

# CHAPTER 3

## Environmental and Resource Protection

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**3.00.00 GENERALLY**

**3.00.01 Purpose and Intent**

The purpose of this chapter is to safeguard the public health, safety, and welfare by ensuring the long-term protection and preservation of environmentally sensitive natural resource systems. Application of the provisions of this chapter shall result in development that reduces the potential for adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, and wildlife.

**3.00.02 Applicability**

All new development and redevelopment shall be designed to ensure protection of areas designated as floodplains, environmentally sensitive lands, wetlands, or wellfields. No permit for development shall be issued by the Town that is not in full compliance with the provisions of this chapter and the Town's Manual of Standards.

**3.01.00 ENVIRONMENTAL LANDS PROTECTION**

**3.01.01 Requirements Regarding Habitat Protection**

- A. A professionally prepared biological survey to document the presence of endangered, threatened, or species of special concern shall be submitted with applications for development when the development is:
  - 1. In excess of five (5) acres on previously undisturbed properties; or
  - 2. Located on environmentally sensitive lands or within 200 feet of environmentally sensitive lands.
- B. Environmentally sensitive lands for which a survey is required include:
  - 1. All land identified as "Conservation" on the FLUM and on the adopted zoning map; and
  - 2. All land within 200 feet of a water body.
- C. Biological surveys shall:
  - 1. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission; or
  - 2. Include a preliminary report consisting of pedestrian surveys of 200-foot transects through a minimum of twenty-five percent (25%) of each habitat on site. Within twenty-one (21) days of the preliminary report, the Town Mayor or his designee shall (1) render a finding of whether a second, more intensive survey is needed, based on the information in the preliminary report with assistance from the Florida Fish and Wildlife Conservation Commission, and (2) shall describe the parameters for such an intensive survey, if required.
- D. If the field biological inventory indicates the presence of endangered, threatened, or species of special concern:
  - 1. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission; and

2. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or
  3. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:
    - a. An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species.
    - b. An analysis of existing viable habitat on adjacent property for the species.
    - c. The land needs of the species that may be met on the development site; and
    - d. Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.
- E. Prohibited activities:
1. No threatened species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.
  2. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any threatened species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the FDEP, the Florida Fish and Wildlife Conservation Commission, and any other applicable State or Federal agency.
- F. Development proposed adjacent to Outstanding Florida Waters, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.

### **3.01.02 Protection of Environmentally Sensitive Lands**

- A. To prevent both soil erosion and sedimentation, the Town requires a soil erosion and sedimentation control plan whenever a development will involve any clearing, grading, or other form of distributing land by movement of earth, provided that any of one of the following applies:
1. Excavation, fill, or any combination thereof will exceed 500 cubic yards.
  2. Fill will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.
  3. Excavation will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
  4. Excavation, fill, or any combination thereof will exceed an area of 1,000 square feet.
  5. Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
  6. Whenever excavation or fill is proposed within 100 feet of a body of water, stream, or channel.

**3.02.00 WETLAND AND SURFACE WATER PROTECTION**

**3.02.01 Applicability**

The requirements of this section shall apply to all of the areas under the jurisdiction of the FDEP, the USACOE, and the SJRWMD, as well as those lands identified as “Conservation” on the FLUM and on the adopted zoning map.

**3.02.02 Agency Coordination Required**

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the Town, representatives of the FDEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

**3.02.03 Development Within Wetlands and Adjacent to Water Bodies**

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as described in Section 3.03.01.

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. To protect water quality within lakes, the Town shall require sites under construction to provide measures to retard, impede, and treat surface water runoff.
- C. Buffering requirements for development adjacent to wetlands or natural water bodies:
  - 1. No development or disturbance of the area is permitted within 25 feet of a designated wetland area. These areas shall be marked with appropriate signage as conservation areas.
  - 2. No building or impervious surface area (with the exception of wet retention ponds) is permitted within 50 feet of a designated wetland area.
  - 3. To protect water bodies from the encroachment of development, a shoreline protection zone shall be delineated. There shall be no disturbance within 50 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C., with the exception of pilings for docks or piers. There shall be no buildings, pools, ponds, or other structures in this protection zone.
  - 4. There shall be no septic tanks within 75 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C.
- D. Permitted activities within areas designated by the Town, FDEP, SJRWMD, or the USACOE as wetlands protection zones:
  - 1. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM.
  - 2. Development of a wetlands stormwater discharge facility or stormwater treatment facility in accordance with State permits received under currently relevant sections of the F.A.C.

**3.02.04 Design Requirements**

- A. All new development and redevelopment adjacent to jurisdictional wetlands and water bodies shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.
- B. In addition to any standards required by Federal, State, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands or adjacent to water bodies:
  - 1. Where alteration of wetlands is necessary in order to allow reasonable use of property, it should be clearly in the public interest and there should be no practical alternative which reduces or avoids impacts to wetlands. Mitigation shall only be a last resort action to be used only after other measures such as reconfiguring of the development to avoid sensitive areas, reduction of density, etc. have been considered and shown not to be feasible. There shall be no net loss of sensitive lands. Any mitigation shall avoid impact to ecologically valuable uplands as well.
  - 2. The use shall allow the movement of aquatic life requiring shallow water.
  - 3. Existing flood channel capacity shall be maintained.
  - 4. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;
  - 5. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands.
  - 6. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage.
  - 7. Accessory uses shall be limited to those which are water dependent.
  - 8. Fill shall not be placed in waters or wetlands to create usable land space.
  - 9. Manufacturing uses that involve chemicals or other hazardous materials shall not be located within 1,000 feet of a water body.
  - 10. Commercial uses that involve petroleum and other potential contaminants shall require a conditional use in order to be located within 1,000 feet of a water body.

**3.03.00 WELLFIELD PROTECTION**

**3.03.01 Purpose and Intent**

The purpose and intent of this section is to safeguard the public health, safety, and welfare by ensuring the protection of the principal source of water from potential contamination and to control development in and adjacent to designated and potential wellheads and surrounding wellfield areas to protect water supplies from potential contamination.

**3.03.02 Wellfield Protection Area**

All development, except facilities related to the public water system) is prohibited from occurring within a 150-foot radius of any public wells. No septic tanks, sanitary sewer facilities, or solid waste or disposal facilities shall be permitted within a 200-foot radius of any existing or proposed public well. The Town shall also maintain a 500-foot radius wellhead protection area within which manufacturing and industrial uses are prohibited. This 500 foot radius also prohibits the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products; commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops; and cemeteries.

**3.04.00 PROTECTION OF GROUND WATER**

**3.04.01 Purpose and Intent**

The purpose of these regulations is to protect the quality of ground water by controlling existing and potential sources of contaminants and by coordinating the Federal, State, and local entities having jurisdictional authority over these areas.

**3.04.02 Restricting Uses**

- A. Manufacturing uses that involve chemicals or other hazardous materials, shall not be permitted within high recharge groundwater aquifer areas.
- B. Commercial uses that involve petroleum and other potential contaminants shall require a conditional use in order to be located within a high recharge groundwater aquifer area.
- C. The Town shall promote the application of permeable parking lot surfaces for development and redevelopment within high recharge areas.

**3.05.00 WATER CONSERVATION**

**3.05.01 Promoting Conservation of Water**

To conserve potable ground water sources and to accomplish reasonable reductions in water consumption, the Town shall:

- A. Require new development and redevelopment to use non-potable water for irrigation where such non-potable water sources are available.
- B. Require new development and redevelopment to use and/or preserve native vegetation or drought tolerant vegetation for landscaping. (See Chapter 7.)