land, or the relocation, or removal of any tree(s) from a parcel, unless specifically exempted from this section, a landowner shall obtain a land clearing/tree removal permit from the Village.
- (b) **Exemption.** A landowner is exempt from the requirement to obtain a permit from the Village for the removal of any vegetation identified by the Florida Exotic Pest Plant Council (FLEPPC) as a Category I species on the FLEPPC Invasive Species List, as may be amended and updated. The FLEPPC List is available at the department.

- (c) **State Regulation.** Tree pruning, trimming and removal on residential property must comply with the documentation requirements of Section 163.045 of the Florida Statutes, as may be amended.

- (d) **Prohibition of Tree Abuse.** No Person shall abuse a tree located within the Village unless the abuse is necessary to alleviate a dangerous condition posing an imminent threat to the public or property. Tree abuse shall be limited to the minimum amount necessary to alleviate the dangerous condition. The following actions shall constitute tree abuse:
 - (1) Hatracking a tree.
 - (2) Cutting upon a tree that destroys its natural habit of growth.
 - (3) Pruning that leaves stubs or results in a flush cut; or splitting of limb ends.
 - (4) Peeling or stripping of bark; or the removal of bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains.
 - (5) The use of climbing spikes, nails or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute (ANSI A300).
 - (6) Pruning that does not conform to standards or recommendations set by the American National Standards Institute (ANSI A300), with the exception of palm pruning, which shall allow no pruning of fronds above the horizontal plane.
 - (7) Hammering nails or other piercing devices into a tree.
 - (8) Girdling of trees by guying, staking, support, string trimmers, or non-removal of planting materials from root balls.
 - (9) Lawn mower or mower deck damage inflicted on any portion of a tree or palm.
 - (10) Vehicular damage inflicted causing bark removal, tree leaning, and/or destruction.
 - (11) Structures being placed or constructed within or on a tree.
 - (12) Utilizing any portion of a tree as a fence post or similar structural support.
 - (13) Overlifting a tree (excessive removal of lower branches).
 - (14) Removing palm fronds other than dead, declining or objectionable due to contractor interference with a building or utility.

- (e) **Vegetation Protection During Development.** All new development, redevelopment or substantial improvements shall retain existing native and mature vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure, approved construction footprints or hazard conditions necessitate its removal. The need to remove existing vegetation shall be demonstrated by the applicant as part of the building permit or site development plan review process. Areas of retained vegetation shall be preserved in their entirety. Following are the minimum standards necessary to protect trees/palms designated for preservation, per the approved site plan or issued permit, from damage during development.
 - (1) Prior to any clearing or development activities, trees/palms to be preserved shall have barriers constructed around each tree/palm or groups of trees/palms and understory by the permit holder or land clearing person to prevent physical damage

from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the Village as a condition of permit approval and prior to any such clearing or development activity. The barriers or barricades shall be:

- a. Large enough to include the entire area inside the outer edge or dripline of the tree/palm.
 - b. Conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.
 - c. Constructed of sturdy, orange, plastic barricading with supports placed every five (5) feet as approved by the Village based on professional judgment that the intent of this provision shall be met.
 - d. Constructed as a condition of the issuance of any land clearing, building or other development permit and prior to any construction or other development activities.
 - e. Remain in place throughout the construction period.
 - f. Be completely removed from the site at the end of the construction period and be removed prior to the issuance of a Certificate of Occupancy by the Village.
- (2) The permit holder and any on-site person shall protect the trees/palms and understory plants designated for preservation in the approved site plan or tree permit from hazardous and poisonous materials, from excavation, the placement of fill and grade changes.
- (3) No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within areas marked for preservation, specifically including, but not limited to, within the dripline of any individual trees designated to remain.
- (4) All proposed development site plans or proposed plat plans submitted to the Village shall include a Tree Protection Plan, if applicable. Submitted plans shall have sufficient detail to demonstrate conformance with the criteria within Sec. 4-5(e).

(f) **Vegetation Replacement.** Any tree or palm removed in violation of the requirements in this section, or that is abused beyond reparation to restore natural growth, or is a protected tree/palm designated as such on an approved site plan or tree removal permit that is irreparably damaged during development, shall be replaced.

- (1) Palms shall be replaced at a 2:1 ratio. Palms shall be a Florida native species (native species as recognized by the University of Florida Institute of Flood and Agricultural Sciences) that is appropriate for the site conditions, Florida Grade No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II, and have a clear trunk of at least six (6) feet.
- (2) Trees less than 18" DBH shall be replaced at a 2:1 ratio, trees greater than an 18" DBH shall be replaced at a 3:1 ratio. Replacement trees shall be a Florida native species (native species as recognized by the University of Florida Institute of Flood and Agricultural Sciences) that is appropriate for the site conditions, Florida Grade

No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II, and be at least twelve (12) feet in height installed with a DBH of no less than 1.5 inches.

- (3) Any protected tree/palm designated as such on an approved site plan or tree removal permit that is irreparably damaged during development shall be replaced prior to the issuance of the Certificate of Occupancy for the development.
- (4) Any tree or palm removed in violation of the requirements in this section, or that is abused beyond reparation to restore natural growth, shall be replaced within 30 days of notice of the violation.

(g) **Ground Stabilization After Vegetation Removal.** To control soil erosion and impede the growth of invasive pest plant species, the applicant is required to immediately seed, sod, or otherwise vegetate with desirable plant species, a cleared area after vegetation removal.

(h) **Suspension of Permit Requirement.** The Village Council may, by emergency resolution, suspend the permit requirement for vegetation removal in the aftermath of a natural disaster, such as a hurricane, when the following conditions are met and contained in the resolution:

- (1) The suspension is for a defined period of time not to exceed 30 days or as otherwise set by the Village Council.
- (2) The vegetation removal is necessitated by disaster related damage.
- (3) The suspension is not applicable to vegetation within habitats containing listed species.
- (4) The vegetation to be removed is not a specimen tree greater than 18 inches DBH.

Sec. 4.6. – Excavation, Filling, and Mining.

(a) **Permit Required.** A landowner shall obtain a permit for any land disturbing from the Village.

(b) **Engineered Design.** Development designs proposing the use of fill shall be approved by a registered professional engineer and shall meet any required site design standards established in article 5, subdivision design and specification in article 10, flood mitigation of these LDRs and, the Florida Building Code.

(c) **Keeping of Fill on Property.** Every owner and, if applicable, every agent, custodian, lessee or occupant of property shall reasonably regulate and effectively control the property to prevent the keeping of fill on it to prevent the creation of:

- (1) A habitat for rodents, vermin, reptiles or other wild animals.
- (2) Breeding ground for mosquitoes.
- (3) A place conducive to illegal activity.
- (4) A place that threatens or endangers the public health, safety or welfare of Village residents.

- (5) A place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.
- (6) A condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.

(d) **Temporary Stockpiling of fill.** For temporary stockpiling of fill associated with any construction or development, as a component of the development permit application process the applicant shall identify that fill will be stockpiled, the location of the stockpiles, and shall remove all fill stockpiles prior to issuance of a Certificate of Occupancy. To prevent erosion the applicant shall also provide a silt fence around the stockpile.

(e) **Distinction between Mining Operations and Excavation.** Excavation and mining are both the digging, stripping or removal by any process of natural materials or deposits from their natural state and location. For the purposes of this section excavation shall include but not be limited to, the creation of canals, waterways and lakes incidental to real estate development. Excavation as used herein shall not include digging for foundations, fences, structures or incidental to construction work, wherein no materials are removed from the premises, except surplus not required for backfill or approved grading of the premises.

Mining, for the purposes of this section, is not incidental to real estate development and has as its sole purpose the removal of all of the natural materials or deposits from the premise for commercial purposes.

(f) **Prohibition of Mining Operations.** New Commercial Mining Operations are prohibited with the Village.

(g) **Excavation Requirements.** This section contains the regulations for conducting exaction within the Village.

- (1) The excavation shall be incidental to a real estate development project.
- (2) Prior to any land disturbance or development activity the property owner shall be responsible for obtaining the necessary consultation and permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village.
- (3) The use of blasting, fracking, rock fragmentation or other techniques designed to fracture rock by vibration or compression is not allowed in excavation operations within the Village.
- (4) During excavation operations, the site shall be suitably posted with warning signs of such character and location as may be adequate to warn the public concerning possible hazards.
- (5) During the excavation operations, the site shall be suitably protected with barriers and fencing to protect the public from possible hazards.
- (6) Excavation hours of operation shall be limited to the period between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.

- (7) Every owner or operator of any excavation site shall be insured to the extent of \$100,000 against liability arising from any activities or operations incidental to excavation carried on or conducted pursuant to any permit or approval given for that excavation by the Village.
- (8) The Village reserves the right to request that an applicant for a permit for excavation post a performance bond conditioned upon complete compliance with the regulations of the Village pertaining to the initiation, conduct and completion of the excavation project in a manner conforming to this section and the issued permit conditions.
- (9) Upon completion of the project, the property shall be cleaned and left in a presentable condition. The perimeter of the excavation shall be properly backfilled and graded and vegetated. Any stockpile or staging areas must be mulched or vegetated.
- (10) Upon completion of the excavation and final grading a topographical survey shall be submitted to the Village showing elevations and cross-sections of the final outside boundaries of each excavation at 100-foot intervals.
- (11) The following shall be submitted with each excavation application.
 - a. A site plan to showing the property owned or controlled by the applicant with reference to streets, highways, and contiguous platted areas.
 - b. A current boundary survey with topographic information of the project site.
 - c. Cross-sections showing approximate elevation and grades of the final boundaries of excavation.
 - d. A final grading plan to show the ground elevations of the land immediately adjacent to the side of the excavation and all the bounding streets or roads.
 - e. A disposition for the excavated materials.
 - f. A staging and stockpiling plan
 - g. A site clean-up and revegetation plan.
 - h. The maps, grading plans, elevations, and cross-sections required by this section shall be made by a surveyor-engineer registered as such by the state.

Sec 4-7. – Wetlands, Protected Species, Critical Habitat, Shorelines and Submerged Lands.

- (a) **Wetlands.** Prior to any land clearing or other land disturbance, development or fill activity in any wetland, as defined pursuant to Sections 62-340.100 through 62-340.500, F.A.C., and ratified by Section 373.4211 F.S, as well in accordance with the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual, the property owner shall be responsible for obtaining the necessary permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village. The South Florida Water Management District, the Florida Department of Environmental Protection and the U.S. ACOE all regulate wetlands within the Village.
- (b) **Protected Species and Their Critical Habitats.** Prior to any land clearing or other land disturbance or development activity within any Critical Habitat or on any site actively hosting a protected species, the property owner shall be responsible for obtaining the

necessary consultation and permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village. The Florida Fish and Wildlife Conservation Commission (FWC) maintains the list of animals identified as Federally-designated Endangered or Threatened, State-designated Threatened, or State-designated Species of Special Concern, in accordance with Rules 68A-27.003, and 68A-27.005, respectively, Florida Administrative Code (F.A.C.), and Critical Habitats are mapped by the US Fish and Wildlife Service (FWS).

- (c) **Shorelines and Submerged lands.** Prior to any land clearing or other land disturbance, development or fill activity along a shoreline or in, over or under any natural or manmade waterbody the property owner shall be responsible for obtaining the necessary consultation and permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village. The South Florida Water Management District, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers all regulate waterbodies and shoreline within the Village.

Sec. 4.8. – Wellfield Protection.

- (a) **Wellfield Protection.** The Martin County Wellfield Protection Ordinance No. 949, February 26, 2014, or subsequent amendments thereto, is hereby adopted by reference as part of these LDRs. Copies of this document shall be made available to the public at the office of the director or Martin County's website.

Sec. 4.9. – Violations.

- (a) **Penalties.** Any violation of this article shall constitute a Village ordinance violation and may be prosecuted before the code enforcement board of the Village as provided in the Village code. Each violation of this article is deemed a separate and distinct infraction.