

## Pond Planting Requirements

### Sec. 13.2. - Wetlands protection.

A. *Purpose.* It is the purpose of this section to work in concert with the St. Johns River Water Management District, The Florida Department of Environmental Protection, the Army Corp of Engineers and Indian River County in providing for the protection and restoration of wetlands in the City of Fellsmere. Wetlands are recognized as being an indispensable resource in the existence of man and nature and they provide for a natural regulation of flooding, erosion, and soil/substrate limitations. While wetland and deepwater habitat development activities are regulated extensively at the state and federal levels, the City of Fellsmere is in a position to provide long-term wetland protection by directing growth away from sensitive areas, through land use regulations.

#### B. *Applicability.*

1. The regulations of this section apply to the following land development activities, except as may be provided in the individual subsections of this article:

- a. Land development activities involving the subdivision and plating of property; site plan approval or any development or redevelopment activity on a parcel of property five acres or larger;
- b. Land development activities on land parcels containing or bordering on any existing or created wetlands or deepwater habitat;
- c. Any land development activity that would result in the removal of upland native vegetation contributing to the stabilization of the banks of existing canals, ditches, or natural watercourses; and
- d. Land development activities subject to the provisions of this article, including all site plan developments and subdivisions, and single-family residential uses on property greater than one acre in size.

2. Any land development activities including land clearing, grubbing, or pruning that results in the destruction of upland vegetation contrary to the provisions of this section shall be considered a violation of city laws and ordinances and shall be subject to code enforcement action or other penalties as provided by law.

#### C. *Determination of wetlands and deepwater habitats delineation and functional value.*

1. The definition of wetlands and deepwater habitats shall be based upon the publication "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al, 1979), and shall be consistent with the broadest jurisdiction of federal, state, and regional regulatory agencies.

2. Representatives of the Department of Environmental Regulation, Department of Natural Resources, U.S. Corps of Engineers, St. Johns River Water Management District, Soil and Water Conservation District, Florida Game and Freshwater Fish Commission, U.S. Fish and Wildlife Service, FDAC Division of Forestry, Indian River County Mosquito Control District, and/or other applicable agencies will be contacted for assistance in identifying the extent and functional values of wetlands and deepwater habitats.

3. USFWS National Wetlands Inventory Maps (1984), submergent aquatic vegetation inventories, infrared aeriels and property appraiser aeriels shall be utilized for general identification of wetlands and deepwater habitats in Indian River County. It is recognized, however, that such graphic sources do not depict the full extent of wetland and deepwater habitat delineations and function characteristics. Wetlands and deepwater habitats shall be identified by survey at the time of site development review on a site-by-site basis.

4. Factors to be considered in evaluating the present or future functions and values of wetlands and deepwater habitats shall include, but not be limited to:

- a. Relationship to similar or complementary habitats;
- b. Proximity to adjacent urban land uses;
- c. Degree of disturbance or invasion by exotic plant species;
- d. Importance to wildlife species, including aquatic species (as applicable);
- e. Frequency and length of inundation.

D. *Wetlands alteration—Permits required.* No alteration of wetlands or deepwater habitat shall be allowed unless all proper permits for such alteration, including all required mitigation, have been issued by the St. Johns River Water Management District, The Florida Department of Environmental Protection, or the Army Corp of Engineers.

E. *Native Upland edge vegetation buffer zone.* A buffer zone of native upland edge vegetation shall be provided around wetlands and deepwater habitats which are constructed or preserved on new development sites. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species only. The edge of the buffer zone shall begin at the upland limit of the wetland or deepwater habitat. A minimum of ten square feet of such buffer shall be provided for each linear foot of wetland or deepwater habitat perimeter that lies adjacent to uplands. The upland edge buffer shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten feet of upland habitat.