

CITY OF SANIBEL
DEVELOPMENT PERMIT NO. 17-10354

A development permit is hereby granted to: **CHATEAUX SUR MER IMPROVEMENT;** for development activities to: **Resurface the Subdivision's Existing Sand and Shell Roadway System with Asphalt Material and Construct Associated Stormwater Management and Pollution Prevention Improvements.** Said approved structure is on the following parcel of land: Tax Parcel No. 19-46-22-T2-00700.00CE, 01CE, 02CE AND .03CE
Street Address: Road Right-of-Way

DEVELOPMENT IN ACCORDANCE WITH PERMIT: Any development which is undertaken by the applicant shall be in accordance with, and is expressly limited to, development identified on this permit.

EXPIRATION OF PERMIT: In accordance with Land Development Code Section 82-361, all development permits expire 60 days after issuance unless development is commenced within this period. This development permit will expire on 01-03-18 if development has not commenced by this date. All development undertaken pursuant to this permit shall be completed within 06 months from date of issuance.

EXTENSION OF PERMIT: This permit shall remain valid only for the applicant. This permit may be extended upon written request from the applicant, and for good cause shown.

SPECIAL INSTRUCTIONS OR CONDITIONS: Due to the type and scope of development proposed in the application, the following conditions are to be adhered to in the undertaking of the development:

1. **POST DEVELOPMENT PERMIT PLACARD ON SITE**, in a location visible from the street.
2. **COMPLY WITH APPROVED PLANS**, including all required setbacks, impermeable coverage, developed area, flood requirements and height limitations.
3. **ALL NATIVE VEGETATION SHALL BE PRESERVED AND/OR PROTECTED ON SITE.** All Brazilian Pepper, Melaleuca, Earleaf Acacia, Lead Tree, Java Plum, Air Potato, Exotic Inkberry, Mother-in-law's Tongue/Bowstring Hemp shall be removed from the parcel and the site shall be kept permanently free of these exotics.
4. Obtain applicable permits from the Building Department. Call 472-4555 for information on required permits.
5. Comply with all applicable performance standards and regulations of the *Sanibel Code* and *Sanibel Plan*.
6. **COMPLY WITH ATTACHED LIST OF SPECIAL CONDITIONS FOR DEVELOPMENT PERMIT NO. 17-10354 and the Director of Natural Resources, James Evans, Memorandum dated November 3, 2017.**

REQUIRED INSPECTION(S): Final inspection(s) for compliance with conditions shall be performed by:

- PLANNING DEPARTMENT:** Call for inspection @ 472-4136.
- BUILDING DEPARTMENT:** Call for inspection @ 472-8321.
- NATURAL RESOURCES DEPARTMENT/VEGETATION INSPECTOR:** Call for inspection @ 472-4136.
- FOLLOW-UP VEGETATION INSPECTION:** Schedule between 6 months and 1 year after issuance of C.O.

AUTHORIZED BY:


James C. Jordan, Jr. - Planner
(As Designee of City Manager)

DATE:

November 3, 2017
November 3, 2017

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DEVELOPMENT PERMIT NO. 17-10354
-ATTACHED LIST OF CONDITIONS-

1. **Upon completion of the approved scope of work** the project's Engineer shall provide written certification that the as-built improvements have been constructed in accordance with the approved Road Resurfacing, Drainage and Stormwater Improvement Plans.
2. **Prior to the issuance of completion certificate** the applicant must submitted an as-built drainage plan and site plan demonstrating compliance with the approved development permit.
3. **A plan for the installation of a silt screen fence/barrier shall be submitted to Public Works Department for approval and installation inspection prior to the issuance of the Development Permit.** Comply with Site Preparation (LDC Chapter 86, Article II) and Pollution Discharge Elimination requirements. An approved plan for pollution discharge elimination shall be submitted and installed to the standards acceptable to the Public Works Department. Maintenance of the installed pollution discharge elimination system, is required throughout the course of construction (during dewatering activities and while any excavated materials or unstabilized grades are present). Any de-watering requiring discharge off the site needs additional approval. Removal of the pollution discharge elimination system is required, prior to the issuance of a completion certificate.
4. **Turbidity screening shall be employed during any proposed subsurface construction, and shall remain in place a minimum of twenty-four (24) hours upon the completion of such activity to ensure protection of water quality in the area.**
5. The subject road system within Chateaux Sur Mer Subdivision is classified as private and as such, the existing and future maintenance and operation of said road system is not the responsibility of the City.
6. The issuance of this Development Permit does not infer in any way that the proposed improvements to Chateaux Sur Mer private roadway system, including but not limited to road dimensions, line-of-sight, roadside drainage, road construction, adjacent vegetation or any other related road design standards complies or meet the minimum design standards and requirements for public streets.
7. **The City shall be held harmless and is not responsible for any claimed adverse impacts resulting from the proposed work, including the workmanship or quality, of such work or any associated damage claims to private property.**

Development Permit No. 17-10354 Conditions - Continued

8. **Prior to the commencement of any work the applicant or the applicant's contractor shall contact the City of Sanibel Utility Maintenance Division at 239-472-1636 to coordinate the project logistics relative to the sewer system and the location of manholes present within the CSM subdivision.**
9. All exotic species of plants which outcompete or otherwise displace native plants, including Brazilian Pepper, Melaleuca, Earleaf Acacia, Lead Tree, Java Plum, Air Potato, Exotic Inkberry and Mother-in-Laws Tongue (Bowstring Hemp) shall be removed from within the boundaries of the parcel and the parcel shall be kept permanently free of such exotics.
10. **This permit shall not relieve the applicant from the requirement of obtaining permits from and complying with lawful requirements imposed by the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection and any applicable local, state and federal law.**
11. The SFWMD has established a non-degradation standard for this project so that the activity "...does not cause or contribute to violations of state water quality standards" (General Condition No. 3). Because this project is occurring within the headwaters of the Sanibel Slough, a waterbody that is currently impaired for nitrogen and phosphorus under the Florida Department of Environmental Protection's Impaired Waters Rule, it is imperative that the contractor comply with all SFWMD General Conditions and Special Conditions as they relate to the protection of water quality to prevent further degradation of the waterbodies within the project area.
 - a. Special Condition No. 2 indicates that "Operation and Maintenance of the stormwater management system shall be the responsibility of the permittee." While it is not explicitly described in the permit condition, this should include the maintenance of stormwater infrastructure within the project area, including the area previously paved between the entrance to the community and Rue Helene. "Maintenance" should include periodic inspections to ensure that the slopes of all stormwater swales, ditches, canals, lakes, and areas adjacent to the Sanibel Slough remain vegetated with Bahia grass or native groundcovers that do not require irrigation or fertilizer, reducing the potential for erosion of the slopes resulting in additional sediment and nutrient loading to the adjacent waterbodies.
 - b. The applicant should provide a plan for how they will implement Special Condition No. 4 on Page 5of5, of the South Florida Water Management District Permit. "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." Please provide a detailed plan of how the slopes subject to this condition will be re-contoured and a list of plants and numbers of plants to be installed. Also, please provide a plan of how these areas will be maintained in the future by the Homeowner's Association. This plan should include the area that was previously paved from the entrance of the community to Rue Helene, which was not previously permitted by the City of Sanibel.

- c. Install and maintain a minimum of 24" of Bahia sod or other native groundcover on the eastern side of paved road between the edge of pavement and the slope of the canal from the entrance of the community to the lake discharge point to stabilize the slope to prevent sediment from washing into the waterbody (Figure 1 & 2). All sod or groundcover installed within this area is subject to the City's Fertilizer Ordinance and the 25-foot no-fertilizer buffer zone from waterbodies and wetlands. A "mow what grows" approach should be adopted when managing groundcovers along the slopes, and herbicide and other chemicals should be excluded from these areas to protect the integrity of the slope from erosion.
12. Eliminate all non-permitted stormwater infrastructure such as stormwater French drains designed to undermine the retention benefits of the stormwater swales. Two such structures were identified during my inspection, including one located along 4702 Rue Belle Mer (Figure 3) and one located along 4640 Rue Belle Mer (Figure 4 & 5).
13. The Sanibel Slough is very close to the road where it meets the association common area across the street from 4687 Rue Belle Mer (Figure 6). The shoreline in this particular area slopes gradually to the water and would be a good candidate for installation of submerged and emergent littoral zone vegetation. While the stormwater plans call for a small berm to be constructed in this area to increase water retention, which we fully support, additional measures should be included to protect and enhance water quality within the Slough. Please provide a plan to install littoral zone vegetation along the shoreline. The plan should include the types and numbers of emergent aquatic plants to adequately plant the area depicted in the polygon in Figure 6 & 7.
14. In 2007, the City of Sanibel adopted Ordinance 07-003, which regulates the use of fertilizer on Sanibel. The City's fertilizer ordinance regulates the use of nitrogen and phosphorus (N and P) which can impact water quality. The ordinance sets limits on the amount of N and P that can be applied, bans the use of N and P during the rainy season (July through October), and prohibits the application of N and P within 25 feet of any open body of water, including wetlands, lakes, canals, and

Development Permit No. 17-10354 Conditions - Continued

stormwater conveyance structures (see Ordinance 07-003 and fertilizer educational materials attached for complete details of the ordinance).

<http://www.mysanibel.com/Departments/Natural-Resources/Protecting-Our-Water-Quality/Sanibel-H2O-Matters/Sanibel-s-Fertilizer-Information>.

As a condition of the Development Permit, each property owner should be provided with a copy of the City's fertilizer ordinance and associated educational materials. In addition, all landscape contractors working within the community should be instructed by the HOA that fertilizer application is prohibited within 25 of all open bodies of water, wetlands, and stormwater conveyance structures.

15. In 2017, the City of Sanibel implemented the Sanibel Communities for Clean Water Program www.SanibelCleanWater.org. The goal of this program is to provide Sanibel's HOAs and residential property owners with resources to help improve water quality in their neighborhood lakes and other waterbodies. As part of the program, the City conducted baseline water quality sampling of 72 waterbodies throughout the island. For specific information about water quality in Chateaux Sur Mer, please visit <https://www.sanibelcleanwater.org/community/chateau-sur-mer/>.


Because this paving project is within the Headwaters of the Sanibel Slough and is being held to a non-degradation standard, it is important that each property owner within the HOA be provided with water quality educational materials that make them aware of the water quality issues in your neighborhood and the best management practices (BMPs) that have been recommended for your community. While these BMPs are voluntary, they are strongly recommended to protect your water quality and improve the quality of life for your residents.

16. Consider the use of Floating Treatment Wetlands near the discharge point of the community lake and the culvert that discharges to the Sanibel Slough (see photos attached). This is not required, but is a recommended BMP to provide additional water quality treatment.

AUTHORIZED BY:


James C. Jordan, Jr. - Planner
(As Designee of City Manager)

DATE:


November 3, 2017

C: Owner; Applicant; File No. 17-10354

1875

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Memorandum

To: James Jordan, Director of Planning
From: James Evans, Director of Natural Resources
Subject: Environmental Review for Chateaux Sur Mer Subdivision Paving Project
Date: 11/3/17

On November 2, 2017, I conducted a field inspection of the project area and have reviewed the Stormwater Pollution Plan prepared by James H. Strothers, PE, and the South Florida Water Management District Environmental Resource Permit No. 36-08836-P issued July 28, 2017. After reviewing the project, the Natural Resources Department has the following comments and project conditions.

1. The SFWMD has established a non-degradation standard for this project so that the activity "...does not cause or contribute to violations of state water quality standards" (General Condition No. 3). Because this project is occurring within the headwaters of the Sanibel Slough, a waterbody that is currently impaired for nitrogen and phosphorus under the Florida Department of Environmental Protection's Impaired Waters Rule, it is imperative that the contractor comply with all SFWMD General Conditions and Special Conditions as they relate to the protection of water quality to prevent further degradation of the waterbodies within the project area.
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Homeowner's Association. This plan should include the area that was previously paved from the entrance of the community to Rue Helene, which was not previously permitted by the City of Sanibel.

- c. Install and maintain a minimum of 24" of Bahia sod or other native groundcover on the eastern side of paved road between the edge of pavement and the slope of the canal from the entrance of the community to the lake discharge point to stabilize the slope to prevent sediment from washing into the waterbody (Figure 1 & 2). All sod or groundcover installed within this area is subject to the City's Fertilizer Ordinance and the 25-foot no-fertilizer buffer zone from waterbodies and wetlands. A "mow what grows" approach should be adopted when managing groundcovers along the slopes, and herbicide and other chemicals should be excluded from these areas to protect the integrity of the slope from erosion.
2. Eliminate all non-permitted stormwater infrastructure such as stormwater French drains designed to undermine the retention benefits of the stormwater swales. Two such structures were identified during my inspection, including one located along 4702 Rue Belle Mer (Figure 3) and one located along 4640 Rue Belle Mer (Figure 4 & 5).
3. The Sanibel Slough is very close to the road where it meets the association common area across the street from 4687 Rue Belle Mer (Figure 6). The shoreline in this particular area slopes gradually to the water and would be a good candidate for installation of submerged and emergent littoral zone vegetation. While the stormwater plans call for a small berm to be constructed in this area to increase water retention, which we fully support, additional measures should be included to protect and enhance water quality within the Slough. Please provide a plan to install littoral zone vegetation along the shoreline. The plan should include the types and numbers of emergent aquatic plants to adequately plant the area depicted in the polygon in Figure 6 & 7.
4. In 2007, the City of Sanibel adopted Ordinance 07-003, which regulates the use of fertilizer on Sanibel. The City's fertilizer ordinance regulates the use of nitrogen and phosphorus (N and P) which can impact water quality. The ordinance sets limits on the amount of N and P that can be applied, bans the use of N and P during the rainy season (July through October), and prohibits the application of N and P within 25 feet of any open body of water, including wetlands, lakes, canals, and stormwater conveyance structures (see Ordinance 07-003 and fertilizer educational materials attached for complete details of the ordinance). <http://www.mysanibel.com/Departments/Natural-Resources/Protecting-Our-Water-Quality/Sanibel-H2O-Matters/Sanibel-s-Fertilizer-Information> As a condition of the Development Permit, each property owner should be provided with a copy of the City's fertilizer ordinance and associated educational materials. In addition, all landscape contractors working within the community should be instructed by the HOA that fertilizer application is prohibited within 25 of all open bodies of water, wetlands, and stormwater conveyance structures.
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6. Consider the use of Floating Treatment Wetlands near the discharge point of the community lake and the culvert that discharges to the Sanibel Slough (see photos attached). This is not required, but is a recommended BMP to provide additional water quality treatment.



Figure 1 Area to be stabilized with Bahia sod or other appropriate groundcover.

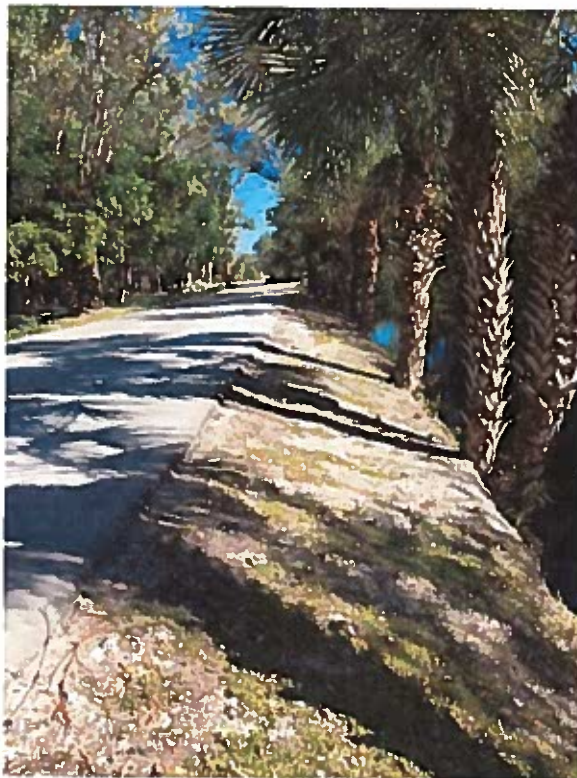


Figure 2 Photo of canal bank along the east side of existing paved area to be stabilized.



Figure 3 Photo of underdrain in stormwater swale located at 4702 Rue Belle Mer.

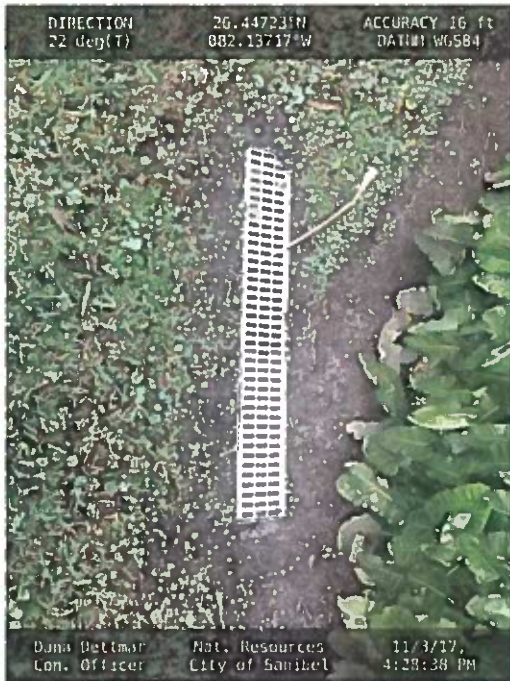


Figure 4 Underdrain in stormwater swale 4640 Rue Belle Mer.



Figure 5 Discharge pipe of underdrain into stormwater catch basin at 4640 Rue Belle Mer.

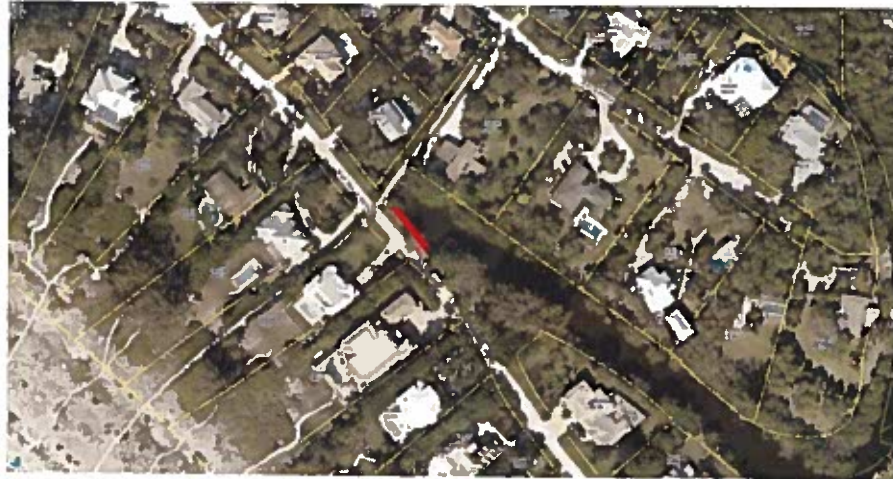


Figure 6 Area along Sanibel Slough to be vegetated with littoral zone vegetation.



Figure 7 Photo of Sanibel Slough adjacent to Rue Belle Mer.

