

CHAPTER 9. NATURAL RESOURCES

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1 **Article 9.1 Wellhead Protection**

2 **9.1.1 Purpose and Intent**

3 The purpose and intent of this Article is to protect the quantity and quality of groundwater
4 supplies for potable water.

5 **9.1.2 Applicability**

6 This Article shall apply to all development subject to Site Plan Review.

7 **9.1.3 Exemptions**

8 The following materials are not subject to the provisions of this Article.

- 9 A. Commercial products limited to use on-site solely for office or janitorial purposes.
- 10 B. Prepackaged consumer products sold to individuals for personal, family, or household
11 purposes.

12 **9.1.4 Agreement with Potable Water Supplier**

- 13 A. All applications for Preliminary Site Plan Review on a site located within 1,500 feet of
14 a wellhead or wellfield supplying a water system of a potable water provider shall
15 require an agreement between the developer and the potable water provider that
16 includes the following items:
 - 17 1. A description of the means to be used to prevent contamination of the wellhead or
18 wellfield.
 - 19 2. The right of the potable water provider to enter the site to assure compliance with
20 this Article.
 - 21 3. A description of the means to be used by the potable water provider to enforce the
22 agreement.
 - 23 4. The requirement that the site connect to public water and wastewater systems
24 when such become available, and to abandon any on-site wells and septic systems
25 at that time.
- 26 B. This agreement shall become a part of any approval issued by the County.
- 27 C. Prior to Final Site Plan approval and the issuance of any development permits by the
28 County, the agreement shall be recorded with the Clerk of the Circuit Court and a
29 copy of the recorded agreement shall be returned to the County. The responsibility
30 and costs of recording the agreement shall be borne by the developer.

31 **9.1.5 Protection Zones**

32 **A. Primary**

33 The Primary Protection Zone shall include the area within a 500-foot radius of a wellhead
34 supplying a water system of a potable water provider.

35 **B. Secondary**

36 The Secondary Protection Zone shall include the area within a 1,500-foot radius of a
37 wellhead supplying a water system of a potable water provider.

38 **9.1.6 Prohibited Uses**

- 39 A. Drainage wells and sinkholes for stormwater disposal are prohibited County-wide.
- 40 B. The following uses and activities are prohibited within the Secondary Protection
41 Zone:
 - 42 1. Agricultural industrial activities, including slaughterhouses.
 - 43 2. Asphalt and concrete batch plants.
 - 44 3. Concentrated animal feeding operations.
 - 45 4. Debris and waste facilities, except composting facilities and minor yard trash
46 processing facilities.

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5. Dry cleaner.
 6. Fertilizer manufacturing.
 7. Golf course.
 8. Motor sports track or venue.
 9. Outdoor storage of motorized vehicles and equipment.
 10. Power plants.
 11. Printing facilities.
 12. Specific earthmoving operations.
 13. Storage of explosives or flammable liquids.
 14. Underground storage tanks.
 15. Wastewater treatment plants, percolation ponds, and similar facilities.
- C. The following uses and activities are prohibited within the Primary Protection Zone:
1. All uses prohibited within the Secondary Protection Zone.
 2. Above-ground storage tanks.
 3. The use, handling, production or storage of substances, including degradation and interaction products, which because of concentration, radioactivity, mutagenicity, bioaccumulative effect, physical or chemical characteristics such as ignitability, corrosivity, reactivity, and toxicity, or persistence in nature, may cause or significantly contribute to the degradation of ground water resources, except as specifically exempted by this Article.

9.1.7 Abandoned Wells

Where development occurs on a site with existing but abandoned wells, these wells shall be sealed and plugged.

1 **Article 9.2 Flood Damage Prevention**

2 **Standards being developed**

1 **Article 9.3 Sea Turtle Protection**

2 **Standards being developed**

Article 9.4 Beach and Dune Protection

9.4.1 Purpose and Intent

The purpose and intent of this Article is to protect the beach and dune system in order to both preserve the unique ecosystem and to protect structures sheltered by the dunes.

9.4.2 Construction

- A. All construction activity is prohibited seaward of the Coastal Construction Control Line as determined by the Florida Department of Environmental Protection unless permitted by FDEP.
- B. Beachfront lots created subsequent to October 7, 1997 shall be of sufficient size and dimension to ensure a 50-foot buffer between any structures or improvements (except dune crossovers) and the landward edge of the primary dune. This buffer will remain in its natural state except for the minimum disturbance necessary to accommodate dune crossover structures.

9.4.3 Operation of Motorized Vehicles

Motor vehicles are prohibited on the beach and dune system, except that motor vehicles operated by emergency, law enforcement, and public lands management personnel engaged in the performance of their duties, or contractors operating in association with approved beach and dune restoration and renourishment projects shall be permitted.

9.4.4 Dune Walkover Structures

All new development that is adjacent to the Gulf of Mexico and is separated from the Gulf by an intervening dune line shall include a beach access point that is served by an approved, elevated dune walkover structure. Lots shall be exempt from this requirement only if they are adjacent to an existing public beach access point.

9.4.5 Shoreline Stabilization

- A. Non-structural methods that restore the natural beach and dune system shall be encouraged for stabilizing beaches and dunes.
- B. The construction of artificial shoreline stabilization structures shall be prohibited along the Gulf of Mexico unless there is imminent danger of damage to or loss of a structure. Approval shall not be given where such projects jeopardize the integrity of the total beach system and adjacent properties.
- C. Where practical, shoreline planning and enhancement projects shall be required during development orders proposing shoreline hardening.

9.4.6 Dune Restoration and Stabilization Projects

It is required that indigenous dune vegetation be utilized to increase the stability of restored dunes.

Article 9.5 Surface Water and Wetland Protection

9.5.1 Purpose and Intent

The purpose and intent of this Article is to protect the water quality of waterbodies, watercourses, and wetlands.

9.5.2 Applicability

This Article shall apply to all waterbodies, watercourses, and wetlands that border or are internal to developed lots.

9.5.3 Riparian Buffer Zones

- A. A buffer zone shall be established along the perimeter of all waterbodies, watercourses, and wetlands.
- B. The buffer shall be measured from the mean high water line of the waterbody or watercourse, or from the wetland delineation line, and shall be of the following widths:

	All Wetlands	All Natural Waterbodies and Watercourses	All Other Waterbodies and Watercourses
Any Use Involving the Use, Storage, Transmission, or Generation of Hazardous Substances	200 ft.	200 ft.	200 ft.
Any Use Involving Substances which may Artificially Accelerate Eutrophication	200 ft.	200 ft.	200 ft.
All Other Industrial Uses	50 ft.	50 ft.	50 ft.
All Other Conditional or Special Exception Commercial Uses	50 ft.	50 ft.	50 ft.
All Other Uses	25 ft.	15 ft.	5 ft.

- C. The buffer width may be reduced by no more than 20 percent of the required width along portions of the border in response to site-specific development constraints, provided that it is expanded along other portions so that the minimum buffer width is maintained on average. In no case shall the buffer be reduced to less than five feet.
- D. Buffer zones shall be planted with ground cover, native grasses, shrubs, and trees. Sod is not permitted. Buffer zones shall remain undisturbed except for the minimum disturbance necessary to provide:
 - 1. Shoreline access for riparian property owners.
 - 2. Utility line crossings.
 - 3. Bridges.
 - 4. The removal of exotic vegetation.

9.5.4 Waterbodies and Watercourses

Natural waterbodies and watercourses shall not be disturbed during and after development.

9.5.5 Wetlands

Predevelopment hydrology of wetlands shall not be disturbed during and after development, except as allowed by the Comprehensive Plan.

9.5.6 Water Quality

- A. Grass clippings, vegetative material, and vegetative debris shall not be deposited into any conveyance that may discharge into a waterbody, watercourse, or wetland.
- B. Turbidity screens shall be required around or along all waterbodies, watercourses, and wetlands during development.

- 1 **C.** Land application of treated sewage effluent by means of spray irrigation shall not
- 2 occur within 75 feet of any State-designated class I or class II waterbody. Land
- 3 application by percolation pond or rapid infiltration basin shall not occur within 500
- 4 feet of any State-designated class I or class II waterbody.

1 **Article 9.6 Habitat Preservation**

2 **9.6.1 Purpose and Intent**

3 The purpose and intent of this Article is to set aside and preserve natural areas in order to
4 provide suitable habitat for native flora and fauna, especially listed species.

5 **9.6.2 Applicability**

6 This Article shall apply to all development subject to Site Plan Review. Developments within an
7 approved Development of Regional Impact are not subject to this Article.

8 **9.6.3 Habitat Preservation Requirement**

- 9 **A.** All development outside the Shell and Prairie Creek Watershed Overlay District shall
10 reserve at least 10 percent of the development site for habitat preservation.
- 11 **B.** All development within the Shell and Prairie Creek Watershed Overlay District shall
12 reserve at least 20 percent of the development site for habitat preservation.
- 13 **C.** All habitat reservation areas shall be protected in perpetuity by a conservation
14 easement in favor of the County. These areas must be maintained by the property
15 owner in their natural state regardless of change of ownership. Following approval of
16 the easement language by the County, the property owner shall record the easement
17 with the Clerk of the Circuit Court and return a certified copy of the easement to the
18 County.
- 19 **D.** The owner may satisfy the reservation requirement by contributing \$1,000.00 for
20 each acre, or fraction thereof, of the development site to the Open Space/Habitat
21 Reservation Trust Fund. This option shall not be used if the site contains rare or
22 imperiled biological communities.

23 **9.6.4 Open Space/Habitat Reservation Trust Fund**

- 24 **A.** A trust fund for the acquisition of habitat areas is hereby created to collect, hold and
25 disburse:
- 26 1. Funds collected in lieu of habitat reservations on development sites.
27 2. Additional funds allocated by the Board of County Commissioners.
- 28 **B.** The trust fund will be administered by the County Administrator.
- 29 **C.** Habitat reservation areas purchased with funds from the Open Space/Habitat
30 Reservation Trust Fund will be managed in order to maintain the integrity of the
31 habitat.
- 32 **D.** The County will not use lands purchased by the Open Space/Habitat Reservation
33 Trust Fund for active parks.

1 **Article 9.7 Fertilizer Regulations**

2 **9.7.1 Purpose and Intent**

3 The purpose and intent of this Article is to provide for the regulation of fertilizers containing
4 nitrogen or phosphorus and to provide specific management guidelines for its application in
5 order to minimize the negative environmental effects they have on canals, estuaries,
6 wetlands, and the near-shore waters of the Gulf of Mexico, in order to maintain and improve
7 water and habitat quality.

8 **9.7.2 Applicability**

9 This Article shall apply to all application of fertilizer within the unincorporated area of Charlotte
10 County, unless such application is specifically exempted.

11 **9.7.3 Exemptions**

12 The provisions of this Article shall not apply to:

- 13 A. Golf courses that implement the provisions of the most recent version of *BMPs for*
14 *the Enhancement of Environmental Quality on Florida Golf Courses.*
- 15 B. Athletic fields that implement the provisions of the most recent version of *Florida-*
16 *Friendly Best Management Practices for Protection of Water Resources by the Green*
17 *Industries.*
- 18 C. Lands used for bona fide agricultural purposes.
- 19 D. Newly-installed landscaping shall be exempt only for the first 60 days after
20 installation or planting provided documentation is available to support this
21 exemption.

22 **9.7.4 Fertilizer Content**

- 23 A. Only fertilizers labeled as "low phosphate" fertilizers are permitted.
- 24 B. Only fertilizers containing at least 50 percent slow-release nitrogen per guaranteed
25 analysis label are permitted.

26 **9.7.5 Fertilizer Application**

- 27 A. Fertilizers shall only be applied at the lowest rate recommended on the label.
- 28 B. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious
29 surface. Any fertilizer applied, spilled, or deposited on any impervious surface shall
30 be immediately contained and either legally applied or completely removed to the
31 greatest extent practicable. In no case shall fertilizer be washed, swept, or blown off
32 impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
- 33 C. Fertilizer shall not be applied within the Riparian Buffer Zone required by the Surface
34 Water and Wetland Protection provisions of this Code. Fertilizer shall not be applied
35 within ten feet of the top of bank of any other waterbody or seawall.
- 36 D. Spreader deflector shields are required for broadcast spreaders. Deflectors must be
37 positioned such that fertilizer granules are deflected away from all impervious
38 surfaces, buffer zones, waterbodies, watercourses, and wetlands.

39 **9.7.6 Restricted Season**

40 No fertilizer containing nitrogen or phosphorous shall be applied between June 1st and
41 September 30th.

42 **9.7.7 Training for Commercial Application**

- 43 A. All commercial applicators of fertilizer are required to complete a County-approved
44 best management practices training program and receive a Certificate of Completion.
45 Employees working under the direct and physical supervision of commercial

1 applicators who hold a current Certificate of Completion shall not be required to
2 complete the training program.

3 **B.** All commercial applicators who receive a Certificate of Completion shall also receive
4 a vehicle decal indicating certification. This decal shall be affixed and maintained on
5 the exterior of all vehicles used in connection with the application of fertilizer. Decals
6 shall be affixed to the lower right corner of all back glass and to the right side of all
7 trailer tongues.

8 **9.7.8 Enforcement**

9 In addition to normal Code Enforcement procedures, any applicator that violates the provisions
10 of this Article shall be responsible for Charlotte County's costs of prosecution of any violation,
11 including any costs to remedy or clean up any environmental condition caused by an act which
12 constitutes a violation.

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