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**Town of Lee**  
**Little but Proud**

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**ARTICLE SIX. PRIME NATURAL GROUNDWATER AQUIFER RECHARGE, AND  
POTABLE WATER WELLFIELD**

SECTION 6.1 PRIME NATURAL GROUNDWATER AQUIFER RECHARGE PROTECTION

- 6.1.1 Prime Natural Groundwater Aquifer Recharge Areas. For the purposes of these land development regulations, such recharge areas shall be as identified by the Water Management District and shown on the Future Land Use Plan Map of the the Town's Comprehensive Plan and the Official Zoning Atlas of these Land Development Regulations upon such identification by the Water Management District.
- 6.1.2 Prime Natural Groundwater Aquifer Recharge Area Requirements. Within the areas designated as Prime Natural Groundwater Aquifer Recharge Areas by the Water Management District all proposed development shall comply with the following:
1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter 17.28, Florida Administrative Code, as amended. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in Article 7 herein;
  2. Well construction, modification, or closure shall be regulated in accordance with the criteria established by the Water Management District and the Florida Department of Health and Rehabilitative Services. Construction of a permitted well with a capacity of one-hundred thousand (100,000) gallons per day or more, or modification may be allowed in the surficial, intermediate or Floridian Aquifer System after a determination by the Planning and Zoning Board that the construction and use will not directly or indirectly degrade water quality in the Floridian Aquifer System;
  3. Abandoned wells shall be closed in accordance with the criteria established by Chapter 17.28, Florida Administrative Code, as amended;
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4. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations (or as listed

in Chapter 4-4-2, Florida Statutes, as amended), to the soils, groundwater, or surface water of any Prime Natural Groundwater Aquifer Recharge Area;

5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system, within any prime natural groundwater recharge area, except as necessary for maintenance or testing of those components; and
6. Landfill and storage facilities for hazardous/toxic wastes shall also require approval as a special exception by the Board of Adjustment as required in Article 12 of these land development regulations.

6.1.3 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Prime Natural Groundwater Aquifer Recharge Area, shall at the time of any transfer of interest in such property, create in any deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for prime natural groundwater aquifer recharge area protection of these land development regulations.

6.2 POTABLE WATER WELL FIELD PROTECTION.

6.2.1 Well Field Protection Area. A well field protection area shall be established as a minimum of three-hundred (300) feet radius around wellheads with a permitted capacity of one-hundred thousand (100,000) gallons per day or more. The following standards shall apply for the issuance of development orders for structures or uses within the Veil Field Protection Area:

6.2.1.1 New Uses. No new uses of land shall be permitted which require or involve storage, use or manufacture of regulated materials as defined in Section 2.1 herein.

6.2.1.2 Limitation on New Veils. No new wells shall be permitted or contracted in a surficial intermediate, or Floridian Aquifer System. Exemptions as approved by the Town Council, after a recommendation has been provided to the Town Council by the Planning and Zoning Board, may be granted on a case by case basis and shall be limited to:

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1. Wells constructed by the Town, or the Town's contractor as part of a monitoring system surrounding the well field. New construction or repair of the well field production wells or other well construction or modification required in the operations of the Town water treatment plant.
2. Wells constructed as part of a Town/Florida Department of Environmental Regulation-approved contaminant assessment/remediation plan where ground water contamination has been identified or is suspected.
5. Wells constructed for private water supply in locations

where the cost of connection to a public water utility would exceed the cost of the proposed private supply well and pumping system by a factor of two and one-half (2 1/2) times.

4. Geotechnical borings constructed in the surficial aquifer system.

- 6.2.1.3 Discharge Prohibited. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations, or within Chapter 442, Florida Statutes, as amended, to the soils, groundwater, or surface water of any Well Field Protection Area.
- 6.2.1.4 Landfills Prohibited. New sanitary landfills, as defined by Chapter 17-7, Florida Administrative Code, as amended shall be prohibited within Veil Field Protection Areas.
- 6.2.1.5 Limitation of Septic Tanks. New septic Tanks waste water treatment systems shall be prohibited within Veil Field Protection Areas, except where the cost of connection of a public waste water utility would exceed the cost of the proposed septic tank and installation by a factor of two and one-half (2 1/2) times or where no public sanitary sewer system is available.
- 6.2.1.6 Sanitary Sewer Plants and Percolation Ponds Prohibited. New domestic and/or industrial waste water treatment facilities and percolation ponds shall be prohibited within Veil Field Protection Areas.

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- 6.2.1.7 Mines and Excavation of Waterways or Drainage Facilities Prohibited. Mines and excavation of waterways or drainage facilities which intersect the water table shall be prohibited within Well Field Protection Areas.
- 6.2.1.8 Bulk Storage, Agricultural Chemicals, Feedlots or other Animal Facilities Prohibited. Bulk storage, agricultural chemicals, feedlots or other animal facilities shall be prohibited within Well Field Protection Areas.
- 6.2.1.9 Transportation of Regulated Materials. No transportation of regulated materials shall be allowed in the Well Field Protection Area, except local traffic serving facilities within the Veil Field Protection Area.
- 6.2.1.10 Material Exemptions. The Town Council, after the request has been heard and a recommendation provided to the Town Council by the Planning and Zoning Board, may exempt any

material from the requirements of these land development regulations if, in the opinion of the Town Council, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of ground- water in case of a discharge.

- 6.2.1.11 Temporary Storage Permit. A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding fifty (50) gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the Well Field Protection Area. The temporary permit procedure shall consist of application to the Planning and Zoning Board for the proposed activity requiring temporary hazardous material storage. The application shall be made on Town forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored and a plan for monitoring and remedial action, where necessary, as determined by the Town Council. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the Town Council shall approve, approved with conditions, or deny the application. If the applicant chooses to appeal a decision by the Town Council, procedures set forth in Article 12 shall be followed.

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- 6.2.2 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Well Field Protection Area, shall at the time of any transfer of interest in such property, create in any deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for potable water well field protection of these land development regulations.

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