

**PROPOSED**

## ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO AQUATIC AND WATER RESOURCE  
3 MANAGEMENT, WETLAND RESOURCE PROTECTION, HAZARDOUS MATERIAL,  
4 AND COOLING TOWERS; AMENDING VARIOUS SECTIONS OF CHAPTER 27 OF  
5 THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO UPDATE SEVERAL  
6 REGULATED PROGRAMS RELATED TO AQUATIC AND WATER RESOURCE  
7 MANAGEMENT, WETLAND RESOURCE PROTECTION, AND HAZARDOUS  
8 MATERIAL; AMENDING SECTION 34-168 OF THE CODE RELATING TO COOLING  
9 TOWERS; PROVIDING FOR GENERAL HOUSEKEEPING AMENDMENTS; AND  
10 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE  
11 DATE.

12 (Sponsored by the Board of County Commissioners)

13  
14 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
15 BROWARD COUNTY, FLORIDA:

16 Section 1. Section 27-4 of the Broward County Code of Ordinances is hereby  
17 amended as shown below. In addition, the first-level numerical paragraph designations  
18 assigned to individual definitions are deleted, and the definitions are reordered  
19 alphabetically. The paragraph designations of all subordinate paragraphs shall be  
20 conformed to the formatting reflected herein:

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

21 **Sec. 27-4. Definitions.**

22 . . .

23 ~~(1)~~ *Adjudicatory proceeding* means a quasi-judicial proceeding conducted by  
24 the hearing examiner that:

25 ~~a.~~ (a) May result in the imposition of a civil penalty for a violation of this chapter;

26 ~~b.~~ (b) Involves an administrative review of a final administrative decision; or

27 ~~c.~~ (c) Involves an application for a variance.

28 . . .

29 ~~(3)~~ *Board or Commission* means the Broward County Board of County  
30 Commissioners.

31 . . .

32 Section 2. Section 27-66 of the Broward County Code of Ordinances is hereby  
33 amended to read as follows:

34 **Sec. 27-66. Environmental review approvals required prior to issuance of a county  
35 or municipal building permit.**

36 . . .

37 (m) Environmental review approvals shall not be issued without evidence that  
38 any required Transportation Concurrency Satisfaction Certificate has been issued by the  
39 Broward County ~~Planning and Development Management~~ Housing and Urban Planning  
40 Division.

41 . . .

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

42 Section 3. Section 27-67 of the Broward County Code of Ordinances is hereby  
43 amended to read as follows:

44 **Sec. 27-67. Land development.**

45 . . .

46 (d) *Environmentally Sensitive Lands:* PWESD shall coordinate environmental  
47 impact reports as provided for under the provisions of the land development code when  
48 a proposed development includes all or any part of any lands identified as a site  
49 recommended for inclusion in the urban wilderness inventory pursuant to Chapter 25½,  
50 Broward County Code of Ordinances; or a site designated as a Native Vegetative  
51 Communities Category Local Area of Particular Concern within the Broward County Land  
52 Use Plan; or subject to notice of a public hearing regarding designation as a Native  
53 Vegetative Communities Category Local Area of Particular Concern; or inclusion in the  
54 Urban Wilderness Inventory. The environmental impact report is to be completed within  
55 six (6) months ~~of~~ after the date the application for a development permit is accepted by  
56 the ~~Director of the development management~~ Housing and Urban Planning ~~Division~~.  
57 The report shall include a discussion of the unique natural qualities and resources of the  
58 area and identify projected effects the proposal may have on the area and include  
59 strategies to protect the resources or compensate for unavoidable impacts.

60 . . .

61 (f) In accordance with the Broward County Land Development Code, the  
62 ~~Director~~ shall participate in the County development review process and shall provide  
63 recommendations and conditions for approval of proposed County development orders.

64 Section 4. Section 27-192 of the Broward County Code of Ordinances is hereby  
65 amended to read as follows:

66 **Sec. 27-192. Definitions.**

67 . . .

68 *Average daily flow* means the total volume of wastewater flowing into a wastewater  
69 facility during a calendar month, divided by the number of days in the month, and  
70 averaged over the preceding twelve (12) months and expressed in units of million gallons  
71 per day (mgd).

72 *Best Management Practice (BMP) for stormwater treatment* means a practice or  
73 combination of practices, based on research, field-testing, and expert review, to be the  
74 most effective and practicable, including economic and technological considerations, of  
75 improving water quality by reducing excess nutrients and other pollutant loads in water.  
76 Traditional BMPs for stormwater treatment are identified and described in Environmental  
77 Resource Permit (“ERP”) Applicant’s Handbook (“AH”) Volume I, Appendix O, and the  
78 “ERP AH Volume II for Use within the Geographic Limits of the South Florida Water  
79 Management District.” Provisions for proposing alternative BMPs are specified in  
80 Section 9.5.2 of the ERP AH Volume I.

81 *BOD<sub>5</sub>* means biochemical oxygen demand (five-day test).

82 . . .

83 *Elevation* means the height in feet above or below mean sea level according to the  
84 ~~National Geodetic Vertical Datum (NGVD)~~ North American Vertical Datum of 1988  
85 (NAVD 88).

86 . . .

87 ~~Non-domestic~~ Nondomestic wastewater means all ~~non-sanitary~~ nonsanitary liquid  
88 wastewaters, including, but not limited to, those from industrial processes, commercial  
89 processes, commercial laundries, ballast water, ship engine exhaust scrubber wash  
90 water, hydrostatic test water from fuel tanks, and the cleaning of air conditioning cooling  
91 towers or heat exchange systems. “~~Non-domestic~~ Nondomestic wastewater” is  
92 considered to have the same meaning as “industrial” or “commercial” wastewater.

93 . . .

94 Section 5. Section 27-193 of the Broward County Code of Ordinances is hereby  
95 amended to read as follows:

96 **Sec. 27-193. Prohibitions.**

97 (a) General prohibitions and exceptions:

98 (1) General: It shall be unlawful for any person to discharge any substance in  
99 such quantities as may cause the receiving waters to be of a quality less  
100 stringent than the water quality standards set forth in Section 27-195, or  
101 ~~less stringent than allowed by~~ the effluent standards as established in  
102 Sections 27-196, or to cause pollution of water or a nuisance as defined in  
103 Section 27-4. This does not apply to discharges composed exclusively of  
104 stormwater runoff to retention and/or detention systems designed to treat  
105 stormwater on site that is in compliance with all applicable permits and  
106 licenses.

107 (2) Exceptions: Ballast water and ship engine exhaust scrubber wash water  
108 discharges incidental to the normal operation of primarily non-Armed  
109 Forces and nonrecreational vessels that are seventy-nine (79) feet in length

110 or greater, and that have been treated through marine pollution control  
111 devices in compliance with 40 CFR Part 139 standards for performance.

112 (b) *Specific:* The following acts and the causing thereof are prohibited.

113 . . .

114 (3) ~~Non-domestic~~ Nondomestic wastewater:

115 a. ~~New discharges prohibited: After March 12, 1984, n~~No new  
116 ~~non-domestic~~ nondomestic discharge (except stormwater runoff and  
117 the discharges described in Section 27-193(a)(2)) ~~discharge~~ to  
118 surface waters or to ground waters is permitted, suffered, or allowed  
119 except as provided for under a County license valid on ~~the~~  
120 ~~aforementioned date~~ March 12, 1984, and renewed per  
121 Section 27-60 since March 12, 1984, or as may be allowed for  
122 ~~non-domestic~~ nondomestic stormwater discharges. ~~Non-domestic~~  
123 Nondomestic wastewater discharges existing on March 12, 1984,  
124 and in use since that time shall not be increased in quantity or  
125 decreased in quality, unless approved by PWESD upon  
126 demonstration that the activity does not pose a significant threat to  
127 the public health or environment.

128 . . .

129 Section 6. Section 27-194 of the Broward County Code of Ordinances is hereby  
130 amended to read as follows:

131 **Sec. 27-194. Exemptions.**

132           The following activities are exempt from licensing under this Article with the  
133 following conditions:

134           . . .

135           (c)    *Surface water management:*

136           (1)    Water management works constructed prior to permitting and licensing: All  
137 water management works constructed prior to the requirement of operating  
138 permits or licenses by the Broward County Water Resources Management  
139 Division (BCWRMD) or the SFWMD shall be exempt from the licensing  
140 provisions of this Article. If it is determined that the existing works have  
141 caused, ~~is~~ are causing, or ~~is~~ are predicted to cause an immediate adverse  
142 impact on the public, in which case the work or activity shall then be required  
143 to modify the portion of the operation or work which is causing or will cause  
144 the adverse impact. Applications for minor redevelopment of land that was  
145 originally developed prior to the requirement of operating permits or licenses  
146 by BCWRMD or SFWMD shall be exempt from obtaining a license for the  
147 water management works of the minor redevelopment. Applications for  
148 major redevelopment of land that was originally developed prior to the  
149 requirement of operating licenses or permits by BCWRMD or SFWMD are  
150 required to comply with the licensing provisions of this Article.

151           . . .

152           (2)    *Previously permitted or licensed water management works by BCWRMD or*  
153 *SFWMD:* All water management works for which permits or licenses have  
154 been issued by ~~the~~ BCWRMD or ~~the~~ SFWMD prior to the adoption of the

155 regulations for Natural Resources Protection in May 1989 shall remain in  
156 effect and be exempt from the licensing provisions of this Article with the  
157 exception of Section 27-198(d)(2)f., Renewals for ~~C~~Oconstruction/~~O~~Operation  
158 ~~L~~License. If such water management works (or lack of water management  
159 works) are determined to have caused, are causing, or will cause an  
160 immediate adverse impact on the public, the property owner or licensee  
161 shall be required to modify the portion of the water management works  
162 ~~which~~ that is causing or will cause the adverse impact. Such surface water  
163 management works must continue to comply with all conditions and/or  
164 requirements imposed by ~~the~~ BCWRMD or SFWMD at the time of  
165 licensing/permitting. Responsibility for monitoring and enforcing the water  
166 management works permits issued by ~~the~~ BCWRMD has been transferred  
167 to ~~the~~ PWESD ~~Water Resources Division~~. Failure to comply with the  
168 conditions and/or requirements of a water management works operating  
169 permit issued by ~~the~~ BCWRMD, or ~~the~~ SFWMD, shall constitute a violation  
170 of this ~~C~~Chapter. Water management works for minor redevelopment of land  
171 that had originally been developed in accordance with operating permits or  
172 licenses by BCWRMD or SFWMD shall be accomplished utilizing the  
173 licensing provisions of BCWRMD and/or SFWMD in effect at the time of  
174 original permitting or licensing. Water management works for major  
175 redevelopment of land that had originally been developed in accordance  
176 with operating permits or licenses by BCWRMD or SFWMD shall be  
177 accomplished utilizing the licensing provisions of this article. Water

178 management works for major or minor redevelopment of land, that were not  
179 issued operating permits or licenses from BCWRMD or SFWMD for the  
180 original development, are operating with an expired operating permit or  
181 license, or are not in compliance with the conditions of the permit or license  
182 shall be accomplished utilizing the licensing provisions of this article.

183 . . .

184 Section 7. Section 27-195 of the Broward County Code of Ordinances is hereby  
185 amended to read as follows:

186 **Sec. 27-195. Water quality standards.**

187 . . .

188 (c) *Standards for ground waters:* Water quality standards appearing in Table 1,  
189 Ground, are applicable to all ground water. Where applicable, compounds are identified  
190 by a Chemical Abstract Service Number (CAS#). If differences exist between the following  
191 standards and the criteria specified in Rule 62-520.420, F.A.C., Standards for Class G-I  
192 and Class-II Ground Water, which are incorporated by reference, the most stringent  
193 standard shall apply.

194 TABLE 1  
195 BROWARD COUNTY WATER QUALITY STANDARDS  
196 FOR MARINE, FRESH (SURFACE) AND GROUND WATERS

197 . . .

197a	CAS #	COMPOUND	MARINE	FRESH	GROUND
197b	. . .	. . .	. . .	. . .	. . .

197c	72-20-8	ENDRIN	0.0023 µg/L	0.0023 µg/L	2 µg/L
197d	<u>ENTEROCOCCI</u>	<u>MPN or MF</u>	<u>N.S.</u>	<u>N.S.</u>	<u>ENTEROCOCCI</u>
197e		<u>counts shall</u>			
197f		<u>not exceed a</u>			
197g		<u>monthly</u>			
197h		<u>geometry</u>			
197i		<u>mean of 35 nor</u>			
197j		<u>exceed 10%</u>			
197k		<u>Threshold</u>			
197l		<u>Value (TPTV)</u>			
197m		<u>of 130 in 10%</u>			
197n		<u>or more of the</u>			
197o		<u>samples during</u>			
197p		<u>any 30-day</u>			
197q		<u>period.</u>			
197r		<u>Monthly</u>			
197s		<u>geometric</u>			
197t		<u>means shall be</u>			
197u		<u>based on a</u>			
197v		<u>minimum of 10</u>			
197w		<u>samples taken</u>			
197x		<u>over a 30-day</u>			
197y		<u>period.</u>			

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197z	<u>ESCHERICHIA</u>	<u>N.S.</u>	<u>MPN or MF</u>	<u>N.S.</u>	<u>ESCHERICHIA</u>
197aa	<u>COLI (E. coli)</u>		<u>counts shall</u>		<u>COLI (E. coli)</u>
197bb			<u>not exceed a</u>		
197cc			<u>monthly</u>		
197dd			<u>geometry</u>		
197ee			<u>mean of 126</u>		
197ff			<u>nor exceed</u>		
197gg			<u>10%</u>		
197hh			<u>Threshold</u>		
197ii			<u>Value (TPTV)</u>		
197jj			<u>of 410 in 10%</u>		
197kk			<u>or more of the</u>		
197ll			<u>samples</u>		
197mm			<u>during any 30-</u>		
197nn			<u>day period.</u>		
197oo			<u>Monthly</u>		
197pp			<u>geometry</u>		
197qq			<u>means shall</u>		
197rr			<u>be based on a</u>		
197ss			<u>minimum of</u>		
197tt			<u>10 samples</u>		
197uu			<u>taken over a</u>		
197vv			<u>30-day period.</u>		

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197ww ...

198 ...

199 Section 8. Section 27-198 of the Broward County Code of Ordinances is hereby  
200 amended to read as follows:

201 **Sec. 27-198. Required licenses and approvals.**

202 ...

203 (d) *Surface water management:*

204 ...

205 (2) *Types of Licenses:*

206 ...

207 f. Renewals for construction/operation licenses: Licensed projects  
208 shall be renewed sixty (60) days prior to expiration. Each renewal  
209 shall be accompanied by:

210 1. ~~the applicable fee;~~

211 2. A sketch showing the location of all components of the  
212 surface water management system;

213 3. ~~a~~A log of the operation and maintenance schedules for all  
214 components of the surface water management system;

215 For licenses issued after May 4, 2026, the maintenance  
216 standards and frequency for each component of the

217 surface water management system and the maintenance  
218 reports shall comply with Sections 8.3, 9.0, and 12.4

219 through 12.6 of the ERP AH Volume I, incorporated by

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reference in Rule 62-330.010, F.A.C., and incorporated by reference herein; and

4. aA certification letter signed and sealed by a Florida registered professional engineer certifying that the components of the surface water management facilities are functioning as originally licensed. The suggested wording is as follows:

I HEREBY CERTIFY THAT ALL COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM FOR THE ABOVE-REFERENCED PROJECT ARE FUNCTIONING IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS LICENSED BY THE ~~WATER RESOURCES DIVISION~~ PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT OR WATER RESOURCE MANAGEMENT DIVISION. I HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

\_\_\_\_\_

~~Engineer's Signature & Seal~~ — ~~Date~~

\_\_\_\_\_

~~Name (Please print)~~

~~FL Registration No.:~~

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\_\_\_\_\_ (SEAL)

If there are deficiencies in the functioning, maintenance standards,  
or maintenance frequency of the surface water management system,  
the licensee may be required by PWESD to make remedial repairs  
or maintenance to the works. Water quality monitoring may also be  
required on a case-by-case basis.

...

Section 9. Section 27-199 of the Broward County Code of Ordinances is hereby  
amended to read as follows:

**Sec. 27-199. Application requirements and conditions.**

All design plans, specifications, and reports must be signed and sealed prior to  
submittal by a professional engineer registered in the State of Florida.

(a) *Domestic wastewater:* All wastewater discharges shall meet the standards  
embodied in Subsection 27-196(a) or (b), as applicable, or as required in Chapter 62-600,  
F.A.C., as amended, except as provided in this ~~S~~section.

(1) *Sanitary sewer collection/transmission systems:*

a. Application procedures:

1. An application for sanitary sewage collection/transmission  
system licenses shall be on the forms supplied by PWESD in  
~~triplicate~~ and be accompanied by one (1) set of engineering  
drawings, specifications, and design data, ~~as~~ as prepared,  
signed, and sealed by a designated engineer, ~~that describe~~  
the systems and ~~show~~ demonstrate that ~~they have~~ it has been

266 designed ~~according to~~ in accordance with sound engineering  
267 practices and this article.

268 . . .

269 4. The fee shall be paid ~~by check, payable~~ to the Broward  
270 County Board of County Commissioners and is  
271 ~~non-refundable~~ nonrefundable.

272 a) When an application is received without the required  
273 fee, ~~the~~ PWESD shall acknowledge receipt of the  
274 application and shall immediately notify the applicant  
275 ~~by mail~~ in writing that the required fee was not received  
276 and advise the applicant of the correct fee. ~~The~~  
277 PWESD shall take no further action until the correct fee  
278 is received. If a fee was received by ~~the~~ PWESD which  
279 that is less than the amount required, ~~the~~ PWESD shall  
280 ~~return the fee along with written notification~~ request the  
281 additional fee.

282 . . .

283 b. Operation & and maintenance:

284 . . .

285 2. All collection/transmission systems shall be operated and  
286 maintained so as to provide uninterrupted service as required  
287 by this Aarticle.

288 . . .

289 5. Operation and maintenance manual:  
290 a) An operation and maintenance manual for domestic  
291 wastewater collection/~~trans-mission~~ transmission  
292 systems shall be submitted electronically as part of the  
293 application process. PWESD may accept written  
294 certification by the licensee that an appropriate manual  
295 is available in lieu of actual submittal. The manual shall  
296 provide for the reliable and efficient operation and  
297 maintenance.  
298 ...  
299 c. Certification of completion:  
300 ...  
301 2. The licensee or ~~his/her~~ their engineer of record shall file with  
302 PWESD upon completion of work an electronic copy of the  
303 plans and specifications for the system record drawing, the  
304 appropriate review fee, and a completed Domestic  
305 Wastewater Collection/Transmission Systems Certification of  
306 Completion form.  
307 ...  
308 (3) *Reuse distribution/application systems:*  
309 a. Application procedures: An Application for a License to  
310 Construct/Operate a Reuse Application System shall be on the forms  
311 supplied by ~~the~~ PWESD and be accompanied by:

312 1. An electronic copy of the application and engineering report  
313 as required by Rule 62-610.310, F.A.C., which is incorporated  
314 by reference and in effect at the time of adoption of this  
315 Aarticle, and any additional information requested by ~~the~~  
316 PWESD.

317 ...

318 3. Each application must be accompanied by the proper fee,  
319 ~~paid by check, made out~~ to the Broward County Board of  
320 County Commissioners, and which is nonrefundable.

321 ...

322 b. License conditions:

323 ...

324 5. Reporting requirements shall be according to Rules  
325 62-610.870(1) and 62-610.870(3)(a), (c), and (d) ~~only~~, F.A.C.,  
326 only. Reports shall be ~~delivered or mailed~~ submitted  
327 electronically to ~~the~~ PWESD on or before January 1 of each  
328 year.

329 ...

330 (c) *Surface water management:* All application documents and information  
331 required under this section must be submitted in electronic format. The applicant may be  
332 required to post a bond for those portions of the work ~~which~~ that impact publicly owned  
333 property or surface water management works, or ~~these portions of the work which~~ that, if

334 partially or improperly constructed ~~or improperly constructed~~, would create an adverse  
335 surface water management impact.

336 . . .

337 (2) *Application:*

338 a. General:

339 1. Submittals:

340 a) The A surface water management application shall be  
341 submitted ~~in duplicate~~.

342 b) The applicable license fee must be submitted with the  
343 application.

344 c) ~~Three (3) copies (unless additional copies are~~  
345 ~~requested by PWESD) of a~~All plans shall be submitted  
346 with the application.

347 d) ~~Two (2) copies of all other information shall be~~  
348 ~~submitted~~.

349 e) The required application documents and their contents  
350 thereof ~~can~~ may be modified for processing and ~~record~~  
351 ~~keeping~~ recordkeeping purposes.

352 b. Contents of the license application: Application for a surface water  
353 management license shall be on an approved form provided by  
354 PWESD and shall contain the following information:

355 1. Name, email address, and address of the property owner.

356 2. Name, email address, and address of the developer.

- 357 3. Name, email address, and address of the person who will be  
358 responsible for the construction of the proposed works.
- 359 4. Name, email address, and address of the person who  
360 prepared the plans and specifications.
- 361 5. Name, email address, and address of the proposed  
362 responsible entity.

363 . . .

364 (4) *Requirements to obtain a general license:* No project is generally licensed  
365 unless the applicant, ~~a minimum of~~ at least ten (10) days prior to ~~beginning~~  
366 the commencement of work, ~~provides~~ submits to the County ~~with three sets~~  
367 ~~of~~ drainage and pavement plans and details ~~and,~~ along with a brief written  
368 description of the project, ~~which~~ The written description shall include ~~why~~  
369 the basis upon which the applicant believes that the project should be  
370 generally licensed. This notification should include information that  
371 demonstrates that the project will not adversely affect:

372 . . .

373 (5) *License conditions:*

374 a. Specific conditions: In addition to the general license conditions set  
375 out in Article I of this Chapter, every surface water management  
376 license issued by ~~the Water Resources Division~~ PWESD shall be  
377 subject to the applicable specific conditions ~~which~~ that follow:

378 . . .

379 2. The responsible entity shall agree to maintain the operating  
380 efficiency of the water management works. Except in cases  
381 where the responsible entity is a governmental agency, the  
382 agreement shall further require that, if the water management  
383 works is not adequately maintained, the eCounty may  
384 undertake the required work and bill all associated costs to  
385 the responsible entity. If the payment for such obligations is  
386 not satisfied within thirty (30) days, said obligation shall  
387 become a lien against the property associated with the water  
388 management works. Where ownership of the water  
389 management works is separate from property ownership, ~~the~~  
390 ~~Water Resources Division~~ PWESD shall require these  
391 agreements demonstrating ownership to be recorded.

392 . . .

393 6. The licensee shall ~~hold the Water Resources Division~~  
394 PWESD harmless from any and all damages, claims, or  
395 liabilities ~~which~~ that may arise by reason of the construction,  
396 operation, maintenance, or use of any facility authorized by  
397 the license.

398 . . .

399 8. No construction authorized by the license shall commence  
400 until a responsible entity, acceptable to ~~the Water Resources~~  
401 ~~Division~~ PWESD, has been established and has agreed to

402 operate and maintain the efficiency of the system. The entity  
403 must be provided with sufficient ownership so that it has  
404 control over all water management facilities authorized  
405 therein. Upon receipt of written evidence of the satisfaction of  
406 this condition, ~~the Water Resources Division~~ PWESD will  
407 issue authorization to commence the construction.

408 . . .

409 12. ~~The Water Resources Division~~ PWESD will be notified, as  
410 required in the license or as indicated on the approved plans,  
411 to coordinate and schedule inspections.

412 13. The operation or construction will be in accordance with the  
413 approved details and plans submitted with the application.  
414 Any modifications must be submitted to ~~Water Resources~~  
415 ~~Division~~ PWESD in writing and receive prior approval.

416 14. Monitoring may be required for sites with high  
417 pollutant-generating-potential, such as industrial sites, class I  
418 and II solid waste disposal sites, and projects discharging to  
419 areas identified in Section 27-200(b)(1)o. Such monitoring will  
420 be under the cognizance of ~~Water Resources Division~~  
421 PWESD.

422 15. Upon completion of the construction of a surface water  
423 management system or phase thereof licensed by ~~the Water~~  
424 ~~Resources Division~~ PWESD, it is a requirement of the

425 issuance of the license, and hence transfer of operation and  
426 maintenance responsibility, that a Florida registered  
427 professional engineer certify that the surface water  
428 management system was indeed constructed as licensed.  
429 Certified record drawings shall accompany the certification.  
430 Suggested wording for this is as follows:

431 I HEREBY CERTIFY TO THE CONSTRUCTION  
432 COMPLETION OF ALL THE COMPONENTS OF THE  
433 SURFACE WATER MANAGEMENT FACILITIES FOR THE  
434 ABOVE-REFERENCED PROJECT AND THAT THEY HAVE  
435 BEEN CONSTRUCTED IN SUBSTANTIAL  
436 CONFORMANCE WITH THE PLANS AND  
437 SPECIFICATIONS APPROVED BY THE BROWARD  
438 COUNTY ~~WATER RESOURCES DIVISION~~ PUBLIC WORKS  
439 AND ENVIRONMENTAL SERVICES DEPARTMENT, AND  
440 HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
441 20\_\_\_\_.  
442 \_\_\_\_\_ (SEAL)

443 ...

444 17. The licensee shall notify ~~the Water Resources Division~~  
445 PWESD in writing within twenty-four (24) hours of after the  
446 start, finish, suspension, ~~and/or~~ abandonment of any  
447 construction or alteration of works authorized by this license.

448 . . .

449 b. Phased projects: In addition to the general license conditions set out  
450 in Article I of this chapter and specific conditions above, a surface  
451 water management license issued by ~~Water Resources Division~~  
452 PWESD for phased projects shall be subject to the applicable  
453 specific conditions ~~which~~ that follow:

454 . . .

455 Section 10. Section 27-200 of the Broward County Code of Ordinances is hereby  
456 amended to read as follows:

457 **Sec. 27-200. Criteria for issuance or denial of licenses.**

458 . . .

459 (b) *Surface water management:*

460 . . .

461 (5) *Design criteria:*

462 a. Water quantity:

463 . . .

464 3. Criteria:

465 . . .

466 c) Flood protection: The lowest habitable building finished  
467 floor elevation shall be above the 100-year flood  
468 elevations, as determined from the most appropriate  
469 information, including: the elevation required by the  
470 Florida Building Code, if located within the federal flood

471 insurance rate ~~maps~~ map's special flood hazard area;  
472 the 100-year flood elevation map, plate WM 13.1; the  
473 100-year flood elevation map, plate WM 13.1 - Future  
474 Conditions; the site-specific post-development  
475 100-year, 3-day flood stage; or 100-year flood  
476 elevations established by previously approved basin  
477 studies for local water control districts with self-  
478 contained water management systems. However,  
479 nonresidential buildings and nonresidential portions of  
480 residential buildings may be constructed at lower  
481 elevations if they are ~~shown to meet the Federal~~  
482 ~~Emergency Management Agency's standards for flood~~  
483 ~~proofing~~ dry-floodproofed up to the habitable building  
484 finished floor elevation required above and comply with  
485 applicable dry-floodproofing requirements. Both tidal  
486 flooding and the 100-year, 3-day storm event shall be  
487 considered in determining elevations requirements in  
488 accordance with the Florida Building Code and  
489 ASCE 24. Where a conceptual comprehensive  
490 drainage plan has been approved, each phase shall  
491 provide detailed plans and calculations indicating  
492 compliance with the approved conceptual  
493 comprehensive drainage plan (i.e., minimum floor

494 elevations, building size, average finished grade, and  
495 the required retention/detention volume). For  
496 nonresidential buildings in areas where the 100-year  
497 flood elevation map, plate WM 13.1 - Future  
498 Conditions, establishes a flood elevation more than  
499 three (3) feet higher than the next highest flood  
500 elevation, as compared to the criteria above, the  
501 applicant may propose a lower finished floor elevation,  
502 provided (i) the proposed finished floor elevation is at  
503 least three (3) feet above the next highest required  
504 elevation and (ii) design documentation is prepared  
505 and sealed by a registered design professional using  
506 accepted engineering practices to demonstrate the  
507 adequacy of the proposed lower level of flood  
508 protection. The 100-year flood elevation map, plate  
509 WM 13.1 - Future Conditions, shall apply to new  
510 surface water management license applications,  
511 surface water management license applications for  
512 major redevelopment of existing sites, and surface  
513 water management license applications for major  
514 modifications submitted after June 30, 2021.

515 ...

516 e) Minimum drainage:

517 . . .

518 2) Commercial and industrial projects to be  
519 subdivided for sale, where the initial licensee will  
520 not build the entire system, are required to have  
521 installed by the initial licensee as a minimum:

522 ~~(aa)~~ a. The required water quality treatment  
523 system for one (1) inch of runoff  
524 detention or one-half (½) inch of dry  
525 runoff retention in the master system for  
526 the total developed site a minimum of  
527 twenty percent (20%) of the load  
528 reduction in a retention BMP for  
529 stormwater treatment. The individual  
530 sites must provide the remainder  
531 (2.5 inches × % impervious – one (1)  
532 inch), which may be in an exfiltration  
533 trench. The master SWM system must be  
534 in a legally defined common area. The  
535 master SWM system cannot utilize  
536 exfiltration trench.

537 ~~(bb)~~ b. A stormwater collection and conveyance  
538 system to ~~inter-connect~~ interconnect the  
539 retention/detention systems with the

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outfall, with access points to the system available to each individual lot or tract. The system shall be sized to limit discharge under design conditions to the allowable discharge.

c. Projects licensed in such manner may require deed restrictions ~~which identify to~~ that inform lot or tract purchasers of the amount of additional on-site stormwater management systems necessary to provide flood protection for specific design events, ~~and~~ any additional retention/detention required for water quality purposes, and the assumed percentage impervious, or impervious area, used in design calculations.

...

4) Residential construction with ten (10) or ~~less~~ fewer parking spaces in Broward County may be approved subject to the following conditions:

~~(aa)~~ a. The lowest habitable building finished floor elevation shall be at or above the highest of:

563 . . .

564 (iii) The elevation required by the  
565 Florida Building Code, if located  
566 within the federal flood insurance  
567 rate ~~maps~~ map's flood hazard  
568 area.

569 ~~(bb)~~ b. There shall be no runoff allowed to  
570 adjacent rights-of-way or property.

571 ~~(cc)~~ c. The percentage of swale adjacent to the  
572 public right-of-way fronting a lot/parcel  
573 that may be paved with any type of  
574 impervious material shall not exceed  
575 thirty percent (30%) of the lot/parcel  
576 frontage unless positive drainage exists  
577 or the property owner provides and  
578 maintains additional ~~sub-surface~~  
579 subsurface drainage facilities in  
580 accordance with Sections 31-48 through  
581 31-56.

582 . . .

583 b. Water quality:

584 1. Standards: Projects shall be designed in accordance with  
585 Sections 8.3 and 9.0 of the ERP AH, Volume I, and operated

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so that off-site discharges will meet State of Florida water quality standards, as set forth in Chapter 62-302, F.A.C., and water quality standards as set forth in this chapter.

2. Retention/detention criteria:

a) Retention and/or detention in an overall system, including swales, lakes, canals, greenways, etc., shall be provided for. ~~One (1) of the three (3) following criteria or equivalent combinations thereof shall be met. (Note: Plate WM 10.1 may be utilized where the conditions therein can be met.)~~ All projects shall provide a minimum of twenty percent (20%) of the load reduction in a retention BMP for stormwater treatment or a separate containment system designed to prevent discharge.

1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of two and one-half (2½) inches times the percentage of imperviousness, whichever is greater.

2) Dry detention volume shall be provided equal to seventy-five ~~(75)~~ percent (75%) of the above amounts computed for wet detention.

- 608 3) Dry retention volume shall be provided equal to  
609 fifty ~~(50)~~ percent (50%) of the above amounts  
610 computed for wet detention. Retention volume  
611 included in flood protection calculations requires  
612 a demonstration of guarantees of long-term  
613 operation and maintenance of system bleed-  
614 down ability. This must normally consist of proof  
615 of excellent soil percolation rates (example:  
616 coastal ridge sands) or an operations entity  
617 which specifically reserves funds for operation,  
618 maintenance, and replacement.
- 619 b) ~~Commercial or industrial zoned projects shall provide~~  
620 ~~at least one-half (1/2) inch of dry detention or retention~~  
621 ~~pre-treatment as part of the required~~  
622 ~~retention/detention.~~
- 623 c) ~~Systems with inlets in grassed areas will be credited~~  
624 ~~with up to two tenths (0.2) inch of the required wet~~  
625 ~~detention amount for the contributing areas. Full credit~~  
626 ~~will be based on a ratio of 10:1 impervious area (paved~~  
627 ~~or building area) to pervious area (the grassed area)~~  
628 ~~with proportionately less credit granted for greater~~  
629 ~~ratios.~~

630 d) Projects ~~having greater~~ with more than forty (40)  
631 percent (40%) impervious area ~~and which that~~  
632 discharge directly to sensitive receiving waters shall  
633 provide at least one-half (0.5) inch of dry detention or  
634 retention ~~pretreatment~~ a minimum of  
635 twenty percent (20%) load reduction in a retention BMP  
636 for stormwater treatment as part of the required  
637 ~~retention/detention~~ retention or detention. Such  
638 receiving waters are defined as:  
639 1) Water bodies designated as Class I or II waters  
640 by DEP.  
641 2) Outstanding Florida waters as defined in  
642 Chapter 62-302.700, F.A.C.  
643 3) Water bodies located within the cone of  
644 depression of a permitted public supply  
645 wellfield, as defined by Broward County  
646 Wellfield Protection Ordinance contour for  
647 Zone 3, that ~~cone of depression which~~ are not  
648 separated from the aquifer by strata at least  
649 ten (10) feet thick; and having an average  
650 saturated hydraulic conductivity of less than  
651 one-tenth (0.1) foot per day; ~~where the cone of~~  
652 ~~depression is defined by Broward County~~

Wellfield Protection Ordinance contour for  
Zone 3.

e) ~~Water surface and roofed areas can be deducted from site areas only for water quality pervious/impervious calculations. The water surface area meeting dimensional criteria may also be subtracted from the total site area when making final water quality treatment volume calculations.~~

f) c) Water quality requirements may be reduced for widening of urban public highway projects. Detailed documentation, including cost analysis, of all treatment and alignment alternatives considered will be required. This paragraph shall not be interpreted to conflict with § Section 373.4596, F.S Florida Statutes.

...

5. Solid waste facilities:

...

f) For Class I, II, and III landfills, there may be required one (1) or more of the following additional BMPs for stormwater treatment:

...

g) To provide information for assessing the need for BMPs for stormwater treatment at a specific site, a

676 hydrogeologic investigation will be required that  
677 should, at a minimum, provide information on:

678 . . .

679 7. Underground exfiltration systems:

680 a) Systems shall be designed for the ~~retention volumes~~  
681 water quality requirements specified in ~~subparagraph~~  
682 ~~b. of this paragraph (2)~~ Section 27-200(b)(5)b.2. for  
683 retention systems, exfiltrated over one (1) hour for  
684 retention purposes, prior to overflow, and based on test  
685 data for the site. (Note: Such systems will not be  
686 acceptable on projects to be operated by entities other  
687 than single owners or entities with full-time  
688 maintenance staff).

689 . . .

690 d. Construction criteria:

691 . . .

692 10. Canal crossings: A surface water management license must  
693 be obtained for all crossings of waterways controlled and  
694 operated by the County. Canal crossings shall conform to the  
695 general requirements indicated below.

696 . . .

697 c) Bridges: Drainage structures of greater than a  
698 twenty (20) foot span will be considered as bridges with

699 the hydraulic and navigation criteria set by PWESD.  
700 ~~Approval of the bridge design will be by t~~The Broward  
701 County Traffic Engineering Division will approve the  
702 bridge design.

703 . . .

704 Section 11. Section 27-302 of the Broward County Code of Ordinances is hereby  
705 amended as shown below. In addition, the first-level numerical paragraph designations  
706 assigned to individual definitions are deleted, and the definitions are reordered  
707 alphabetically. The paragraph designations of all subordinate paragraphs shall be  
708 conformed to the formatting reflected herein to read as follows:

709 **Sec. 27-302. Definitions and reference standards.**

710 (a) The definitions set forth in the most current version of Chapters 62-252,  
711 62-761, and 62-762, F.A.C., are adopted by reference and incorporated herein and shall  
712 apply to the provisions of this article; however, where a word or phrase is defined in this  
713 section, that definition shall apply to this regulation to the exclusion of the definition of the  
714 same word or phrase in the most current versions of Chapters 62-252, 62-761, and  
715 62-762, F.A.C. The following words, phrases, and terms when used in this article shall,  
716 unless the context clearly indicates otherwise, have the following meaning:

717 . . .

718 ~~(54)~~ *Mobile tank is* means a shop fabricated storage tank that:

- 719 a. ~~An AST that is~~ moved to a different location at least once every  
720 ~~one hundred~~ one hundred eighty (180) days, and

721 . . .

722 2. Is designed and constructed to be moved to other service  
723 locations, and its relocation within a facility or from site to site  
724 is inherent in its use;~~or,~~

725 ~~3. b.~~ Is used for on-site construction activities, provided that the  
726 construction activities do not exceed twelve (12) months, or the life  
727 of the construction project as long as construction is continuous, and  
728 the tanks are removed from the site when the construction is  
729 complete;~~and,~~

730 ~~b. c.~~ Is Not considered mobile if it is connected to stationary underground  
731 or aboveground integral piping, unless associated with the  
732 production of an agricultural commodity, and provided that the tank  
733 is moved at least once every ~~one hundred~~ one hundred eighty (180)  
734 days.

735 . . .

736 Section 12. Section 27-331 of the Broward County Code of Ordinances is hereby  
737 amended to read as follows:

738 **Sec. 27-331. Declaration of intent.**

739 The ~~board~~ Commission desires to avoid water pollution and the resultant  
740 environmental degradation by protecting the Everglades, wetlands, and waters of  
741 Broward County (eCounty) because of their value to the maintenance of the quality of life,  
742 public drinking water supply, flood storage, groundwater recharge and discharge,  
743 recreation, propagation of fish and wildlife, and the public health, safety, and welfare, and  
744 hereby declares that:

745 (1) (a) It is the purpose and intent of this article to maintain the functions and values  
746 provided by aquatic and wetland resources so that there will be no overall net loss in the  
747 functions and values and to strive for a net resource gain in aquatic and wetland resources  
748 over present conditions.

749 (2) (b) The alteration of existing regulated aquatic or jurisdictional wetland areas  
750 may ~~have an adversely environmental impact on the~~ waters of Broward County and ~~on~~  
751 the ecological functional values provided by those areas, the loss of which may causes  
752 adverse impacts to the people and biota of Broward County. This adverse impact must  
753 be regulated by avoidance as the first priority, minimized as a second priority, or mitigated  
754 as a third priority.

755 (3) (c) Wetland resource alteration includes, but is not limited to, the dredging,  
756 grubbing, filling, drainage ~~or,~~ flooding ~~or,~~ use of heavy equipment, and compaction of soils  
757 in jurisdictional wetland areas.

758 (4) (d) Dredging and filling or aquatic resource alteration projects include, without  
759 limitation, construction, maintenance, removal, or replacement of seawalls, bulkheads,  
760 docks, and piers; the filling of any existing regulated water body; the creation of new  
761 canals, ponds, or lakes within upland areas; maintenance dredging of existing canals,  
762 ditches, or waterways; site clearing; installation of pilings, buoys, or aids to navigation;  
763 the installation of subaqueous utility crossings or lines; the construction or replacement  
764 of bridges; the removal or alteration of any mangroves as defined within Chapter 373, ~~part~~  
765 Part IV, F.S. Florida Statutes (§ Section 373.403, F.S. Florida Statutes,  
766 et seq.), and Chapter 403, F.S. Florida Statutes, as amended; and any other work done

767 in, on, or under the waters of Broward County, except for those activities specifically  
768 exempted by this article.

769 ~~(5)~~ (e) Although some dredging and filling, aquatic resource alteration, and  
770 wetland alteration activities in the waters or wetland resources of Broward County may  
771 by themselves have a minor impact, the cumulative effect of several otherwise unrelated  
772 changes can result in a major impairment of aquatic or wetland resources.

773 Section 13. Section 27-332 of the Broward County Code of Ordinances is hereby  
774 amended to read as follows:

775 **Sec. 27-332. Definitions and incorporation by reference.**

776 The definitions in this article apply only to this article. The general definitions in  
777 Section 27-4 shall apply unless in conflict with a definition contained herein. The Manatee  
778 Protection Plan ("MPP") and the application forms for environmental resource licenses,  
779 general licenses, and jurisdictional determinations maintained by PWESD are  
780 incorporated by reference into this article. When a term is defined in this section and in  
781 the MPP, the stricter or more restrictive definition shall apply.

782 . . .

783 *Boat or marine facility* means a public or private structure, operation, or facility  
784 where boats are moored or launched, including commercial, recreational, private,  
785 governmental, and residential marinas, and boat ramps. A dry storage facility is  
786 considered a boat facility if the dry storage facility has the capability of launching vessels  
787 into adjacent waters or water access is provided adjacent to the project. Facilities such  
788 as long-term boat storage lots, boat yards, or boat dealership lots that do not have direct  
789 water access are not considered boat or marine facilities. Waterfront single-family

790 residences and in waterfront multi-slip facilities with less than five (5) slips are not  
791 considered boat or marine facilities regulated under the MPP.

792 Boat tender means a small vessel that is used to service a larger vessel or yacht  
793 and that is stored on the larger vessel or yacht when not in use.

794 . . .

795 Dock means a water-dependent facility, including, but not limited to, a pier,  
796 walkway, terminal platform, floating vessel platform not qualifying for a general license,  
797 or other similar water-dependent structure constructed within a waterward area for the  
798 specific purpose of mooring a vessel; except that this definition shall not be interpreted  
799 to include any floating vessel platform of five hundred (500) square feet or less, as defined  
800 in this section, nor any backyard extensions, such as putting greens, restaurants, seating  
801 areas, or other protrusions into waterways that are not for the sole purpose of mooring a  
802 vessel.

803 . . .

804 Impact means any activity which that negatively affects any regulated aquatic or  
805 wetland resource; such as including, but not limited to, construction, demolition, mowing,  
806 use of heavy equipment causing changes to the topography, accidental occurrences, ship  
807 groundings, and cable drags.

808 . . .

809 Isolated wetland means any wetland that is not hydrologically connected through  
810 surface flows to streams, wetlands, or other surface waters.

811 Jurisdictional wetland means those areas that are inundated or saturated by  
812 surface water or groundwater at a frequency and a duration sufficient to support, and that

813 under normal circumstances do support, a prevalence of vegetation typically adapted for  
814 life in saturated soils, and which would satisfy the requirements of a jurisdictional  
815 determination. Soils present in wetlands generally are classified as hydric or alluvial, or  
816 possess characteristics that are associated with reducing soil conditions. The prevalent  
817 vegetation in wetlands generally consists of facultative or obligate hydrophytic  
818 macrophytes that are typically adapted to areas having soil conditions described above,  
819 including, but not necessarily limited to, swamps, marshes, bogs, sloughs, wet meadows,  
820 river floodplains, mud flats, and wet prairies, whether or not adjacent to a surface water  
821 body. The term “wetland(s)” as used in this chapter means jurisdictional wetland.

822 Living seawall means a seawall incorporating ecological design elements on the  
823 seaward side to encourage the attachment of living organisms, such as textured surfaces,  
824 planters, biologically compatible materials, or 3-D printed modules with “natural”  
825 structures such as mangrove roots, coral heads, nooks and crannies, or a combination of  
826 such features or other similar features.

827 Living shoreline means the use of natural materials such as oyster bags/clumps,  
828 marsh grasses, riprap, mangroves, etc., to enhance shoreline ecosystems while providing  
829 shoreline protection.

830 . . .

831 *Manatee Protection Plan Zone(s) or MPP Zone(s)* means map areas established  
832 by the Boat Facility Siting Plan component of the Manatee Protection Plan, which divides  
833 Broward County into North, Center, and South waterway regions and four (4) areas of  
834 special concern. Slips are allocated through an ERL based upon the “pool” of existing  
835 and available slips within the applicable Manatee Protection Plan Zone.

836 . . .

837 ~~RED means the Broward County Resilient Environment Department.~~

838 PWESD means the Broward County Public Works and Environmental Services  
839 Department.

840 *Regulated aquatic and wetland resources* means all rivers, lakes, streams,  
841 springs, canals, ditches, impoundments, wetlands, and all other bodies of water, whether  
842 artificial or natural, including fresh, brackish, saline, tidal, surface, or underground.

843 Riprap means unconsolidated lime-rock boulders, rocks, or rubble with no exposed  
844 reinforcing rods or similar protrusions, free of sediment, debris, and any toxic or otherwise  
845 deleterious substances to be placed in front of a seawall for habitat enhancement.

846 *Significant benthic community* means an assemblage of organisms occupying the  
847 benthic substrate that is composed of economically important shellfish, such as oysters,  
848 hard or soft corals, seagrasses, or a diverse macroinvertebrate association.

849 . . .

850 *Slip* means the space designed for the mooring or storage of a single watercraft,  
851 including, ~~but not limited to, the space for any motorized vessels such as outboards,~~  
852 personal watercraft, yachts, etc., and includes wet or dry slips, anchorage, beached or  
853 blocked watercraft, watercraft hoists, seawalls, floating platforms, davits, boat lifts, and  
854 the parking spaces associated with boat ramps and similar launching facilities. Piers  
855 authorized only for fishing or observation are not considered slips.

856 *Solid waste* means garbage, rubbish, refuse, sludge, or other discarded solid or  
857 semisolid material resulting from domestic, commercial, industrial, agricultural, or  
858 governmental activities or operations. This includes, but is not necessarily limited to,

859 wood, putrescible construction and demolition debris, and asphalt or other asphaltic  
860 material.

861 Transitory slip means a slip for temporary use of less than one (1) day, including,  
862 but not limited to, water-dependent public transportation, boat rental, and restaurant and  
863 hotel docks.

864 . . .

865 Section 14. Section 27-333 of the Broward County Code of Ordinances is hereby  
866 amended to read as follows:

867 **Sec. 27-333. Prohibited activities.**

868 (a) *Prohibitions.*

869 (1) No person shall cause, permit, suffer, allow, conduct, or cause to be  
870 conducted, impact, alteration, clearing, construction, demolition, dredging,  
871 or filling in regulated aquatic or wetland resources, except in accordance  
872 with a currently valid ERL issued by PWESD and all general and specific  
873 license conditions contained therein.

874 . . .

875 Section 15. Section 27-334 of the Broward County Code of Ordinances is hereby  
876 amended to read as follows:

877 **Sec. 27-334. Application requirements and standards.**

878 (a) *Application Forms:* Application for a license shall be on the approved  
879 PWESD wetland or aquatic resource alteration form ~~along with the currently approved~~  
880 ~~PWESD addendum~~. All application forms shall be available from PWESD. The Prior to  
881 work commencement, an application must be submitted and fully completed, and all

882 required fees must be paid, a license must be issued, and a notice of commencement  
883 must be received by the Department prior to commencement of work activities as herein  
884 regulated.

885 (b) *Required Data:* The completed form may be submitted via United States  
886 mail or electronically as provided by PWESD and ~~two (2) copies~~ shall be accompanied  
887 by the following:

888 . . .

889 (c) *Fees:*

890 . . .

891 (2) Pursuant to the Broward County Manatee Protection Plan, each ERL  
892 applicant proposing to add one (1) or more new slips ~~at a boat or marine~~  
893 ~~facility~~ over four (4) slips, or above the historical number of slips present at  
894 that facility, ~~except for projects at a single-family residence~~ location, is  
895 required to pay to PWESD a nonrefundable application fee of  
896 one hundred dollars (\$100.00) per proposed slip as partial payment of the  
897 total new slip fee of six hundred sixty-six dollars (\$666.00) per proposed  
898 slip. The application fee portion of the new slip fee is due at the time an  
899 application is submitted. At the time that an application is determined to be  
900 a Good Faith Application by PWESD pursuant to the MPP and the  
901 standards of this article, slips for the proposed project may be allocated to  
902 the project from the pool of available slips in the applicable MPP Zone, if  
903 any. Payment of the remainder of the new slip fee is due and must be  
904 received by PWESD to complete the application process and prior to

905 issuance of the ERL. If an application denial becomes final without legal  
906 challenge, or a denial is upheld as the end result of any legal challenge, the  
907 slips allocated to the proposed project from those available pursuant to the  
908 MPP shall return to the pool of slips. Additionally, each ~~multislip facility~~  
909 location with five (5) or more slips shall also pay to PWESD an annual  
910 manatee mitigation fee of thirty-two dollars (\$32.00) for each allocated slip  
911 on or before October 1 of each year pursuant to Section 27-342 and the  
912 facility's Marine Facility Operating License. Any previously unregulated  
913 location that acquires slips in a number causing it to become regulated shall  
914 be required to pay applicable slip fees for all slips at the location, including  
915 the four (4) slips previously allowed for unregulated locations. The total  
916 number of slips at the location will be subtracted from the MPP pool.

917 . . .

918 (3) Construction of a new transitory slip ~~at a boat or marine facility~~ shall be  
919 subject to payment of the new slip fee and the availability of slips within the  
920 relevant MPP Zone. Existing and new transitory slips are exempt from  
921 annual manatee mitigation fees. A transitory slip shall not be converted to  
922 a permanent slip without obtaining an ERL and paying the new slip fee, if  
923 not paid previously, and the annual manatee mitigation fee.

924 (4) All fees payable under this article are nonrefundable and nontransferable.  
925 ~~Unless otherwise established in this article, t~~There are no fee exemptions,  
926 prorating, or discounts.

927 (d) *Procedure:* Within thirty (30) days after the receipt of an application for an  
928 ERL, the applicant may be requested to provide such additional information as is  
929 reasonably necessary to determine whether the license should be issued or denied. A  
930 decision on the application based upon the criteria contained in this article shall be in  
931 writing and ~~mailed~~ sent to the applicant's ~~address~~ no later than ninety (90) days after the  
932 requested additional information is received from the applicant or, if a timely request for  
933 additional information is not made, no later than ninety (90) days after receipt of the  
934 application. If an application is not approved or denied within the applicable ninety (90)  
935 days, the applicant may, within thirty (30) days after the last date when a timely decision  
936 could have been made, request PWESD make a final agency determination on the  
937 license. The applicant may seek administrative review of a final agency determination as  
938 provided by this chapter. Alternatively, the applicant may, in writing, waive the time frames  
939 for processing its application in order to maintain its Good Faith Application status for a  
940 future allocation of slips and to voluntarily allow ~~more~~ additional time for PWESD to  
941 complete the processing of its application. Placement on a waiting list per  
942 Section 27-337(e)(3) tolls the expiration date for a phased ERL. If the applicant chooses  
943 to not move a project forward after allocation, they may withdraw the application without  
944 prejudice and reapply within one (1) year without paying application fees again.

945 If an applicant withdraws an application prior to PWESD initiating review, any  
946 processing fee submitted with that application shall be applied to the processing fee for a  
947 new application or notice submitted by the same applicant within one (1) year from when  
948 the original application was withdrawn, provided the activity is located within all or part of  
949 the same project area. In such a case, additional processing fees will be required only to

950 collect the balance due for the activities proposed in the revised application or notice.  
951 Processing fees previously paid for an application or notice that was denied by PWESD  
952 shall not be applied to a new or revised application or notice.

953 . . .

954 (i) *Public Notice:* When an ERL application is received, a description of the  
955 project and its location will be publicly available at the main PWESD office pursuant to  
956 Chapter 119, Florida Statutes, and all applications will be available ~~for public comment~~  
957 on the ENVIROS website. ~~Where an application is reviewed for work within a municipality,~~  
958 ~~that municipality will be provided a copy of the application for comment prior to a final~~  
959 ~~agency determination on the application.~~

960 Section 16. Section 27-335 of the Broward County Code of Ordinances is hereby  
961 amended to read as follows:

962 **Sec. 27-335. Exemptions.**

963 The following projects are exempt from license requirements:

964 ~~(1)~~ (a) The excavation of a new lake or pond of less than one (1) acre in size that  
965 is totally isolated from surface waters or wetlands and does not exchange water with any  
966 surface water body or wetland. For the purpose of this exemption, the area of the  
967 excavation shall be measured at the elevation of the average annual water table.

968 ~~(2)~~ (b) All licensed or permitted excavations not in wetlands designed to be  
969 constructed with an impervious bottom and sides, including, but not limited to, sewage  
970 treatment ponds, industrial or wastewater ponds, lagoons, and swimming pools.

971 ~~(3)~~ (c) The filling of any excavation that has been constructed with an impervious  
972 bottom and sides with clean fill.

973        ~~(4)~~ (d)    Any temporary excavation in ~~nonwetlands~~ nonwetland areas constructed  
974 for the purpose of demucking, site runoff control or erosion control, or the removal of  
975 materials unsuitable for construction, for the purpose of preparing land for development;  
976 ~~providing~~ provided that the excavation is designed to be filled to, at, or above the average  
977 annual water table with clean fill or original suitable fill from on-site operations.

978        ~~(5)~~ (e)    The maintenance of existing residential or agricultural drainage ditches and  
979 canals, and intake or discharge canals; ~~provided~~ is provided that the maintenance work ~~be~~ is  
980 conducted in accordance with the original design specifications, ~~or~~ construction  
981 specifications, or prior license, whichever is most restrictive, and that the ditch or canal  
982 does not negatively impact, drain, or pass through wetland areas or impact seagrasses.  
983 The material removed from the existing ~~ditch~~ area must be placed on the uplands and  
984 disposed of in an approved manner. Water quality standards must not be violated as a  
985 result of the maintenance activity.

986        ~~(6)~~ (f)    Projects for which Broward County, through PWESD, is the project  
987 manager. PWESD shall ensure that all actions undertaken as part of the project comply  
988 with the requirements of this Aarticle.

989        ~~(7)~~ (g)    United States Army Corps of Engineers dredging projects for which Broward  
990 County is a local sponsor; ~~provided~~ that the Port Everglades Department submits notice  
991 to the County Administrator of its intent to proceed under this exemption, and the County  
992 Administrator, through the County's participation in the planning and design of the project,  
993 is able to ensure that potential impacts of the project are properly addressed.

994        ~~(8)~~ (h)    Maintenance dredging conducted by the Port Everglades Department, if the  
995 County Administrator determines that the dredging to be performed is no more than is

996 necessary to restore previously dredged areas to original design specifications or  
997 configurations, previously undisturbed natural areas are not significantly impacted, all  
998 other federal and state authorizations are obtained and complied with, best management  
999 practices are followed, and PWESD is notified at least thirty (30) days before the  
1000 commencement of maintenance dredging.

1001 ~~(9) New slips at single-family residences, but only from the licensing and fee~~  
1002 ~~requirements of the Manatee Protection Plan. This exemption shall not apply when the~~  
1003 ~~facility meets the definition of a boat or marine facility.~~

1004 Section 17. Section 27-336 of the Broward County Code of Ordinances is hereby  
1005 amended to read as follows:

1006 **Sec. 27-336. General licenses.**

1007 (a) *Projects Meeting Criteria for General License:* Projects described below  
1008 shall qualify for a general license upon submittal of a complete application to PWESD,  
1009 and subject to the requirements of this section:

1010 *Requirements To Obtain a General License:*

1011 (1) A general license will be issued within ten (10) days ~~of~~ after receipt of the  
1012 complete application proposing one (1) or more of the projects described  
1013 below. This application shall include information that demonstrates that the  
1014 project will not substantially impede water flow, will not impact natural  
1015 resources or submerged aquatic vegetation, or will not violate applicable  
1016 local and state water quality standards, or criteria contained in this article,  
1017 ~~sSections 27-331 to~~ through 27-341, and that clean fill will be used in any  
1018 filling activities.

- 1019 a. The repair or replacement of existing docks and associated pilings,  
1020 provided that no additional waterward fill is used and the new or  
1021 repaired ~~deck~~ over-water structure, including docks or seawall caps,  
1022 is not enlarged beyond a total of five hundred (500) square feet  
1023 over-water surface area for the new and existing structure, as  
1024 measured from the wet face of the seawall at median high water  
1025 (“MHW”).
- 1026 b. The repair, maintenance, or restoration of existing functional  
1027 seawalls no more than one (1) foot waterward of their original  
1028 authorized location or the installation of a new seawall within one (1)  
1029 foot of the existing seawall wet face, when the old wall will remain in  
1030 place.
- 1031 c. The relocation within an already approved right-of-way, or repair or  
1032 maintenance of existing utility transmission or distribution lines and  
1033 associated adjacent facilities required to ~~effect~~ complete the repair.
- 1034 d. New lake or pond excavations of at least one (1) acre, but less than  
1035 two (2) acres, ~~but equal to or greater than one (1) acre~~ that are not  
1036 connected ~~with~~ to and do not exchange water with any other surface  
1037 water body or wetland, except by means of a permitted overflow  
1038 structure (weir, control structure, etc.).
- 1039 e. The installation of ~~private, noncommercial~~ over-water structures,  
1040 docks, seawall caps, or floating docks of five hundred (500) square  
1041 feet or less of over-water surface area, as measured from the wet

1042 face of the seawall at MHW, where no dredging or filling is required  
1043 except to install the pilings. FVPs that qualify for a general license  
1044 are not included in the over-water surface area calculation.

1045 f. Projects ~~which are~~ within ~~isolated wetlands or lakes and~~surface  
1046 waters, as well as ~~or otherwise~~ projects that, in the opinion of  
1047 PWESD, will not significantly degrade the environment, including  
1048 boatlifts, davits, and mooring, dolphin, or cluster pilings.

1049 . . .

1050 j. The installation of twenty (20) cubic yards or less of natural limerock  
1051 ~~rip-rap~~ riprap at the waterward face of an existing vertical bulkhead,  
1052 provided that the ~~rip-rap~~ riprap is clean and free of debris, that no  
1053 seagrasses are covered by the ~~rip-rap~~ riprap, that no dredging or  
1054 other filling is conducted ~~and~~, that the ~~rip-rap~~ riprap is placed at a  
1055 slope no steeper than 2H:1V, and that no interference to other  
1056 riparian property rights, or navigation occurs.

1057 . . .

1058 l. The installation of utility or transmission lines laid on or embedded in  
1059 the substrate, provided that no dredging or filling is required and that  
1060 no seagrasses or significant benthic communities ~~will~~ could be  
1061 affected by the activity.

1062 . . .

1063 n. Installation of seepage holes through seawalls, refacing seawall  
1064 surfaces, filling cracks, or other minor repairs.

- 1065 o. Raising the elevation of a seawall cap in the same footprint, with no  
1066 widening of the cap.
- 1067 p. Redecking of existing docks in the same footprint with no piling work.
- 1068 (2) A general license for the emergency repair, replacement, or maintenance  
1069 of existing utility transmission or distribution lines ~~is hereby~~ will be issued,  
1070 provided that the owner of the damaged facility or the owner's agent  
1071 provides verbal notice to the County of the condition, its location and  
1072 expected length of time required for repair, replacement, or maintenance  
1073 activities, and submits an application as soon as practicable, concurrent  
1074 with the start of work.
- 1075 (3) ~~A general license is granted to the Florida Department of Transportation,~~  
1076 ~~following appropriate PWESD notification procedures, for the following~~  
1077 ~~minor works within FDOT rights of way and provided that all other water~~  
1078 ~~quality standards are not violated:~~
- 1079 a. ~~Repair of existing concrete bridge pilings by the construction of pile~~  
1080 ~~jackets provided that the permanent outer form is composed of inert~~  
1081 ~~materials, and the quantity of material shall not exceed three hundred~~  
1082 ~~(300) cubic yards of dredging or three hundred (300) cubic yards of~~  
1083 ~~filling per project. Although the bottom sediments within the forms~~  
1084 ~~may be removed by jetting or pumping, and may not be recoverable,~~  
1085 ~~proper turbidity control measures shall be employed as necessary to~~  
1086 ~~prevent violations of state or county water quality standards.~~

1087 b. ~~The maintenance, repair, or replacement of existing drainage~~  
1088 ~~facilities provided that no wetlands will be affected and that the~~  
1089 ~~original specifications of the facilities will not be modified.~~

1090 c. ~~The installation of fences within regulated waters or wetlands~~  
1091 ~~provided no dredging or filling occurs other than that necessary for~~  
1092 ~~the posts and that water flow is not impeded.~~

1093 ~~(4)~~ (3) A general license for the construction, installation, operation, or  
1094 maintenance of an FVP will be issued within ten (10) days after a complete  
1095 application ~~under~~ is received pursuant to this section if the FVP meets the  
1096 following requirements:

1097 . . .

1098 ~~(5)~~ (4) A general license for the construction, installation, operation, or  
1099 maintenance of an FVP will be issued within ten (10) days after receipt of a  
1100 complete application ~~under~~ pursuant to this section if the FVP does not meet  
1101 the general license criteria of Section 27-336(a)~~(4)~~(3), above, but complies  
1102 with the general permit requirements of Rule 62-330.428 of the Florida  
1103 Administrative Code, as amended.

1104 ~~(6)~~ (5) Applicants that do not meet the criteria for issuance of an FVP ~~G~~general  
1105 ~~L~~license under Section 27-336~~(4)~~(3) or 27-336~~(5)~~(4), above, shall obtain a  
1106 ~~G~~general License or Environmental Resource License as otherwise  
1107 required by Section 27-336 or Section 27-337.

1108 Section 18. Section 27-337 of the Broward County Code of Ordinances is hereby  
1109 amended to read as follows:

1110 **Sec. 27-337. Criteria for issuance or denial of an Environmental Resource License.**

1111 (a) *Application Requirements:* A license shall be granted only after the  
1112 applicant provides PWESD with reasonable assurances that the license is not contrary to  
1113 the public interest. In determining whether a project is not contrary to the public interest,  
1114 PWESD shall consider and balance the following criteria:

1115 . . .

1116 (6) Whether the activity will adversely affect or will enhance significant historical  
1117 and archaeological resources under the provisions of  
1118 § Section 267.061, F.S. Florida Statutes, as amended.

1119 . . .

1120 (9) Whether the dock is the minimal width to moor a vessel.

1121 (10) Whether the local municipal seawall elevation and setback requirements  
1122 have been met.

1123 (b) *Design Criteria:* In addition to the general criteria, for all projects, a license  
1124 shall not be issued for specific activity unless all the following criteria are met:

1125 . . .

1126 (2) No construction shall occur over seagrasses unless the vertical separation  
1127 between the construction and the substrate is equal to or greater than  
1128 five (5) feet, or unless light-penetrating decking is used.

1129 (3) Permanent ~~terminal platforms, roof structures, or decks~~ over-water  
1130 structures shall not be located over seagrasses or significant benthic  
1131 communities, unless light-penetrating materials are used.

1132 . . .

1133           (5)   Marginal docks shall be no further waterward than ten (10) feet from the  
1134                   property line.

1135       (5) (6)   All vertical bulkheads or seawalls constructed in marine waters where no  
1136                   previous seawall existed shall be provided with natural limerock ~~rip-rap~~  
1137                   riprap, or other approved habitat enhancement, at the waterward face of the  
1138                   bulkhead or seawall. Riprap is not required if (1) natural resources are  
1139                   present and would be impacted by the riprap, or (2) alternative technologies  
1140                   are used to provide additional habitat.

1141       (6) (7)   Wetland impacts will not be licensed where an upland alternative is  
1142                   practicable or economically feasible.

1143       (7) (8)   Wetland impacts will be avoided or minimized to the greatest extent  
1144                   practicable.

1145       (8) (9)   Wetland losses ~~which~~ that are unavoidable shall be replaced by  
1146                   compensatory mitigation such that ecological functional values provided by  
1147                   the subject wetland area are not lost as a result of the project.

1148       (9) (10)   There shall be a presumption that higher quality wetlands shall receive  
1149                   greater protection and enhancement than lower quality wetlands.

1150       (10)(11)   Mangrove alteration shall be licensed only if the alteration is in conformity  
1151                   with Chapter 373, ~~Pt. Part~~ Part IV, F.S. Florida Statutes (§ Section 373.403, ~~F.S.~~  
1152                   Florida Statutes, et seq.), and Chapter 403, ~~F.S.~~ Florida Statutes, as  
1153                   amended.

1154       (11)(12)   Any lake excavation shall meet design criteria that provides a minimum  
1155                   slope of one (1) foot vertical to every four (4) feet horizontal ~~between~~ from

1156 the ordinary high water line to two (2) feet below the average dry season  
 1157 low water table elevation, as demonstrated by water management district  
 1158 or county maps. Lakes excavated greater than twenty (20) feet deep shall  
 1159 require permanent aerators to provide improved water quality.

1160 ...

1161 (d) Mitigation Functional Assessment Methods.

1162 ...

1163 (2) For Environmental Resource License applications received by PWESD  
 1164 prior to February 2, 2004, mitigation requirements and license modifications  
 1165 shall be were determined using the Wetland Benefit Index as described  
 1166 herein.

1167 ...

1168 TABLE II. BASE REPLACEMENT RATIOS FOR MITIGATION

1168a	Wetland Type	Creation	Enhancement Higher Quality* (≥ 0.52 WBI)	Enhancement Lower Quality* (< 0.52 WBI)
-------	--------------	----------	--	---

1168b ...

1168c 2. Forested  
 freshwater,  
 noncypress

1168d ...

1169 ...

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

- 1170 (e) Additional criteria and waiting list for ~~boat or marine facility~~ projects subject  
1171 to the Manatee Protection Plan:
- 1172 (1) In addition to the requirements of this chapter and the MPP, each applicant  
1173 for an ERL proposing a construction or reconfiguration of ~~a boat or marine~~  
1174 ~~facility~~ project shall:
- 1175 . . .
- 1176 (6) When slips are returned to the pool of available slips for an MPP Zone with  
1177 a waiting list, the following process shall apply:
- 1178 a. The ~~highest priority~~ first applicant on the waiting list for that MPP  
1179 Zone shall be notified in writing by PWESD of the total number of  
1180 slips available and the opportunity to proceed with its pending  
1181 application.
- 1182 b. If the number of slips returned to the pool is greater than the ~~highest~~  
1183 ~~priority~~ applicant's pending application would utilize, the next ~~highest~~  
1184 ~~priority~~ applicant on the waiting list shall also be notified in writing by  
1185 PWESD of the total number of slips that became available, the  
1186 number of slips subject to a higher priority application, and the  
1187 opportunity to proceed with its pending application for the number of  
1188 slips available after consideration of the higher priority application.
- 1189 c. Within thirty (30) days after the date on the notification, an applicant  
1190 may notify PWESD in writing to either process its application for the  
1191 available slips up to the maximum number of slips for which it has a  
1192 Good Faith Application or to withdraw its application. If no response

1193 is received within thirty (30) days after the date on the notification,  
1194 the application shall be moved to the bottom of the waiting list based  
1195 upon an application date equal to the day after the deadline, i.e., the  
1196 thirty-first (~~34<sup>st</sup>~~) (31st) day. No modifications are allowed to  
1197 supplement submitted applications with the intent of adding  
1198 additional slips to a pending project on the list.

1199 (7) If the number of slips available in the applicable pool is less than the number  
1200 of slips the applicant has requested in a Good Faith Application, the  
1201 applicant shall have thirty (30) days from the date of the notification to  
1202 pursue issuance or denial of an ERL for the available slips and to apply for  
1203 a modification to the ERL for the remainder of the Good Faith Application  
1204 slips pursuant to Section (3), above. If an application for modification of the  
1205 ERL is received by PWESD for the remaining slips within the foregoing time  
1206 frame, that application for modification shall retain the same application date  
1207 for priority purposes in the waiting list as the original Good Faith Application.  
1208 If an applicant notifies ~~the~~ PWESD in writing that it will not pursue issuance  
1209 or denial of its ERL, or does not submit an application for modification of the  
1210 ERL for the remaining Good Faith Application slips, within thirty (30) days  
1211 after the date of the notification, the application shall be removed from the  
1212 waiting list. If an applicant wishes to pass on receiving offered available slips  
1213 at a given time, they can retain their place on the waiting list, and the slips  
1214 can be offered to the next applicant on the waiting list.

1215 . . .

1216 (9) ~~Slips allocated~~ Slips ~~to a boat or marine facility~~ are not transferable or  
1217 assignable to any other facility or MPP Zone. Adjacent parcels under the  
1218 same ownership may merge their individual Marine Facility Operating  
1219 Licenses into one (1) license.

1220 (10) An ERL that authorizes construction of one (1) or more slips ~~at a boat or~~  
1221 ~~marine facility~~ shall expire no later than two (2) years after issuance by  
1222 PWESD and may only be extended or renewed i) once for one (1) additional  
1223 year if an applicant demonstrates to PWESD that it is diligently pursuing  
1224 other regulatory permits (i.e., United States Army Corps of Engineers,  
1225 Florida Department of Environmental Protection, or South Florida Water  
1226 Management District permits necessary for construction of or modifications  
1227 ~~to its boat or marine facility,~~; ii) as may be required by state law; or iii) as  
1228 allowed by a variance granted pursuant to Sections 27-10 through 27-13 of  
1229 this chapter.

1230 (11) Slips allocated ~~to a boat or marine facility~~ by issuance of an ERL, inclusion  
1231 of an application on the waiting list, or that were in existence at the time of  
1232 adoption of the MPP shall be returned to the pool of available slips within  
1233 an MPP Zone in total or in relevant number if:

1234 . . .

1235 Section 19. Section 27-338 of the Broward County Code of Ordinances is hereby  
1236 amended to read as follows:

1237 **Sec. 27-338. Mitigation.**

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1238 (a) Projects that do not otherwise meet the licensing criteria contained in  
1239 ~~s~~Section 27-337 must provide assurances that lost ecological functional values will be  
1240 compensated for by providing a mitigation plan for PWESD approval prior to the license  
1241 being issued. The mitigation plan must include, at a minimum, the following:

1242 . . .

1243 (3) Characterization of existing and proposed soils in the mitigation area, ~~and~~  
1244 the extent of earth work proposed for the mitigation site, and the source for  
1245 any materials (i.e., muck) to be placed in the wetland mitigation area. Muck  
1246 shall be a minimum of twelve (12) inches deep and shall not exceed  
1247 twenty-four (24) inches deep in any wetland mitigation area.

1248 . . .

1249 (7) Mitigation for wetland impacts may include upland areas or buffers for  
1250 habitat where it can be demonstrated that the upland areas provide or  
1251 improve the overall wetland ecological functional values originally provided  
1252 by the subject wetland area. Maintenance is required in perpetuity and in  
1253 conformance with all license conditions.

1254 . . .

1255 (10) Evidence of financial resources necessary to complete a mitigation project  
1256 shall be provided to the ~~e~~County ~~a~~Attorney and may include, but not be  
1257 necessarily limited to:

1258 . . .

1259 b. A cash bond for the proposed mitigation.

1260 . . .

1261 (12) ~~Mitigation banking shall be encouraged by the identification of sites suitable~~  
1262 ~~for banking and through the utilization of the wetland benefit index to~~  
1263 ~~establish a credit system for potential mitigation banking areas. The~~  
1264 ~~application of a habitat mosaic credit 0.9 shall be utilized in multiple habitat~~  
1265 ~~banks approved by PWESD to encourage the use of mitigation banks when~~  
1266 ~~such use will more effectively offset project related wetland impacts~~  
1267 Mitigation for impacts to less than 0.50 acres of wetlands may use a  
1268 mitigation bank outside of the service area in accordance with  
1269 Section 373.4136, Florida Statutes, if the mitigation service area lacks the  
1270 appropriate credit type.

1271 a. ~~A mitigation bank license shall be issued by PWESD following the~~  
1272 ~~successful demonstration by the applicant that all of the~~  
1273 ~~requirements of this section 27-338 are met and that a credit system~~  
1274 ~~and long term maintenance plan ensuring persistence of this bank~~  
1275 ~~have been put in place.~~

1276 b. ~~Specific mitigation bank credits will be assigned by assessing the~~  
1277 ~~existing wetland values through the wetland benefit index (WBI) and~~  
1278 ~~applying the habitat mosaic credit (HMC) of 0.90 by the following~~  
1279 ~~formula:~~

1280 ~~WBI × HMC = Mitigation Bank Value~~

1281 ~~1.0 - MBV = Mitigation Bank Credit~~

- 1282 e. ~~Additional mitigation bank credits may be established based upon~~  
1283 ~~the affirmative demonstration by the banker that the following~~  
1284 ~~conditions will be provided by the bank:~~
- 1285 1. ~~The bank will provide a corridor to or with other~~  
1286 ~~environmentally significant lands that are protected.~~
  - 1287 2. ~~The bank will provide critical type habitat for listed species~~  
1288 ~~(threatened, endangered, or species of special concern).~~
  - 1289 3. ~~The bank will provide additional lands for preservation that are~~  
1290 ~~not, or have not previously been, preserved.~~
  - 1291 4. ~~The bank shall be constructed prior to credit use.~~
  - 1292 5. ~~Wetland benefits as identified in the mitigation bank proposal~~  
1293 ~~are provided prior to credit use.~~
- 1294 d. ~~The mitigation bank license shall be binding on the bank applicant,~~  
1295 ~~successors and bank landowners as identified in section 27-338.~~

1296 (13) Mitigation is not required for temporary impacts when Best Management  
1297 Practices are implemented. Monitoring reports may be required as a license  
1298 condition.

1299 Section 20. Section 27-339 of the Broward County Code of Ordinances is hereby  
1300 amended to read as follows:

1301 **Sec. 27-339. General and specific conditions to be included in all licenses.**

1302 . . .

1303 (2) *Standard specific conditions:*

1304 . . .

1305 b. Notify the ~~d~~Department immediately in the event of any  
1306 project-caused environmental problem(s). Notification shall be by  
1307 telephone to 954-519-1499, and by email to  
1308 AWRLicense@broward.org.

1309 . . .

1310 (3) *Compensatory mitigation (area) specific conditions:*

1311 a. Construction and installation of the area shall be in accordance with  
1312 plans dated (date) by PWESD (attached) and associated  
1313 information. The area shall be installed concurrently with licensed  
1314 construction. ~~Compensatory mitigation for projects requiring less~~  
1315 ~~than ten (10) acres of mitigation in a mitigation bank licensed by~~  
1316 ~~PWESD shall be exempt from the concurrent installation requirement~~  
1317 ~~of this section if PWESD has approved a schedule for phasing such~~  
1318 ~~mitigation in the mitigation bank. Said schedule shall provide that~~  
1319 ~~construction of the compensatory mitigation within the mitigation~~  
1320 ~~bank shall commence within six (6) months and be completed within~~  
1321 ~~eighteen (18) months of issuance of the final certificate of occupancy~~  
1322 ~~at the impact site.~~

1323 b. Upon completion of the area, the following documentation shall be  
1324 submitted to PWESD:

1325 . . .

1326 3. The time-zero monitoring report.

1327 This certification of elevations and verification of acreage  
1328 documentation is required within thirty (30) days of after completion  
1329 of the area ~~and prior to any certificate of occupancy's being issued~~  
1330 ~~for any structure on the site/phase.~~ Upon Department acceptance,  
1331 the licensee shall proceed with planting. The time-zero report shall  
1332 be submitted within sixty (60) days after planting.

1333 c. A viable wetland system shall be established that replicates a natural  
1334 reference wetland in basic structure and function. ~~In order to assure~~  
1335 To ensure that the area becomes self-sustaining, the following  
1336 criteria shall be met:

1337 ...

1338 2. Less than ~~five (5)~~ two percent (2%) coverage by invasive  
1339 exotic and undesirable species. Exotic and undesirable  
1340 species include, but are not limited to, melaleuca, Australian  
1341 pine, Brazilian pepper, bischofia, torpedo grass, primrose-  
1342 willow, and cattail.

1343 ...

1344 d. Should PWESD determine that the area is not achieving the listed  
1345 criteria during some portion of the monitoring period, upon  
1346 notification to the licensee, the licensee shall prepare contingency  
1347 plans within sixty (60) days that demonstrate clearly how the  
1348 problem(s) will be corrected and submit such plans immediately to

1349 PWESD for approval. These plans must be approved by PWESD  
1350 and implemented within thirty (30) days of Department approval.

1351 . . .

1352 Section 21. Section 27-341 of the Broward County Code of Ordinances is hereby  
1353 amended to read as follows:

1354 **Sec. 27-341. Alterations of voluntarily created wetlands resource enhancement**  
1355 **projects.**

1356 Alterations of a licensed voluntarily created ~~wetlands~~ resource enhancement  
1357 project (such as wetlands, living seawalls, living shorelines, etc.) are exempted from  
1358 ~~sections 27-327 to 27-336 licensing criteria~~ the mitigation criteria of Section 27-338,  
1359 provided the following conditions are met:

1360 (1) (a) Upon construction of a ~~licensed (where required) created wetland~~  
1361 voluntarily created resource enhancement project, a detailed drawing and survey with a  
1362 legal description of the ~~wetland~~ project limits shall be submitted to PWESD for certification  
1363 as a voluntarily created ~~wetland~~ project.

1364 (2) (b) Prior to any alteration of a ~~voluntarily created wetland or a portion thereof,~~  
1365 ~~a PWESD certified voluntarily created wetland,~~ a drawing, photographs, and survey,  
1366 along with a completed PWESD application form ~~with addendum~~ and appropriate review  
1367 fee, shall be submitted for review and approval. No mitigation shall be required for  
1368 alteration of a certified voluntarily created ~~wetlands~~ project.

1369 (3) (c) No areas outside of the original surveyed property, as shown on the certified  
1370 drawing and survey with attached legal description, will ~~be subject to~~ qualify for the  
1371 exemption.

1372 Section 22. Section 27-342 of the Broward County Code of Ordinances is hereby  
1373 amended to read as follows:

1374 **Sec. 27-342. Marine facility operating licenses.**

1375 Pursuant to the MPP, a Marine Facility Operating License is hereby established.  
1376 Each existing, new, or reconstructed ~~boat or marine~~ facility with five (5) or more slips  
1377 located in coastal waters, as defined in the MPP, is required to apply for and obtain a  
1378 Marine Facility Operating License and pay the annual manatee mitigation fee established  
1379 in Section 27-334(c)(2) prior to commencing operation and annually thereafter throughout  
1380 the operation of the facility. Applications must be made on forms approved by PWESD.  
1381 A Marine Facility Operating License is valid for one (1) year and must be renewed  
1382 annually prior to expiration. Payment of the annual manatee mitigation fee established in  
1383 Section 27-334(c)(2) is required for renewal of a Marine Facility Operating License and  
1384 continued operation of the facility.

1385 Section 23. Section 27-351 of the Broward County Code of Ordinances is hereby  
1386 amended to read as follows:

1387 **Sec. 27-351. Declaration of intent.**

1388 In order to protect the air, waters, soils, and other natural resources of Broward  
1389 County, as well as to protect the health, safety, and welfare of Broward County's ~~citizens~~  
1390 residents, Broward County declares that the generation, use, storage, handling,  
1391 processing, manufacturing, and disposal of hazardous material, as defined in  
1392 ~~s~~Section 27-352 of this article, must be regulated. Furthermore, the ~~Board~~ Commission  
1393 finds that the unauthorized presence of hazardous material in the air, waters, soils, or  
1394 other natural resources of Broward County is prohibited and that a responsible party shall

1395 take the necessary action to remediate and ~~to remove as required~~ such substances as  
1396 required so that the air, waters, soils, or other natural resources contaminated by the  
1397 introduction of such materials are restored to a condition ~~which~~ that does not pose a threat  
1398 to health, safety, or to the environment. ~~The Public Works and Environmental Services~~  
1399 ~~Department (PWESD),~~ ~~†~~To the extent permitted by state and federal law, PWESD shall  
1400 have the authority to license, evaluate, review, and administer all hazardous material  
1401 activities, and all environmental assessment and remediation actions performed in  
1402 Broward County.

1403 Section 24. Section 27-352 of the Broward County Code of Ordinances is hereby  
1404 amended to read as follows:

1405 **Sec. 27-352. Definitions.**

1406 . . .

1407 *Combustible liquid* is defined as a liquid having a flash point at or above  
1408 one hundred (100) degrees Fahrenheit (37.8 degrees Celsius) and below  
1409 two hundred (200) degrees Fahrenheit (93.3 degrees Celsius), and that is not otherwise  
1410 classified as a hazardous material under another hazard class.

1411 . . .

1412 *Double-walled* means a storage tank system or system component that has an  
1413 outer ~~tank wall, or integral piping that has an outer wall,~~ that provides secondary  
1414 containment ~~of the primary tank or piping.~~

1415 . . .

1416 *Mobile tank* means a shop-fabricated storage tank that is five hundred fifty (550)  
1417 gallons or less in capacity that is:

1418 (a) ~~Is an aboveground storage tank system, five hundred fifty (550) gallons or~~  
1419 ~~less in capacity, that is m~~Moved to a different location at least once every  
1420 one hundred eighty (180) days, and:

1421 . . .

1422 (2) Is designed and constructed to be moved to other service locations, and its  
1423 relocation within a facility or from site to site is inherent in its use; or

1424 ~~(3) Is used for on-site construction activities, provided that the construction~~  
1425 ~~activities do not exceed twelve (12) months, or the life of the construction~~  
1426 ~~project as long as construction is continuous, and the tanks are removed~~  
1427 ~~from the site when the construction is complete; or~~

1428 ~~(4) Is permanently connected to its mode of transport, which is used to~~  
1429 ~~transport a hazardous material for dispensing or transfer, and is~~  
1430 ~~appropriately constructed, placarded, and operated in compliance with all~~  
1431 ~~local, state, and federal regulations.~~

1432 (b) ~~However, notwithstanding that an aboveground storage tank system meets~~  
1433 ~~the definition of Subsection (a), it is not considered mobile if it is connected to stationary~~  
1434 ~~underground or aboveground integral piping, unless associated with the production of an~~  
1435 ~~agricultural commodity and provided that the tank is moved at least once every~~  
1436 ~~one hundred eighty (180) days. Used for on-site construction activities, provided that the~~  
1437 ~~construction activities do not exceed twelve (12) months, or the life of the construction~~  
1438 ~~project as long as construction is continuous, and the tanks are removed from the site~~  
1439 ~~when the construction is complete; and~~

1440 (c) Not considered mobile if it is connected to stationary underground or  
1441 aboveground integral piping, unless associated with the production of an agricultural  
1442 commodity, provided that the tank is moved to a different location at least once every  
1443 one hundred eighty (180) days.

1444 . . .

1445 Section 25. Section 27-353 of the Broward County Code of Ordinances is hereby  
1446 amended to read as follows:

1447 **Sec. 27-353. Prohibitions.**

1448 The following general prohibitions shall apply to this ~~A~~article:

1449 . . .

1450 (c) Flammable and/or combustible liquids shall be stored in full accordance with  
1451 the most current version of the National Fire Protection Association ~~Code~~ (NFPA) Code.

1452 . . .

1453 Section 26. Section 27-356 of the Broward County Code of Ordinances is hereby  
1454 amended to read as follows:

1455 **Sec. 27-356. Required licenses and approvals.**

1456 . . .

1457 (b) *Hazardous Material Management Facility Licenses:*

1458 . . .

1459 (4) *Operating requirements:* The operation of a hazardous material  
1460 management facility subject to licensing shall be in accordance with all  
1461 applicable portions of this ~~C~~chapter. In addition, the following requirements  
1462 shall apply:

1463 ...

1464 b. *Construction materials and methods:*

1465 ...

1466 5. All storage containers shall be designed and constructed in  
1467 accordance with the applicable standards established by the  
1468 ~~National Fire Protection Association~~ NFPA, the American  
1469 Society for Testing and Materials (ASTM), or the EPA; or, if  
1470 none of the above standards are applicable, then in  
1471 accordance with alternate PWESD approved standards.

1472 ...

1473 (d) *Environmental Assessment and Remediation Licenses:*

1474 ...

1475 (4) *Operating requirements:*

1476 ...

1477 c. *Field activities:* Written notification shall be provided by the  
1478 responsible party to PWESD ~~at least three (3) working days~~ within  
1479 seven (7) days but not less than twenty-four (24) hours prior to  
1480 performing field activities such as installing assessment monitoring  
1481 wells or recovery wells, performing sampling, installing remediation  
1482 equipment, or performing source removal activities. Personnel from  
1483 PWESD shall be allowed the opportunity to observe these field  
1484 activities and to take split samples.

1485 ...

- 1486 h. The licensee shall complete construction and ~~begin the~~ commence  
1487 operation of the remediation system described in the RAP no later  
1488 than ~~four (4) months~~ one hundred twenty (120) calendar days after  
1489 RAP approval, or within such other timeframe as approved by  
1490 PWESD, or within such other extended timeframe as approved.  
1491 Excavation and removal or reuse of contaminated soil from the site,  
1492 if specified in the RAP, shall be completed and manifests shall be  
1493 submitted to PWESD no later than ~~four (4) months~~  
1494 one hundred twenty (120) calendar days after ~~PWESD approves the~~  
1495 RAP approval, or within such other timeframe as approved by  
1496 PWESD, or within such other extended timeframe as approved.
- 1497 i. In accordance with the environmental assessment and remediation  
1498 license or the approved RAP, inclusive of modifications, ~~¶~~the  
1499 licensee shall submit a site remediation progress report ~~within thirty~~  
1500 ~~(30) days after the remediation system is started and every quarter~~  
1501 ~~thereafter~~ until the site is reclassified as inactive by PWESD. The  
1502 progress reports shall be prepared in accordance with PWESD  
1503 site-specific instructions.

1504 . . .

1505 Section 27. Section 27-408 of the Broward County Code of Ordinances is hereby  
1506 amended to read as follows:

1507 **Sec. 27-408. Tree removal license requirements and standards.**

1508 . . .

1509 (i) *Tree Replacement Requirements:*

1510 (1) Tree Replacement Requirements for Nonspecimen Trees:

1511 . . .

1512 b. The following criteria shall be used by PWESD to determine the tree  
1513 replacement requirements:

1514 . . .

1515 6. PWESD will base the number of required replacement trees  
1516 on the size of the impacted area and the category of  
1517 replacement trees the applicant selects. ~~At a minimum, the~~  
1518 ~~size of the replacement trees at maturity must equal the size~~  
1519 ~~of the canopy removed.~~ The following table is used to  
1520 determine the number of required replacement trees:

1520a	Replacement Tree Category	Replacement Canopy Area Credit
1520b	(See Appendix 1)	(In Square Feet)
1520c	. . .	. . .
1520d	Category 3 Tree	100 (for trees greater than or equal to a <del>5</del> <u>6</u> -foot
1520e		minimum height <u>or palms with a 6-foot minimum</u>
1520f		<u>clear trunk</u> )
1520g	Category 4 Tree	50 (for <del>trees greater than or equal to a 2½-foot</del>
1520h		<del>minimum height</del> <u>palms with a 6-foot minimum</u>
1520i		<u>clear trunk</u> )
1521	. . .	

1522 Section 28. Appendix 1, Recommended Trees for Canopy Replacement, found  
1523 in Section 27-413 of the Broward County Code of Ordinances, is hereby amended to read  
1524 as follows:

1525 APPENDIX 1

1526 RECOMMENDED TREES FOR CANOPY REPLACEMENT

1527 CATEGORY 1 TREES

1528 . . .

1528a	Common Name	Latin Name
1528b	. . .	. . .
1528c	*Mahogany	Swietenia <del>mahogany</del> <u>mahagoni</u>
1528d	. . .	. . .

1529 . . .

1530 Section 29. Section 34-168 of the Broward County Code of Ordinances is hereby  
1531 amended to read as follows:

1532 **Sec. 34-168. Regulation of cooling towers.**

1533 . . .

1534 (c) *Annual renewal of Cooling Tower License:* Licenses shall be renewed  
1535 annually on or before March 31~~st~~. Each renewal application shall be accompanied by the  
1536 applicable fee, a log of the operation and maintenance schedule for the components of  
1537 the cooling tower system, and a signed affidavit of compliance with the Florida Building  
1538 Code from the service provider. The signed affidavit shall include all dates of service  
1539 within the reporting period and verification of system operation at a minimum of eight (8)  
1540 cycles of concentration.

1541 Cooling towers located in areas served by potable water with a hardness greater  
1542 than 120 mg/L as calcium carbonate may be permitted to operate at a lower minimum  
1543 number of cycles of concentration when the minimum requirement of eight (8) cycles  
1544 cannot be achieved.

1545 . . .

1546 Section 30. Severability.

1547 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
1548 portion will be stricken, and such striking will not affect the validity of the remainder of this  
1549 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
1550 legally applied to any individual, group, entity, property, or circumstance, such  
1551 determination will not affect the applicability of this Ordinance to any other individual,  
1552 group, entity, property, or circumstance.

1553 Section 31. Inclusion in the Broward County Code of Ordinances.

1554 It is the intention of the Board of County Commissioners that the provisions of this  
1555 Ordinance become part of the Broward County Code of Ordinances as of the effective  
1556 date. The sections of this Ordinance may be renumbered or relettered and the word  
1557 “ordinance” may be changed to “section,” “article,” or such other appropriate word or  
1558 phrase to the extent necessary to accomplish such intention.

1559 Section 32. Effective Date.

1560 This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Deanna M. Kalil 03/31/2026  
Deanna M. Kalil (date)  
Assistant County Attorney

By: /s/ Maite Azcoitia 03/31/2026  
Maite Azcoitia (date)  
Deputy County Attorney

DMK/gmb  
Chapter 27 Ordinance  
03/31/2026  
#41027

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.