



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-08836-P
DATE ISSUED: July 28, 2017**

PERMITTEE: CHATEAUX SUR MER IMPROVEMENT
ASSOCIATION, INC.
P O BOX 1292
SANIBEL, FL 33957

PROJECT DESCRIPTION: This Environmental Resource Permit authorizes Construction and Operation of a stormwater management system serving 1.94 acres of roadway improvements known as Chateaux Sur Mer Road Improvements.

PROJECT LOCATION: LEE COUNTY, SEC 19 TWP 46S RGE 22E

PERMIT DURATION: See Special Condition No:1.

This is to notify you of the District's agency action for Permit Application No. 170609-14, dated June 9, 2017. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S).


Based on the information provided, District rules have been adhered to and an Environmental Resource Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 18 General Conditions (See Pages : 2 - 4 of 5),
3. the attached 7 Special Conditions (See Pages : 5 - 5 of 5) and
4. the attached 2 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) this 28th day of July, 2017, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

BY: 
Melissa M. Roberts, P.E.
Regulatory Administrator
Fort Myers Service Center Service Center

GENERAL CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.). Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
 - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that

GENERAL CONDITIONS

require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other

GENERAL CONDITIONS

uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on July 28, 2022.
2. Operation and maintenance of the stormwater management system shall be the responsibility of the permittee.
3. Discharge Facilities:
 - 1-15' WIDE Rip-Rap weir with crest at elev. 3.5' NAVD 88.
 - Receiving body : Chateaux Sur Mer Lake (Bayou)
 - Control elev : 1.21 feet NAVD 88.
4. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. The following are exhibits to this permit. Exhibits noted as incorporated by reference are available on the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) under this application number.

Exhibit No. 1.0 Location Map

Exhibit No. 2.0 Plans

Exhibit No. 2.1 Construction Pollution Prevention Plan

Exhibit No. 2.2 Urban Stormwater Management Program

NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.

Last Date For Agency Action: September 18, 2017

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Chateaux Sur Mer Road Improvements

Permit No.: 36-08836-P

Application No.: 170609-14

Application Type: Environmental Resource (New Construction/Operation)

Location: Lee County, S19/T46S/R22E

Permittee : Chateaux Sur Mer Improvement Association, Inc.

Operating Entity : Permittee

Project Area: 1.94 acres

Permit Area: 1.94 acres

Project Land Use: Roadway

Drainage Basin: GULF OF MEXICO

Sub Basin: SANIBEL RIVER

Receiving Body: Chateaux Sur Mer Lake (Bayou)

Class: CLASS III

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT SUMMARY:

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management system serving 1.94 acres of roadway improvements known as Chateaux Sur Mer Road Improvements.

This permit authorizes the construction of a retention area for the placement of pavement over existing dirt roads. The stormwater runoff, generated by the existing dirt roads, was continuously eroding the road and creating turbidity in the receiving water bodies. Due to the limited right of way and open areas, water quality treatment for a portion of the improvements will be provided in a dry retention area and exfiltration trench system. The site improvements and detailed plans are attached as Exhibit No. 2.0.

This permit is issued pursuant to the water quality net improvement provisions of Chapter 62-330.062, F.A.C.; therefore, the state water quality certification is waived.

PROJECT EVALUATION:**PROJECT SITE DESCRIPTION:**

The site is located south of Sanibel-Captiva Road on Rue Belle Mer on Sanibel Island, Lee County , Florida. Refer to Exhibit 1.0 for a location map.

There are no permitted water management facilities within the project area. The site contains private residences and existing dirt roads with associated infrastructure that were built prior to South Florida Water Management District permitting requirements.

There are no wetlands or other surface waters located within the project area. A waterbody connected to adjacent preserve areas is located east of the project site and Rue Belle Mer (entrance road to the development). No impacts are proposed to this waterbody, and best management practices will be utilized during construction, to avoid any water quality impacts to this area.

LAND USE:**Construction****Project:****Total Project**

Roadway	1.94	acres
Total:	1.94	

WATER QUANTITY :**Discharge Rate :**

The project is designed as a retention system and net improvement. Therefore, the stormwater management system has not been designed to limit discharge to a specified rate.

WATER QUALITY :

Water quality treatment will be provided in a dry retention area and exfiltration trenches. The proposed stormwater management system is designed as a net improvement and will provide 0.10 acre-feet of water quality treatment volume. No adverse water quality impacts are anticipated as a result of the proposed project.

The project also includes implementation of a Construction Pollution Prevention Plan/ Turbidity and Erosion Control Plan (Exhibit 2.1) and an Urban Stormwater Management Program (Exhibit 2.2) as additional reasonable assurance of compliance with water quality criteria during construction and operation.

CERTIFICATION, OPERATION, AND MAINTENANCE:

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the

project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity will be responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of the Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that dewatering is not required for construction of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources, dated June 21, 2017, indicating that no significant archaeological or historical resources are recorded in the project area and the project is therefore unlikely to have an effect upon any such properties.

This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

DEO/CZM Consistency Review:

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

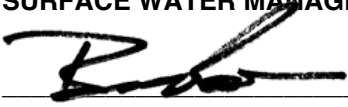
NATURAL RESOURCE MANAGEMENT:



Laura Layman

DATE: 7/28/17

SURFACE WATER MANAGEMENT:








Brian Rose, P.E.

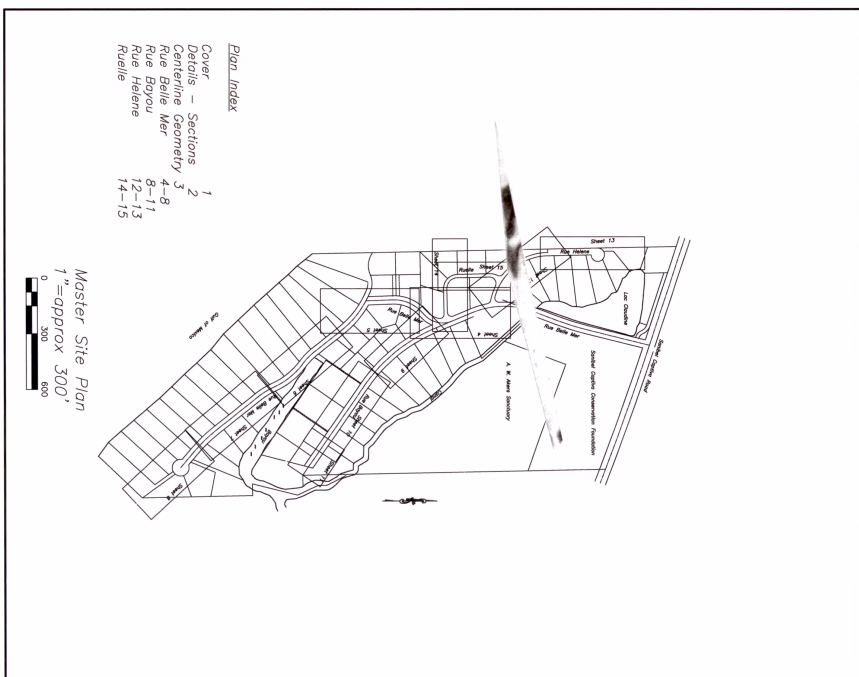
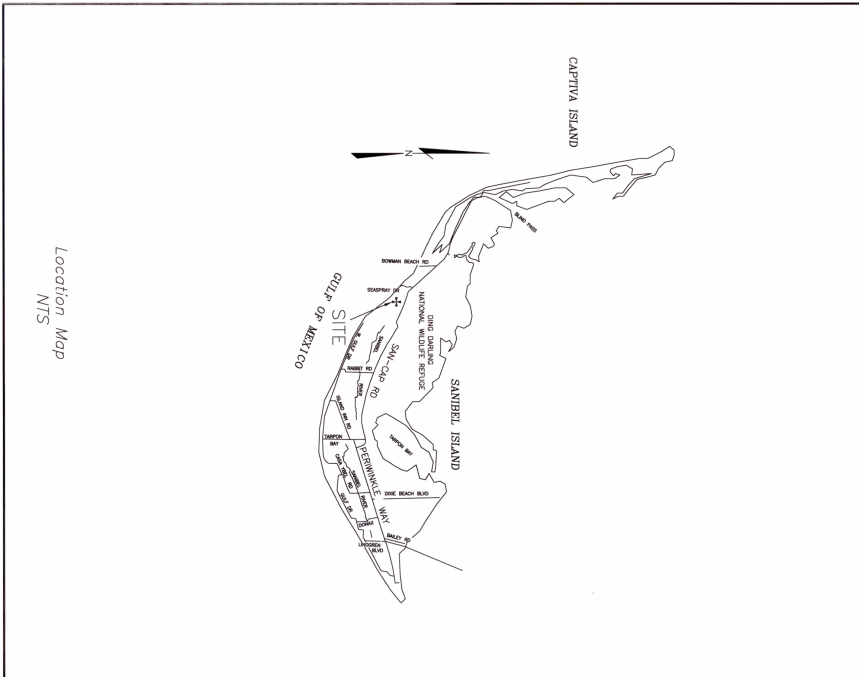
DATE: 7/28/17



SFWMD GeoSpatial Services

<p>Exhibit No: 1</p>	<p>Exhibit Created On: 2017-06-12</p>	<p>LEE COUNTY, FL</p>	<p> Application</p> <p>Application Number: 170609-14</p> 
<p style="text-align: center;">REGULATION DIVISION Project Name: CHATEAUX SUR MER ROAD IMPROVEMENTS</p>  <div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center;"> <p>0 2,950 5,900</p>  <p>Feet</p> </div> <div style="margin-left: 20px;"> <p>N</p>  </div> </div>			

Roadway Improvements
 Chateaux Sur Mer
 Section 19, Township 46 South, Range 22 East
 City of Sanibel, Lee County, Florida



Plan Index

Cover	1
Details - Sections	2
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Rue Belle Mer	4-8
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Rue Helene	12-13
Ruelle	14-15

Master Site Plan
 1"=approx 300'

Prepared for
 Chateaux Sur Mer Improvement Association
 P.O. Box 1282
 Sanibel, FL 33957

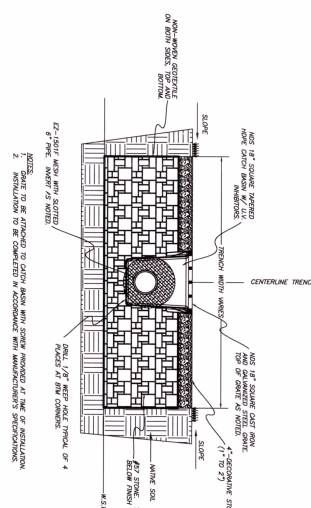
Prepared by
JAMES H. STROTHERS, PE
 Professional Engineer
 2459 Harbour Lane Sanibel, FL 33957
 239-581-1112

James H. Strothers, PE
 License No. 14532
 State of Florida
 7/20/2017

ORIGINAL SUBMITTAL
 JUL 20 2017
 LWC SERVICE CENTER

APPLICATION NUMBER
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FILE NO.
 17-0609-14



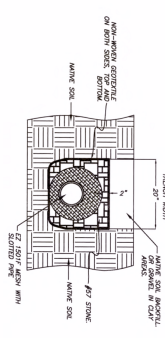
Typical Trench Section
N.T.S.

Inlet Schedule

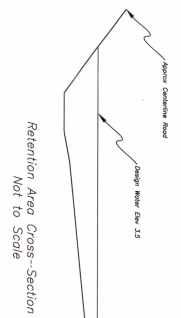
Inlet No.	Elevation	Inlet Height
1	Elev=3.30	Elev=1.75
2	Elev=3.30	Elev=1.75
3	Elev=3.30	Elev=1.75
4	Elev=3.30	Elev=1.75
5	Elev=3.30	Elev=1.75
6	Elev=3.40	Elev=1.75

Trench Schedule

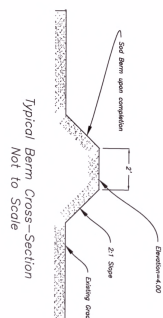
Trench	Length	Width	Inlet
A	24'	6"	Elev=1.50
B	24'	6"	Elev=1.20
C	24'	12"	Elev=1.20
D	50'	12"	Elev=1.20



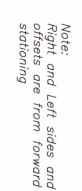
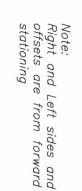
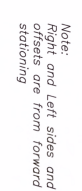
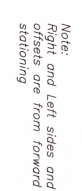
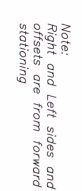
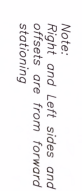
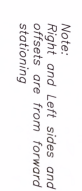
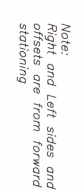
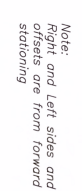
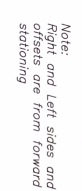
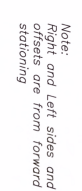
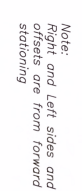
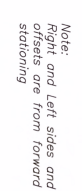
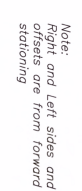
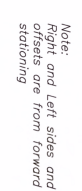
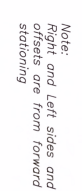
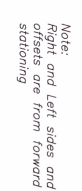
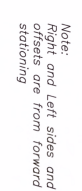
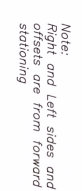
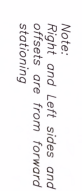
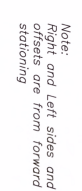
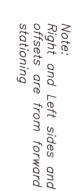
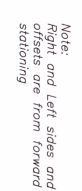
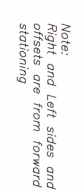
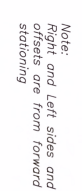
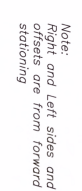
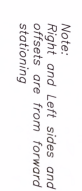
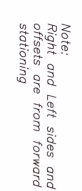
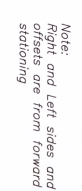
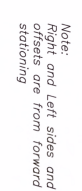
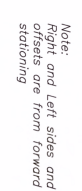
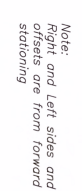
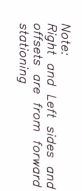
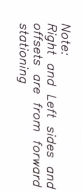
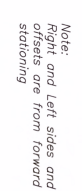
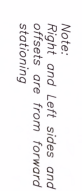
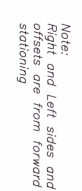
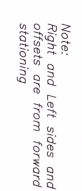
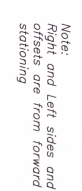
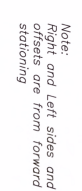
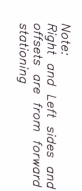
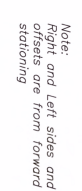
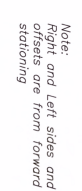
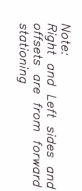
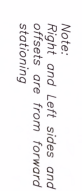
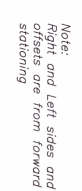
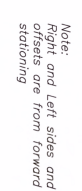
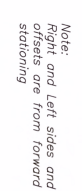
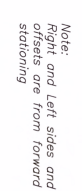
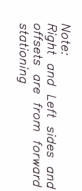
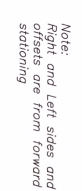
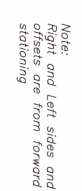
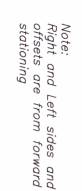
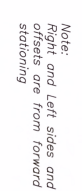
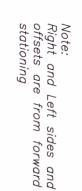
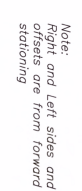
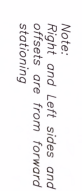
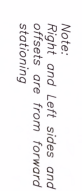
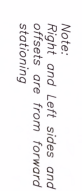
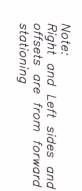
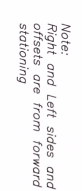
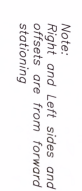
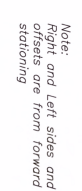
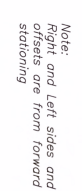
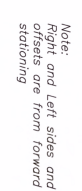
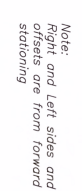
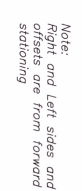
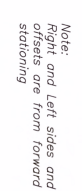
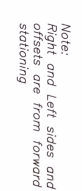
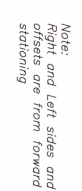
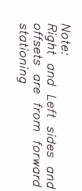
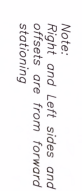
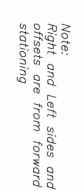
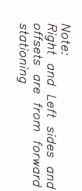
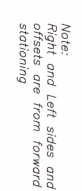
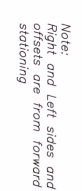
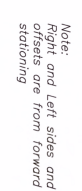
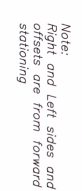
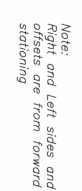
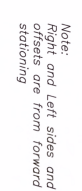
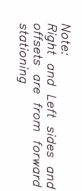
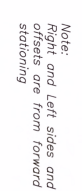
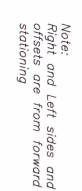
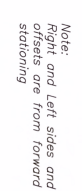
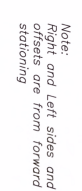
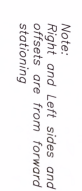
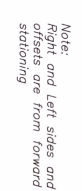
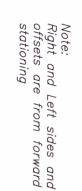
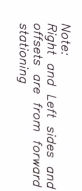
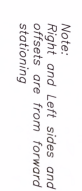
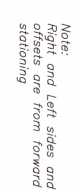
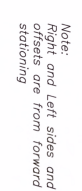
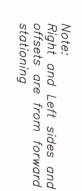
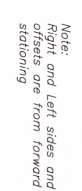
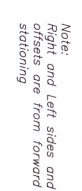
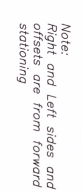
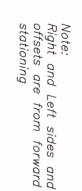
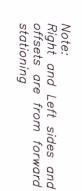
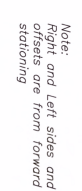
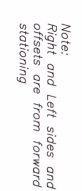
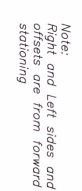
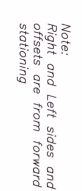
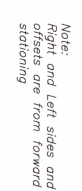
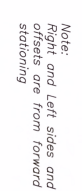
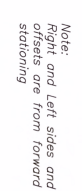
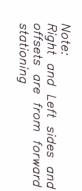
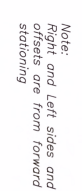
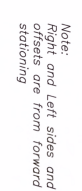
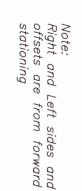
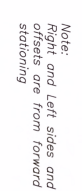
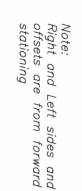
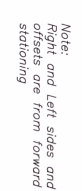
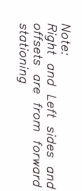
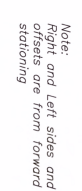
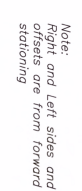
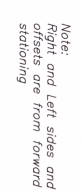
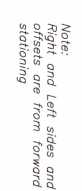
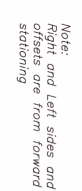
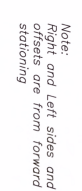
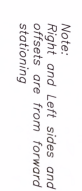
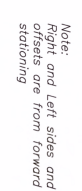
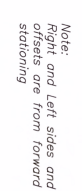
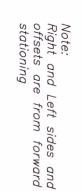
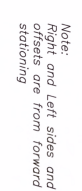
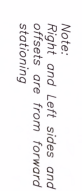
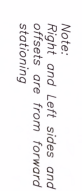
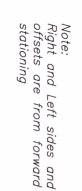
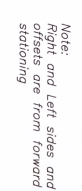
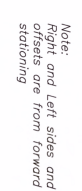
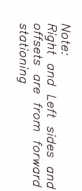
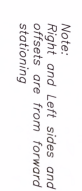
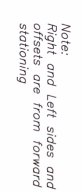
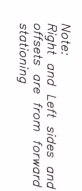
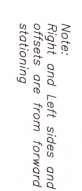
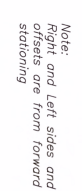
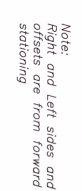
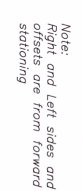
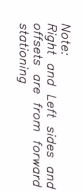
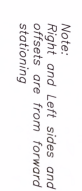
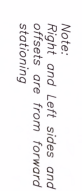
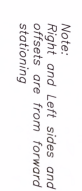
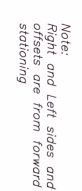
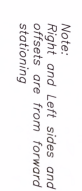
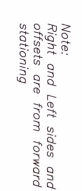
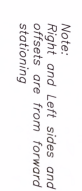
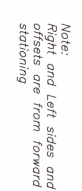
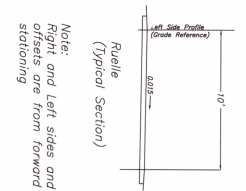
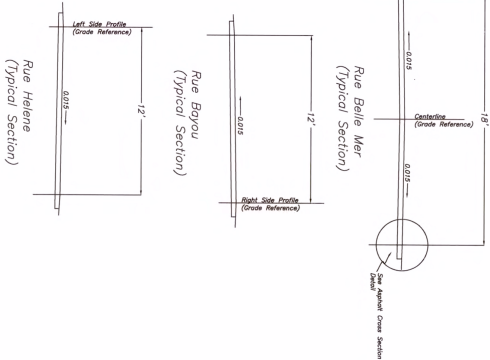
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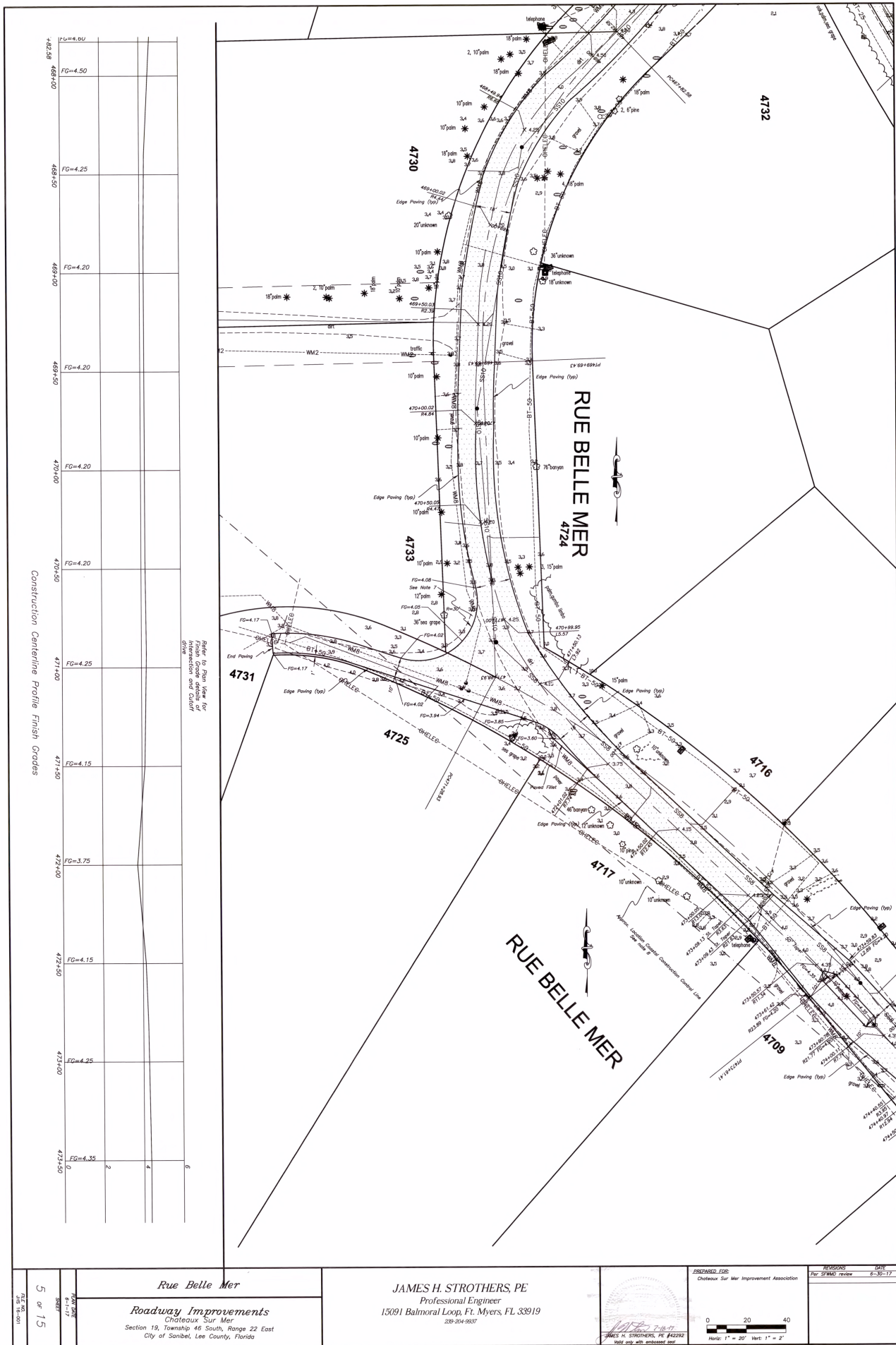


Retention Area Cross-Section
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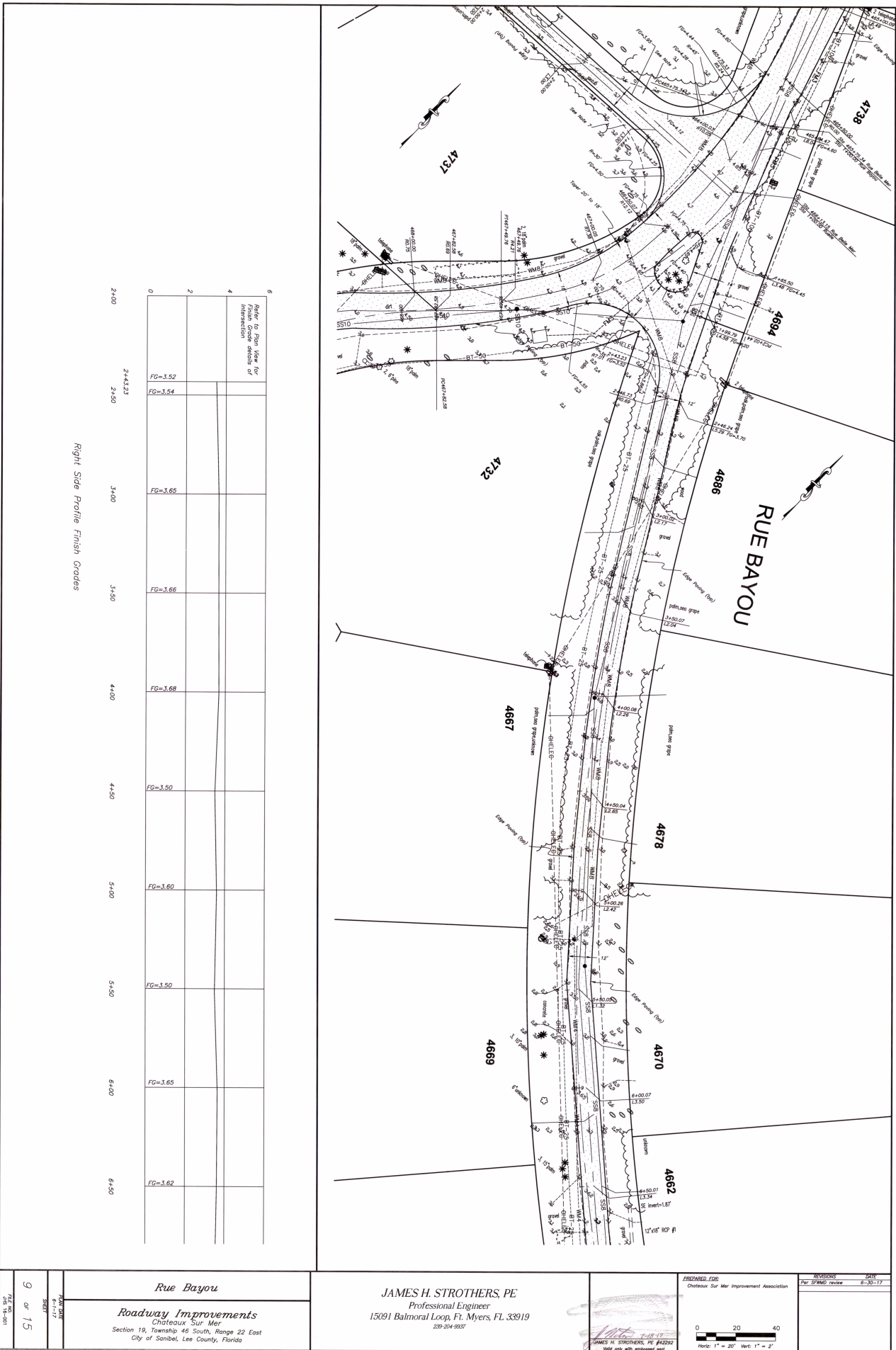


Typical Berm Cross-Section
Not to Scale





<p><i>Rue Belle Mer</i></p> <p>Roadway Improvements</p> <p>Château Sur Mer Section 19, Township 46 South, Range 22 East City of Sanibel, Lee County, Florida</p>	<p>JAMES H. STROTHERS, PE Professional Engineer 15091 Balmoral Loop, Ft. Myers, FL 33919 239-914-9937</p>		<p>PREPARED FOR Château Sur Mer Improvement Association</p> <p>DATE 6-30-17</p>	<p>REVISIONS</p> <p>NO. DATE</p> <p>1 6-30-17</p>
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Rue Bayou

Roadway Improvements
 Chateaux Sur Mer
 Section 19, Township 46 South, Range 22 East
 City of Sanibel, Lee County, Florida

JAMES H. STROTHERS, PE
 Professional Engineer
 15091 Balmoral Loop, Ft. Myers, FL 33919
 239-204-9837

PREPARED FOR:
 Chateaux Sur Mer Improvement Association

DATE:
 8-30-17

REVISIONS:
 Per SMMI review

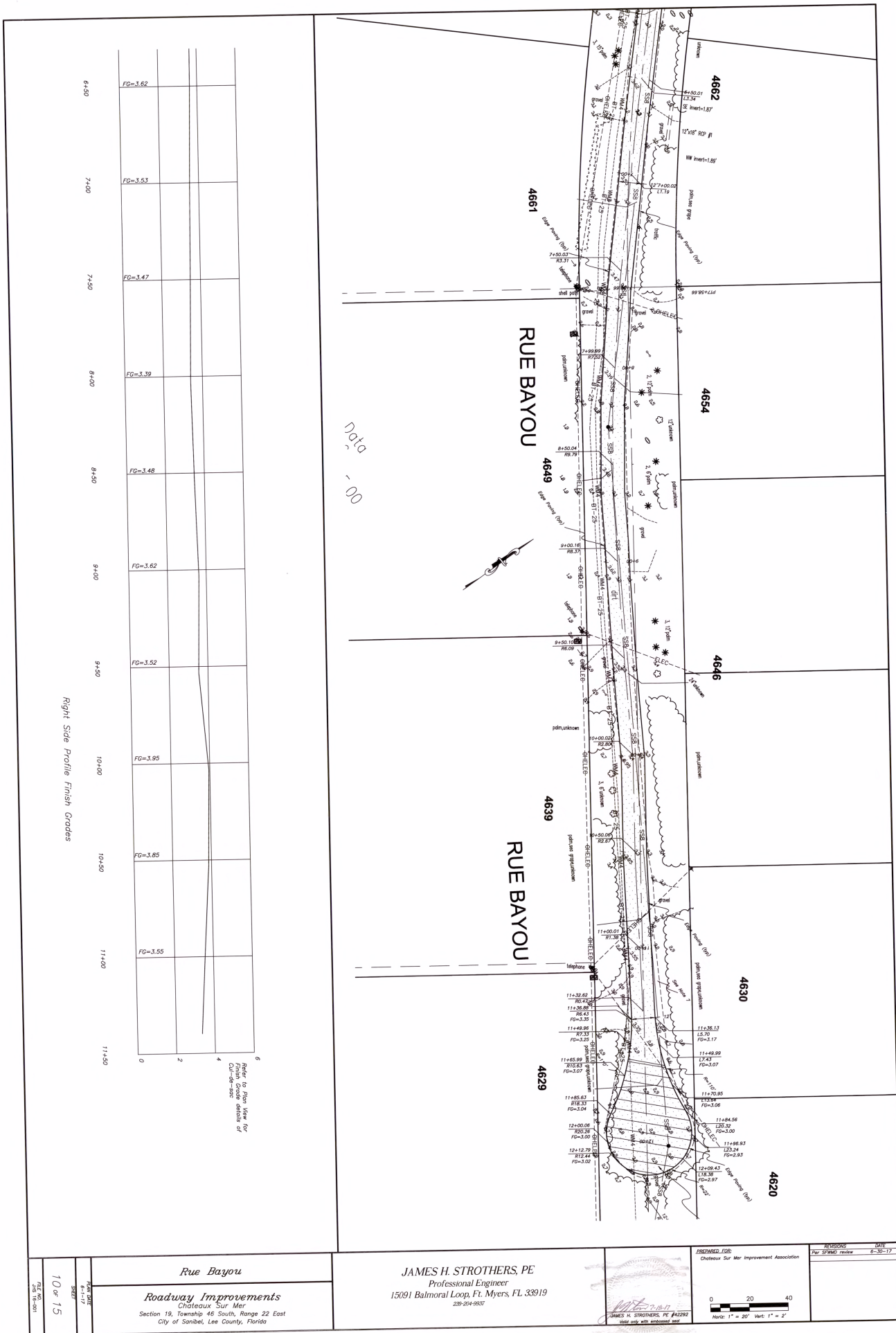
SCALE:
 1" = 20' (Plan)
 1" = 2' (Profile)

DATE:
 8-30-17

BY:
 JAMES H. STROTHERS, PE #42322

NOTED: with enclosed set

DATE: 8-30-17
 SHEET: 9 OF 15



Station	Finish Grade
6+50	FG=3.62
7+00	FG=3.53
7+50	FG=3.47
8+00	FG=3.39
8+50	FG=3.48
9+00	FG=3.62
9+50	FG=3.52
10+00	FG=3.95
10+50	FG=3.65
11+00	FG=3.55

Right Side Profile Finish Grades

Refer to plan view for
Finish Grade details or
Cut-off-sizes

Data - 00

Rue Bayou

Roadway Improvements
Chateaux Sur Mer
Section 19, Township 46 South, Range 22 East
City of Sanibel, Lee County, Florida

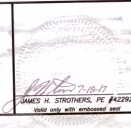
JAMES H. STROTHERS, PE
Professional Engineer
15091 Balmoral Loop, Ft. Myers, FL 33919
239-204-9937

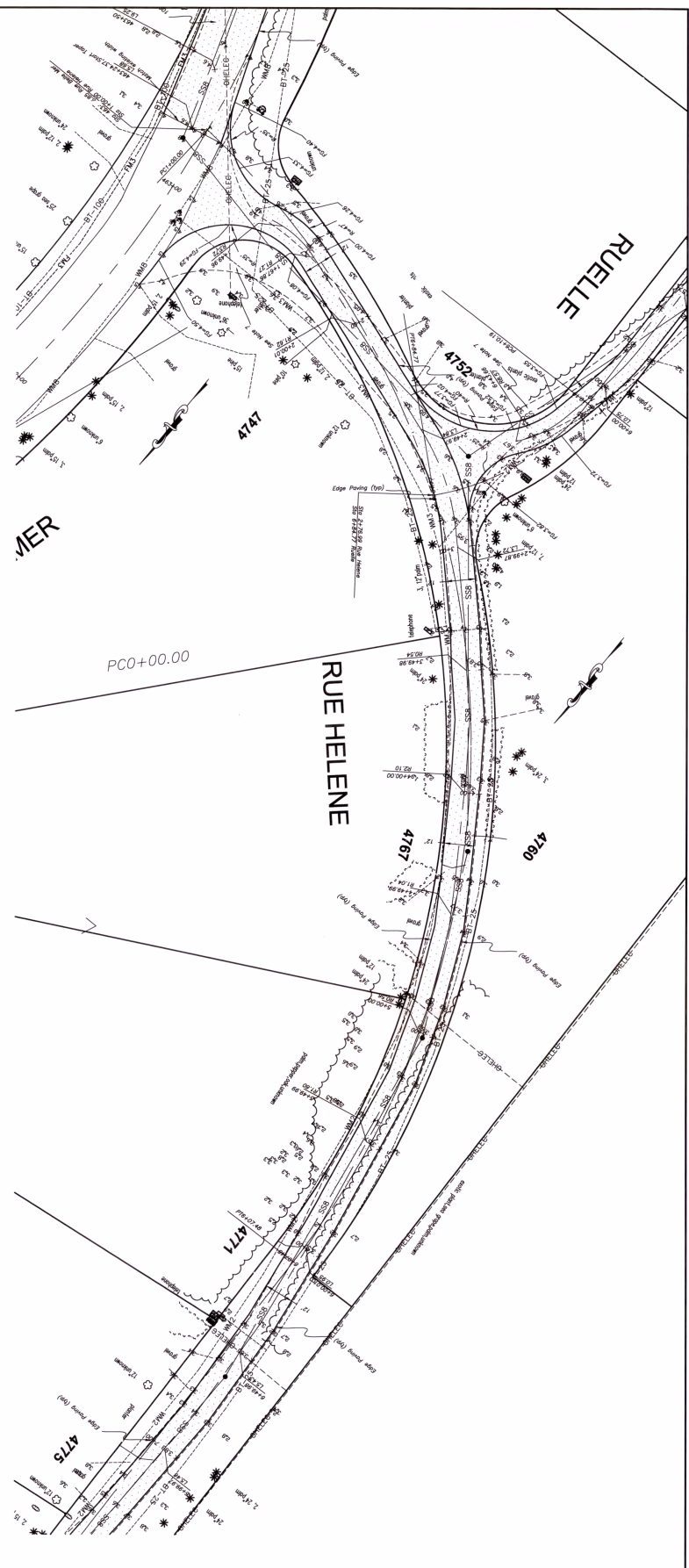
PREPARED FOR:
Chateaux Sur Mer Improvement Association

DATE:
6-30-17

REVISIONS:
Per SWMS review

0 20 40
Horizontal Scale: 1" = 30'
Vertical Scale: 1" = 2'



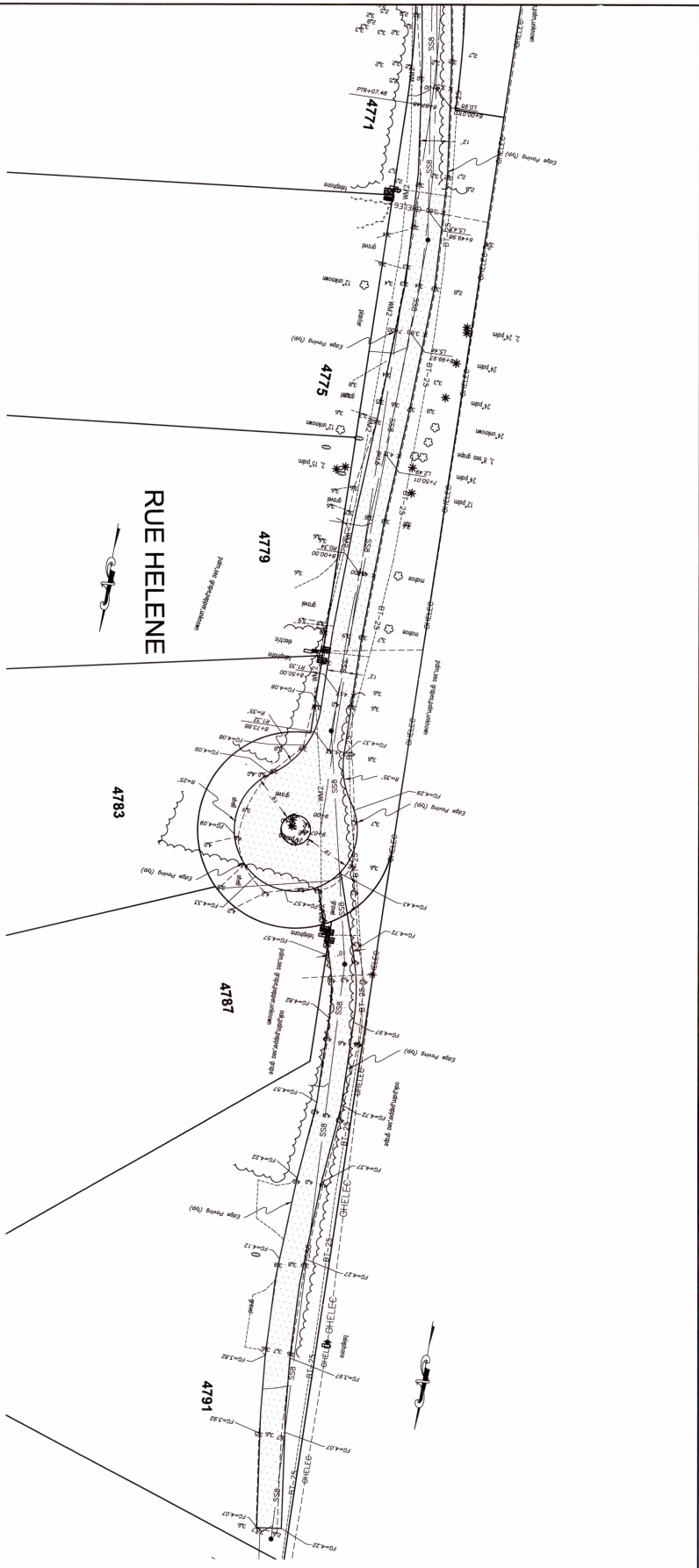


Refer to plan view for finish grade details of intersections

Station	Finish Grade (FG)
1+00	4.26
1+50	4.00
1+57.86	4.05
2+00	4.00
2+50	3.95
3+00	3.87
3+50	3.68
4+00	3.77
4+50	3.63
5+00	3.57
6+00	3.57
6+50	3.60

Left Side Profile Finish Grades

<p><i>Rue Helene</i></p> <p>Roadway Improvements Chateaux Sur Mer Section 19, Township 46 South, Range 22 East City of Sanibel, Lee County, Florida</p>	<p>JAMES H. STROTHERS, PE Professional Engineer 15091 Balmoral Loop, Ft. Myers, FL 33919 281-204-9537</p>		<p>DESIGNED FOR Chateaux Sur Mer Improvement Association</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>8-30-17</td> </tr> </tbody> </table>	NO.	DATE	1	8-30-17
			NO.	DATE				
1	8-30-17							
<p>12 of 15</p>	<p>0 20 40</p> <p>Horizontal: 1" = 20' Vertical: 1" = 2'</p>							



Station	Finish Grade
6+00	FG=3.57
6+50	FG=3.60
7+00	FG=3.83
7+50	FG=4.11
8+00	FG=4.17
8+50	FG=4.17
9+00	

Left Side Profile Finish Grades

Refer to plan view for Finish Grade details of driveway extensions

Rue Helene
Roadway Improvements
 Châteaux Sur Mer
 Section 19, Township 46 South, Range 22 East
 City of Sanibel, Lee County, Florida

JAMES H. STROTHERS, PE
 Professional Engineer
 15091 Balmoral Loop, Ft. Myers, FL 33919
 239-304-8807

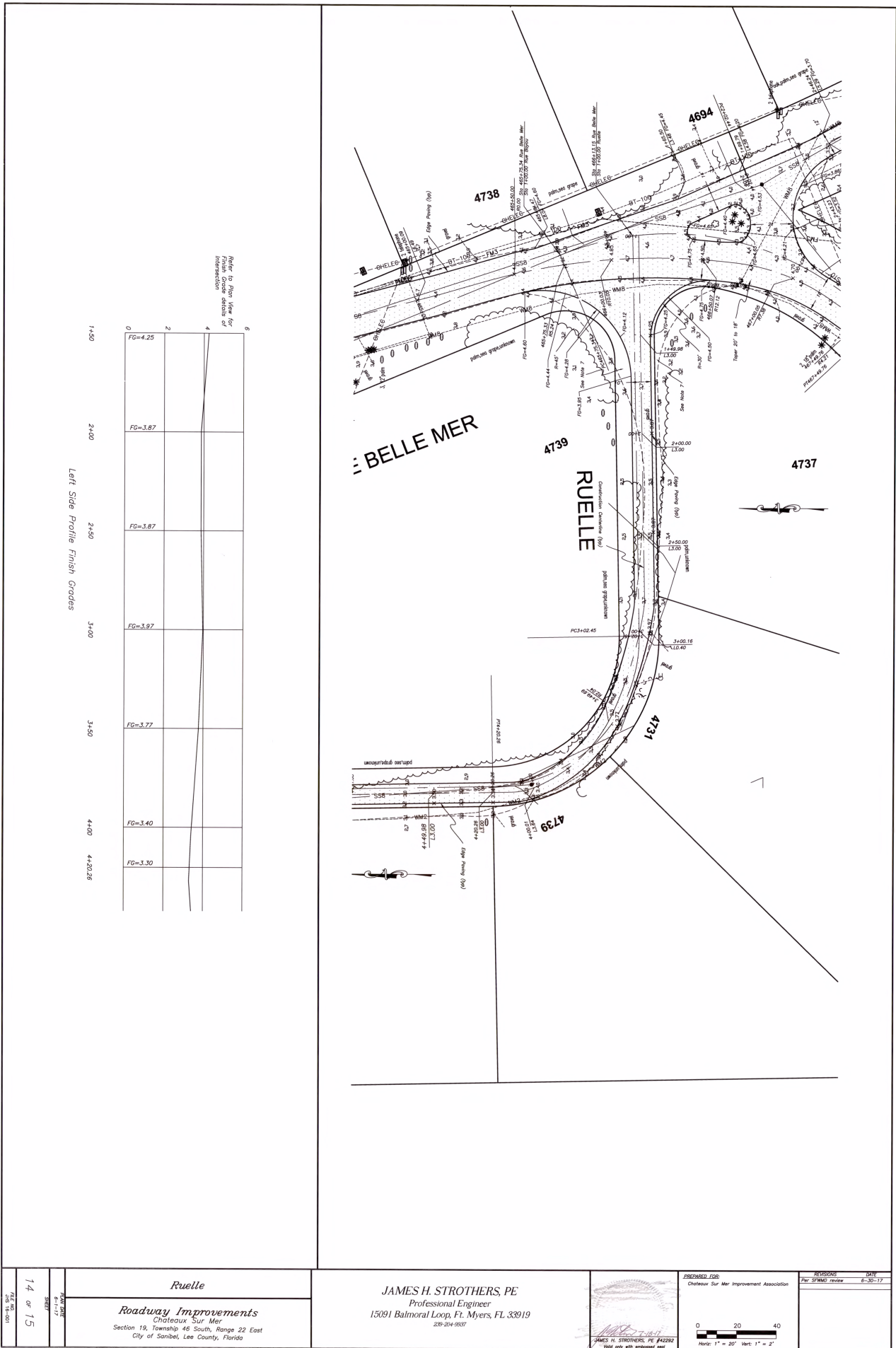
PREPARED FOR:
 Châteaux Sur Mer Improvement Association

DATE:
 6-30-17

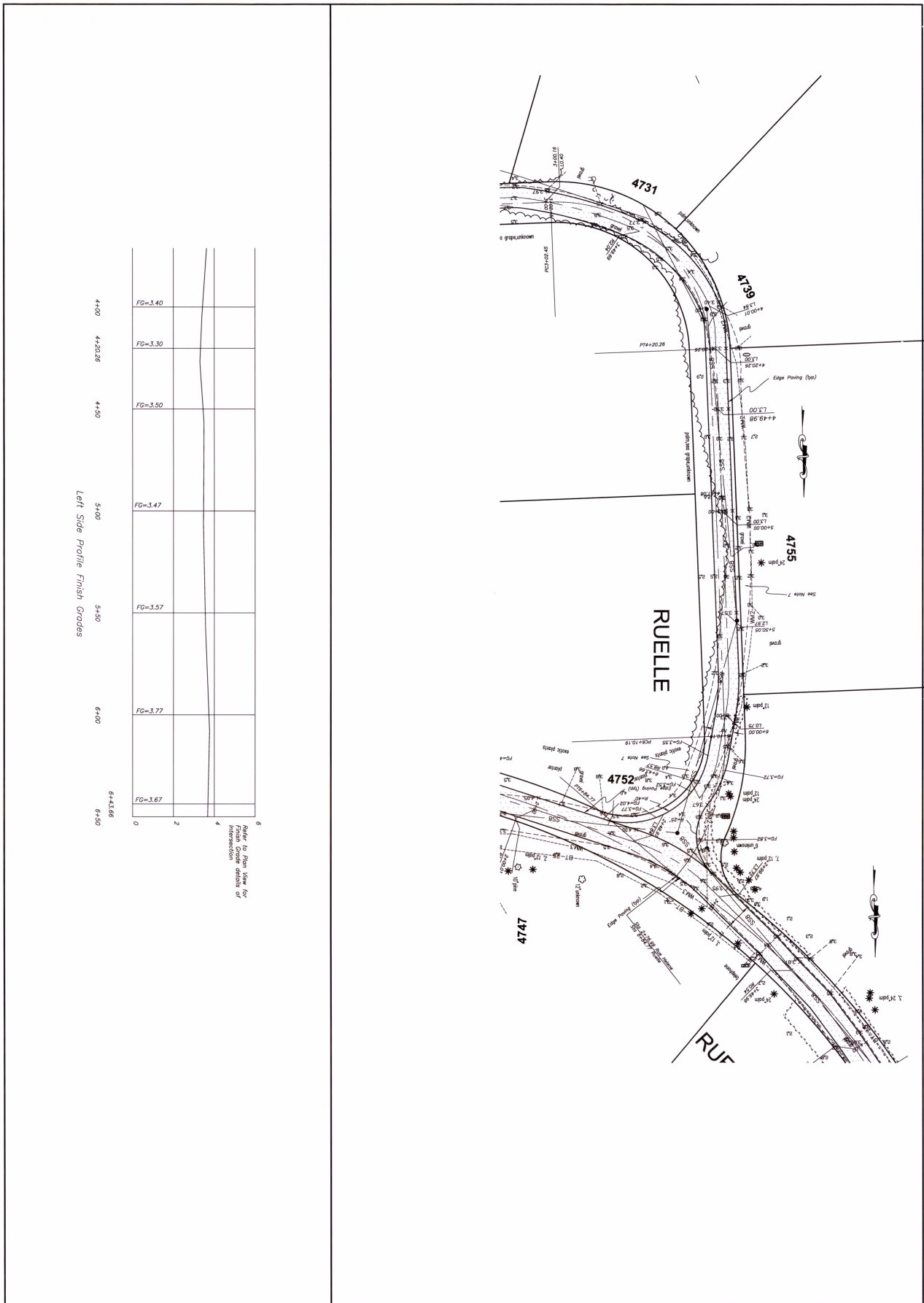
REVISIONS:
 Per SH&M review

Scale: 1" = 20' Vert. 1" = 2'

13 of 15



<p><i>Ruelle</i></p> <p>Roadway Improvements Chateaux Sur Mer Section 19, Township 46 South, Range 22 East City of Sanibel, Lee County, Florida</p>	<p>JAMES H. STROTHERS, PE Professional Engineer 15091 Balmoral Loop, Ft. Myers, FL 33919 239-204-9837</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>6-30-17</td> </tr> </tbody> </table>	NO.	DATE	1	6-30-17
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1	6-30-17						
<p>DATE: 06/15/2017</p> <p>SCALE: AS SHOWN</p> <p>14 OF 15</p>	<p>PREPARED FOR: Chateaux Sur Mer Improvement Association</p> <p>Per: SP/MSD review</p> <p>0 20 40 Feet: 1" = 20' Vert: 1" = 2'</p>						



Left Side Profile Finish Grades

Station	Finish Grade (FG)
4+00	FG=3.40
4+20.26	FG=3.30
4+50	FG=3.50
5+00	FG=3.47
5+50	FG=3.57
6+00	FG=3.77
6+43.68	FG=3.67
6+50	FG=3.67

Refer to plan view for
Finish Grade details of
intersection

<p>Ruelle</p> <p>Roadway Improvements Chateaux Sur Mer Section 19, Township 46 South, Range 22 East City of Sanibel, Lee County, Florida</p>	<p>JAMES H. STROTHERS, PE Professional Engineer 15091 Balmoral Loop, Ft. Myers, FL 33919 239-294-9807</p>	<p>PREPARED FOR Chateaux Sur Mer Improvement Association</p> <p>DATE 1-16-17</p> <p>JAMES H. STROTHERS, PE #42292 Title only with embossed seal</p>	<p>REVISIONS Per 3rd review</p> <p>DATE 6-30-17</p>	<p>0 20 40</p> <p>Horizontal: 1" = 20' Vertical: 1" = 2'</p>
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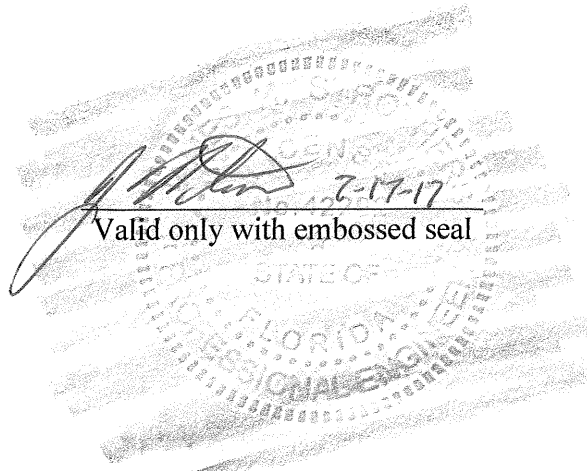
Stormwater Pollution Prevention Plan (SWPPP)

Chateaux Sur Mer Subdivision
City of Sanibel
Lee County, Florida

Prepared By
James H. Strothers, PE
FL. Lic #42292
15091 Balmoral Loop
Fort Myers, FL 33919

File: JHS 16-001

Date: July 14, 2017



Chateaux Sur Mer Subdivision

1 INTRODUCTION

This document provides details of the Stormwater Pollution Prevention Plan (SWPPP) for the Chateaux Sur Mer Road Improvement project. The plan discusses an evaluation of how and where pollutants may be generated and transported by stormwater. The plan also provides how stormwater runoff will be managed for the project.

2 SITE EVALUATION

The primary source of pollutants on this site are from the soil particulates of the existing dirt roads. These particulates are in the form of dust during dry periods. During rain events these particulates are transported by the stormwater from the roadway to the adjacent areas.

3 MANAGING STORMWATER RUNOFF

Due to the nature of this project there is very limited ability to manage the stormwater runoff from this site. This is an existing residential subdivision that does not provide areas for placement of any major retention areas. Runoff from the roadway must travel over improved lots prior to reaching the Bayou or canals within the subdivision. There are two exceptions to this.

There is direct runoff the open bodies of water along the entry road into the subdivision. The roadway in this area is already paved and is not part of this project. As there is no construction in this area no provisions are being made for stormwater management.

There is a small area which is owned by the Association that is adjacent to the roadway with access to the Bayou. This area will be used for limited stormwater management.

There are two private drain systems that discharge into the Bayou area of the project. Modifications to these drains will be made as an attempt to improve the quality of the discharge and provide for some retention and exfiltration.

4 EROSION AND SEDIMENTATION CONTROLS.

The primary measure to control the sediment in the stormwater runoff is the paving of the roadway surface. This will reduce most of the sediment that currently runs off the road during storms to a very small amount. After the paving of the roadway any sediment would be generated from dust etc. which may have accumulated on the paved surfaces.

As previously mentioned most of the roadway system is abutted by private improved lots. These lots act as a natural filter for the runoff prior to reaching the bodies of water. These lots are generally in excess of 100 feet in depth. This would allow for natural filtration of the sediment prior to reaching the water. As such no provision is made to control sediment in these areas. As the runoff in these areas is from sheet flow rather than concentrated flow there is no requirement to reduce the velocity that would cause erosion in these areas.

In addition several of the improved lots contain roadway swales and or small detention areas. These areas will continue to function as they currently do since the only improvement is paving the existing roadway with no changes to the surrounding areas.

The depth of the area owned by the Association previously mentioned is very small compared to the adjacent lots. This area is being improved to include both Erosion and Sediment control as well as providing provisions for stormwater management

The first step in the erosion control is the installation of filter fabric along the top of the bank of the Bayou during construction of the improvements.

For stormwater management exfiltration trenches are to be installed in combination with a berm to provide retention and exfiltration of the stormwater. These improvements are considered the best management practices (BMPs) to be used for this site.

The berm will be provided with an emergency spillway that will discharge the stormwater at an elevation set not to flood the roadway during a normal storm event. Since this spillway would be considered a concentrated flow it is provided with rip-rap to prevent erosion of the berm and surrounding area.

The two drain pipes in the two private drains are to be retrofitted to improve stormwater management. Portions of the pipes will be removed and replaced with EzFlow piping along with a stone lined trench. This would allow some runoff storage and exfiltration prior to reaching the discharge points.

5 MAINTENANCE AND INSPECTIONS

Existing Areas (Private lots)

Normal maintenance on the private lots will be performed by the home owner. This may be a private contractor hired to do the regular maintenance.

Short Term Construction

Maintenance of the filter fabric fence during construction shall be performed by the responsible contractor. The area should be inspected after each rain event to check for accumulated silt or damage to the fence. Any accumulated silt shall be removed from the area. Damage to the filter fence shall be repaired as necessary. Upon complete stabilization of the area after installation of the improvements the filter fence shall be removed.

Long Term Maintenance

Maintenance on the improvements located on the Association property will be performed by the contractor hired by the Association that performs other work on Association property.

The retention area shall be inspected after each rain event. Any accumulated debris shall be removed for the area and properly disposed of. The inlets for the exfiltration trenches shall be inspected for debris. If debris has accumulated in the inlet sump it shall be removed prior to reaching the level of the piping system.

The contractor shall provide records to the Association indicated the time and type of work performed on this area.

Retrofitted Drains

The retrofitted drainage system is the responsibility of the Association. The maintenance will be performed by the contractor hired to maintain other Association property. The system should be checked after each rain event and cleaned as necessary.

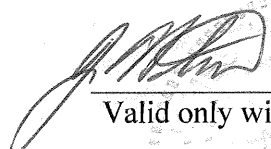
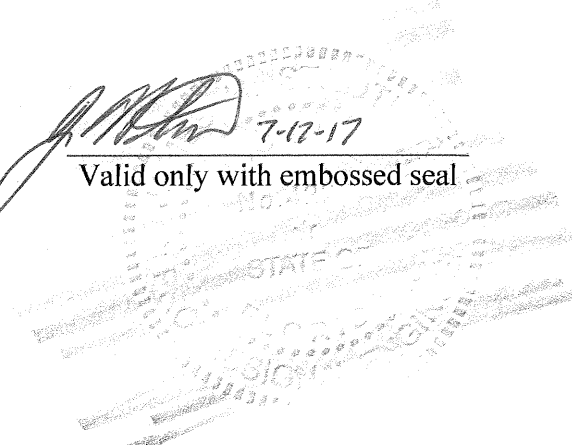
Urban Stormwater Management Program

Chateaux Sur Mer Subdivision
City of Sanibel
Lee County, Florida

Prepared By
James H. Strothers, PE
FL. Lic #42292
15091 Balmoral Loop
Fort Myers, FL 33919

File: JHS 16-001

Date: July 14, 2017


7-12-17
Valid only with embossed seal


Chateaux Sur Mer Subdivision

1.0 INTRODUCTION

This document provides details of the Urban Stormwater Management Program for the Chateaux Sur Mer Road Improvement project. The project is located in the City of Sanibel, Lee County. This plan discusses non-structural controls, intended to improve the quality of stormwater runoff by reducing the generation and accumulation of potential stormwater runoff contaminants at or near the respective sources for each constituent, along with significant structural components of the primary stormwater treatment system. Although many of the methodologies and procedures outlined in this document are general Best Management Practices (BMP's) which can be useful in attenuating pollutants in many types of urbanized settings, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of the Chateaux Sur Mer Subdivision and the surrounding hydrologic features.

Pollution prevention guidelines are provided for the areas of (1) nutrient and pesticide management; (2) street sweeping; (3) solid waste management; (4) operation and maintenance of the stormwater management; and treatment system; (5) construction activities. A discussion of each of these activities is given in the following sections.

2.0 NUTRIENT AND PESTICIDE MANAGEMENT

Nutrient and pesticide management consists of a series of practices designed to manage the use of fertilizers and pesticides so as to minimize loss of these compounds into stormwater runoff and the resulting water quality impacts on adjacent waterbodies. Implementation of a management plan will also maximize the effectiveness of the nutrients and pesticides that are applied.

Each homeowner must commit themselves to the practice of responsible and careful landscape design and maintenance of each lot to prevent contamination of surface water. The guidelines included in this section are intended to help homeowners make educated environmental choices regarding the maintenance of individual yards within the community. These maintenance and management guidelines are meant to promote an attractive neighborhood that preserves the health of adjacent waterways and environmental features.

2.1 GENERAL REQUIREMENTS

Commercial applicators of chemical lawn products must register with the City of Sanibel as set forth in the City Code of Ordinances, Article VI, Section 30-141 through 150. Any person desiring the commercial fertilizer applicator endorsement must possess a current City of Sanibel Vegetation Certificate of Competency, or be exempt as set forth in the Ordinance. A completed copy of the Ordinance is attached as Appendix A for reference.

Only registered commercial applicators and individual lot owners are permitted to apply chemicals within the property on a private lot. All chemical products must be used in accordance with the manufacturer's recommendations. The application of any chemical product within twenty-five (25) feet of any surface water including but not limited to ponds, lakes, drainage, ditches or canals, is prohibited per Sanibel Code. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into surface water is prohibited. This rule shall not apply to the use of chemical agents, by certified lake management specialists, for the control of algae and vegetation within the stormwater lakes and ponds.

2.2 NUTRIENT MANAGEMENT PROGRAM

Management and application of nutrients and fertilizers in Chateaux Sur Mer Subdivision will adhere to the guidelines provided in the City of Sanibel Ordinance.

2.3 PEST MANAGEMENT PROGRAM

Proper maintenance of plants and turf area will minimize the ability of pests to successfully attack landscaping. Several general guidelines follow:

- A. Apply fertilizer and water only when needed and in moderate amounts. Excessive amounts of either can cause rapid growth that is attractive to insects and disease.
- B. Mow St. Augustine grass to a height of 3-4 inches. If cut shorter, the plants may become stressed and more vulnerable to pest infestation. Each mowing should remove more than one-third of the leaf blade, and those cuttings should remain on the lawn to decompose.
- C. It is recommended that the pesticides, fungicides, and herbicides be used only in response to a specific problem and in the manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides and herbicides as a preventative measure is strongly discouraged.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria.

- A. Must be consistent with the USDA-NRCS Soil Rating for the Selecting Pesticides.
- B. Must have the minimum potential for leaching into groundwater or loss from runoff.
- C. Products must be EPA-approved.
- D. The half-life of products used shall not exceed seventy (70) days.

3.0 STREET SWEEPING

This practice involves sweeping and vacuuming the primary streets to remove dry weather accumulation of pollutants, especially particulate matter, before wash - off of these pollutants can occur during a storm event. This practice reduces the potential for pollution impacts on receiving waterbodies by removing particulate matter and associated chemical constituents. Although street cleaning operations are frequently conducted primarily for aesthetic purposes, the primary objective of the street sweeping program for Chateaux Sur Mer is to improve the quality of stormwater runoff generated from impervious traffic areas. Street sweeping activities can be particularly effective during periods of high leaf fall by removing solid leaf material and the associated nutrient loadings from roadside areas where they could easily become transported within storm flow.

Street sweeping operations will be performed in Chateaux Sur Mer when it has been found sufficient particulates have accumulated to impact the quality of the runoff. At a minimum this event shall be performed once a year. A licensed vendor using a vacuum - type sweeping device will perform all street sweeping activities. Sweeping activities during each event will include all primary street surfaces. Disposal of the collected solid residual will be the responsibility of the street sweeping vendor.

4.0 SOLID WASTE MANAGEMENT

In general, solid waste management involves issues related to the management and handling of urban refuse, litter and leaves that will minimize the impact of these constituents as water pollutants.

Maintenance of adequate sanitary facilities for temporarily storing refuse on private premises prior to collection is considered the responsibility of the individual homeowner. Local requirements for refuse collection will be brought to the attention of every homeowner at closing for the sale of property. Information will be distributed as necessary stating specifications for containers, separation of waste issues by type, where to place containers prior to collection, and established collection schedules.

Fallen tree leaves and other vegetation, along with grass clippings, may become direct water pollutants when they are allowed to accumulate in swales and street gutters. All homeowners will receive periodic

educational materials that address proper disposal of leaves and other vegetation to minimize water quality impacts

5.0 STORMWATER MANAGEMENT AND TREATMENT SYSTEM

The stormwater management system for Chateaux Sur Mer is designed to maximize the attenuation of stormwater-generated pollutants prior to discharge to the existing waterways. Operational details and maintenance requirements of the various system components are given in the following sections.

5.1 SWALES AND GRASSED WATER STORAGE AREAS

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be regraded and/or revegetated. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

Regular mowing of grass swales is essential. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. Remove any undesirable exotic vegetation. Culverts underneath driveways should be checked for blockage, and, if necessary, flushed with a high pressure hose. After a storm, swales may remain wet for an extended period of time. This is normal and the water will recede gradually.

Maintenance of the existing swales and storage areas on private property shall be the responsibility of the respective lot owner. Maintenance of the retention area on the Association property will be performed by the Contractor responsible of maintaining other Association owned areas.

5.2 EXFILTRATION TRENCHES

Routinely inspect the trench inlets to identify accumulated debris. If debris is noticed it shall be removed and properly disposed of.

The system inlet sumps shall be routinely inspected for sediment. If upon visual inspection it is found that sediment has accumulated to an average depth exceeding 3" cleanout is required. If upon the visual inspection it is found that sediment has entered the distribution pipe the sediment shall be removed using the JetVac process or other approved similar procedure.

5.3 EARTHEN EMBANKMENTS (BERMS)

Check for proper elevations, width and stabilization. Worn down berms - especially if maintained with mowing equipment and rainfall created washouts should be immediately repaired, compacted and re-vegetated.

5.4 OUTFALL STRUCTURE (SPILLWAY)

The outfall structure should be routinely inspected to determine if any obstructions are present or repairs are needed. Trash or vegetation impeding water flow through the structure should be removed. Elevations and dimensions should be verified annually with all current permit information. Periodic inspections should then be regularly conducted to make sure this structure maintains the proper water levels and the ability to discharge.

5.5 PRIVATE RETROFITTED DRAINS

Maintenance of these drains are the responsibility of the Association. The grates should be unobstructed and the inlet should be clean. Check for any accumulation of sediment, such as garbage bags, or debris in the piping connecting these inlets. Flushing with a high-pressure hose may clean out some sediment. Any noted blockage (due to a possible obstruction, or broken pipe, etc.) should prompt further investigation. Crushed or corroded culverts should be replaced with new ones of the same size.

6.0 CONSTRUCTION ACTIVITIES

A Stormwater Pollution Prevention Plan (SWPPP) had been prepared for construction activities to minimize contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, and maintenance and inspection procedures. A copy of the SWPPP is attached hereto and made a part of hereof.

APPENDIX A

ARTICLE VI. - USE OF FERTILIZERS[5]

Footnotes:

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Editor's note— Ord. no. 07-003, §§ 2—11, adopted March 6, 2007, was not specifically amendatory of the Code and has been included as art. VI, §§ 30-141—30-151 at the discretion of the editor.

Sec. 30-141. - Purpose and intent.

The purpose and intent of this article is to provide for the regulation of fertilizers containing nitrogen and/or phosphorus and to provide specific management guidelines for fertilization in order to minimize the negative environmental effects said fertilizers have in and on Sanibel's lakes, canals, estuaries, interior freshwater wetlands, the Sanibel River and nearshore waters of the Gulf of Mexico. Collectively these waterbodies are a natural asset, which are critical to the environmental, recreational, cultural and economic well being of Sanibel and the surrounding areas and contribute to the general health and welfare of the public. Recent red tide blooms, accumulation of red drift algae on local beaches, and freshwater releases from the Caloosahatchee River and Lake Okeechobee have heightened community concerns about water quality and eutrophication of surrounding waters. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, entering the waterbodies in and around Sanibel is a crucial step towards improving and maintaining water and habitat quality.

(Ord. No. 07-003, § 2, 3-6-2007)

Sec. 30-142. - Definitions.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicator means any person who applies, in any manner, fertilizer to turf and/or landscape plants as defined in this article within the City of Sanibel.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in the City of Sanibel in exchange for money, goods, services or other valuable consideration.

Fertilize, fertilizing, or fertilization means the act of applying fertilizer to a lawn (turf), specialized turf, or landscape plant.

Fertilizer means any substance that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Institutional applicator means any person, other than a non-commercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape plant means any native or exotic tree, palm, shrub, or groundcover (excluding turf).

Non-commercial fertilizer applicator means any person other than a commercial fertilizer applicator or institutional applicator who applies fertilizer on turf and/or landscape plants in the City of Sanibel, such as an individual owner of a single-family residential unit.

Person means any natural person and shall also mean any business, corporation, association, club, organization, and/or any group of people acting as an organized entity.

Slow release, controlled release, timed release, slowly available, or water insoluble nitrogen means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference "rapid release nitrogen" product. Forms of slow release, controlled release, slowly available, or water insoluble nitrogen include:

- (1) Isobutylidene diurea (IBDU)
- (2) Resin, polymer, or sulphur [sulphur] coated urea
- (3) Biosolids or residuals from domestic wastewater treatment
- (4) Ureaformaldehyde
- (5) Composted animal manure
- (6) Others as may be designated in writing by the city manager

Specialized turf manager means a person responsible for fertilizing or directing the fertilization of a golf course or publicly-owned ball field.

Turf means a piece of grass-covered soil held together by the roots of the grass; sod; lawn.

(Ord. No. 07-003, § 3, 3-6-2007)

Sec. 30-143. - Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer within the City of Sanibel, unless such applicator is specifically exempted or excepted by the terms of this article from the regulatory provisions of this article.

(Ord. No. 07-003, § 4, 3-6-2007)

Sec. 30-144. - Timing of fertilizer application; content and application rate; impervious surfaces; buffer zones.

(a) Timing of application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the "rainy season" (defined as July 1 through September 30 of each calendar year).

(b) Fertilizer content and application rate.

(1) No fertilizer shall be applied to turf and/or landscape plants within the City of Sanibel that contains more than two percent phosphorous or other compounds containing phosphorous, such as phosphate, per guaranteed analysis label (as guaranteed analysis and label are defined by F.S. ch. 576, such definition incorporated herein). The use of no-phosphorus-fertilizer is strongly encouraged, as Florida soils typically contain sufficient phosphorus for a healthy native or man made landscape.

(2) Fertilizer applied to turf and/or landscape plants within the City of Sanibel must contain no more than 20 percent total nitrogen, with at least 50 percent of the total nitrogen as slow release nitrogen per guaranteed analysis label (as guaranteed analysis and label are defined by F.S. ch. 576, such definition incorporated herein).

(3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary without exceeding the maximum weight per application. Fertilizer shall not be applied at a rate greater than one pound of nitrogen per 1,000 square feet per application. No more than four pounds of nitrogen per 1,000 square feet shall be applied to any turf/landscape area in any calendar year.

The above provisions are also applicable to and regulate the application of pesticide/fertilizer mixtures, including, but not limited to, "weed and feed" products.

(c) Total yearly applications. While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than six times during any one calendar year to a single area.

(d) Impervious surface. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(e) Buffer zones. No fertilizer shall be applied within 25 feet of any pond, stream, water course, lake or canal, retention area, drain or drainage ditch, or in any designated wetland or within 25 feet of any wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, F.A.C. defines Florida Wetland as "Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils").

(f) Mechanical application. Spreader deflector shields are required when fertilizing by use of any broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces and waterbodies, including wetlands.

(Ord. No. 07-003, § 5, 3-6-2007; Ord. No. 07-012, § 1, 9-18-07)

Sec. 30-145. - Exemptions.

(a) The timing of applications, fertilizer content, application rate provisions and other provisions set forth above in subsections 30-144(a)—(c) of this article shall not apply to:

(1) Newly established turf and/or landscape plants for the first 60 days during and/or after installation or planting, provided documentation for newly established turf and/or landscape plants is maintained to support this exemption;

(2) Damaged turf and/or landscape plants for a period of 60 days and only on the damaged areas, provided documentation for damaged turf and/or landscape plants is maintained to support this exemption;

(3) Areas where soil tests confirm, and such tests are confirmed and approved by the natural resources director or designee, that phosphorous levels are below ten parts per million. This is equivalent to a "very low" designation for phosphorus set forth in UF/IFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual (Circular 1248, September 2002).

(4) Vegetable gardens, provided they are not within 25 feet of any waterbody and/or wetland;

(5) Yard waste compost, mulches, or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil; and/or

(6) Reclaimed water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus), provided it is not used within 25 feet of any waterbody and/or wetland.

(b) For all golf courses, the provisions of the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses," (January 2007), as updated, shall be followed when applying fertilizer to golf course practice and play areas. This document can be accessed on-line on the Florida Department of Environmental Protection website at <http://www.dep.state.fl.us>. All other specialized turf managers shall use their best professional judgment to apply the concepts and principles embodied in the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002" while maintaining the health and function of their specialized turf areas.

(Ord. No. 07-003, § 6, 3-6-2007)

Sec. 30-146. - Soil tests information.

Soil tests may be obtained from the UF/IFAS Extension Soil Testing Laboratory or other qualified or recognized authority in the area of soil analysis pre-approved by the City of Sanibel. The UF/IFAS Extension Soil Testing Laboratory in Gainesville offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden Producer Test" is recommended for both private and commercial clients fertilizing plants in the landscape, primarily home horticulture. A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the UF/IFAS Extension Soil Testing Laboratory can be obtained free of charge from the Lee County Cooperative Extension Service Office, 3406 Palm Beach Blvd., Fort Myers, FL, 33916 (239-461-7500). As of January 2007, the cost for the Soil Fertility Test (Test B) is \$7.00 per sample. A PDF version of the Landscape and Vegetable Garden Test Submission Form can be obtained at <http://soilslab.ifas.ufl.edu/pdf%20files/SS18700.pdf> or from the city's department of natural resources.

(Ord. No. 07-003, § 7, 3-6-2007)

Sec. 30-147. - Licensing of commercial and institutional applicators.

(a) In addition to any current or future training or education requirements mandated by the State of Florida and/or Lee County, no commercial fertilizer applicator or institutional applicator shall apply fertilizer without first obtaining a vegetation certificate of competency (hereinafter "certificate holder") from the City of Sanibel as defined by the Sanibel Land Development Code Section[s] 14-146, 14-147 with a "commercial fertilizer applicator" endorsement. In accordance with section 14-147 of the Sanibel Code, "persons working as employees and under the direct supervision of vegetation contractors who hold a current vegetation certificate of competency shall be exempt", provided that such vegetation contractor is a certificate holder with a valid commercial fertilizer endorsement.

Any person desiring the commercial fertilizer applicator endorsement must possess a current City of Sanibel Vegetation Certificate of Competency, or be exempt as set forth above, and:

(1) Shall score 90 percent or higher on the Sanibel "Fertilizer Ordinance" section of the Vegetation Contractor Certification Exam.

(b) Upon compliance with the requirements set forth above in this section, and payment of any application fee established by the city, the applicant shall be issued a commercial fertilizer applicator endorsement. Thereafter, as continuing conditions and requirements of such commercial fertilizer applicator endorsement, such person, as the certificate holder, and all persons working or providing services under the authority granted to such certificate holder:

(1) Shall apply fertilizer to turf and/or landscape plants in accordance with all provisions of this article.

(2) Shall be responsible for maintaining a record of the pounds of nitrogen, expressed as pounds per 1,000 square feet of land, applied to each site by the certificate holder during the year. If applying fertilizer in accordance with subsection 30-145(a)(1) and/or (2), the certificate holder shall also maintain documentation to support said exemption(s). If applying fertilizer in accordance with subsection 30-145(a)(3), the certificate holder shall also possess a record of the soil test indicating the amount of phosphorus present and a copy of the approved administrative variance (section 30-149). Said records shall be kept in the certificate holder's possession or vehicle(s) and available for inspection by city staff during all business hours or while the certificate holder is at a customer's site.

(3) Shall permit the City of Sanibel to obtain a sample of any fertilizer applied or to be applied within the city. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by this article, enforcement action may be taken in accordance with section 30-150 of this article, and the cost of analyzing fertilizer samples taken from commercial fertilizer applicators or institutional applicators shall be reimbursed by said applicator to the city within 30 days after invoicing.

(4) Shall provide an "approved" Surface and groundwater protection brochure to all of certificate holder's customers within the city at the time of their first treatment after October 1 each year. Such brochures shall be developed, produced at the city's cost and issued to certificate holders by city department of natural resources staff.

(5) A certificate holder with a commercial fertilizer applicator endorsement shall be on-site at all times when fertilizers are being applied.

After the initial commercial fertilizer applicator endorsement is received, renewal of the commercial fertilizer applicator endorsement will coincide with the renewal schedule for the vegetation certificate of competency. (Section 14-147, Sanibel Code). Failure of a certificate holder to comply with the provisions of this article shall constitute grounds to suspend a vegetation certificate of competency, or to deny renewal of such certificate or a commercial fertilizer endorsement.

Within 90 days after the effective date of this article, the City of Sanibel Department of Natural Resources Staff or one or more members of the city's vegetation committee will offer bi-weekly "Fertilizer Ordinance Only" courses to all current vegetation competency certificate holders wishing to obtain the commercial fertilizer applicator endorsement. Vegetation competency certificate holders who do not participate in one of the "Fertilizer Ordinance Only" classes within 180 days after the effective date of this article (i.e., prior to such separate classes terminating) may obtain the commercial fertilizer applicator endorsement only by completing the entire vegetation certificate of competency course, which shall thereafter incorporate such fertilizer classes within the vegetation certificate of competency course.

(Ord. No. 07-003; § 8; 3-6-2007)

Sec. 30-148. - Sale of fertilizer.

(a) Retail businesses within the City of Sanibel selling fertilizer shall post a notice in a conspicuous location near the fertilizer notifying customers of the limitation on the use of Fertilizer containing greater than two ordinance phosphorus, and/or greater than 20 percent total nitrogen with at least 50 percent minimum slow release nitrogen requirement in the City of Sanibel. Such notices shall be developed, produced at the city's cost, and issued by the city to such retail businesses for posting.

(b) Retail businesses within the city shall provide a city-approved surface and groundwater protection brochure to all customers purchasing fertilizer products. Such brochures shall be developed and produced at the city's cost, and issued by the city to such retail businesses for distribution.

(Ord. No. 07-003, § 9, 3-6-2007; Ord. No. 07-012, § 2, 9-18-07)

Sec. 30-149. - Administrative relief.

(a) Any applicator of fertilizer regulated by the provisions of this article shall be authorized to apply for an administrative variance from the director, or designee, of the department of natural resources upon a written showing, found by the director, or designee, to be factually supported, that:

(1) As a result of soil content at the point of the proposed application or for other geographical, environmental or geological reasons or other circumstances, such person should not be required to adhere to the strict provisions of this article; and/or

(2) Such person is able and willing to use a less strict application method or alternative materials or methods as required by the director, or designee;

(b) Such administrative relief deemed appropriate shall be granted in writing specifically setting forth the party entitled to the administrative relief, the location or locations to which the relief applies, the length of time granted for such relief and any specific conditions of the director, or designee, applicable to such relief.

(c) In the event that administrative relief is denied in whole or in part to an applicant for such relief, an appeal may be taken to the Sanibel City Manager, or designee, who shall provide basic due process to the applicant and the director, or designee, which shall include the acceptance and review of supporting documentation of all arguments, a right to a hearing at which evidence and testimony may be presented, with at least ten days prior notice provided in writing as to the date, time and location of such hearing, and a written order providing the decision of the city manager, or designee, and the basis therefore which shall be provided to the applicant and the director, or designee.

(Ord. No. 07-003, § 10, 3-6-2007)

Sec. 30-150. - Enforcement and penalty.

(a) Any person, firm, company, corporation or other entity who refuses to comply with or violates any section of this article, shall be guilty of a misdemeanor of the second degree, and upon conviction for such offense, shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in jail, or both. Each non-compliance or violation, and each day thereof, shall constitute a separate offense.

(b) Nothing contained herein shall prevent the City of Sanibel from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. Further, nothing contained herein shall prevent the city from instituting and pursuing Code Enforcement proceedings pursuant to applicable City Code provisions and F.S. ch. 162.

(c) Any person, firm, company, corporation or other entity that violates this article shall be responsible for the city's costs of prosecution of any violation of this article, including any city costs to remedy or clean up any environmental condition caused by an act which constitutes a violation of this article. In the event any such costs are incurred by the city, such person, firm, company, corporation or other entity shall reimburse the city for all such costs within 30 days of the city's invoice for such costs.

(Ord. No. 07-003, § 11, 3-6-2007)

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Application No: 170609-14

Permit No: 36-08836-P

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OTHER INTERESTED PARTIES

- X Audubon of Florida - Charles Lee