

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 (l) Development and environmental review approvals shall not be issued
38 without evidence that all required impact fees have been ~~paid~~ assessed.

39 (m) Environmental review approvals shall not be issued without evidence that
40 any required Transportation Concurrency Satisfaction Certificate has been issued by the

41 Broward County ~~Planning and Development Management~~ Housing and Urban Planning
42 Division.

43 . . .

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

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

47 . . .

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

62 . . .

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

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

68 **Sec. 27-192. Definitions.**

69 . . .

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

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

83 *BOD₅* means biochemical oxygen demand (five-day test).

84 . . .

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

88 . . .

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

95 . . .

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

98 **Sec. 27-193. Prohibitions.**

99 (a) General prohibitions and exceptions:

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

107 stormwater on site that is in compliance with all applicable permits and
108 licenses.

109 (2) Exceptions: Ballast water and ship engine exhaust scrubber wash water
110 discharges incidental to the normal operation of primarily non-Armed
111 Forces and nonrecreational vessels that are seventy-nine (79) feet in length
112 or greater, that comply with 33 CFR Part 151 and that have been treated
113 through marine pollution control devices in compliance with 40 CFR
114 Part 139 standards of performance.

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

116 . . .

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

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

129 demonstration that the activity does not pose a significant threat to
130 the public health or environment.

131 . . .

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

134 **Sec. 27-194. Exemptions.**

135 The following activities are exempt from licensing under this Aarticle with the
136 following conditions:

137 . . .

138 (b) ~~Non-domestic~~ Nondomestic wastewater: Facilities shall be exempt from the
139 requirement of obtaining an operation and/or construction license under the following
140 circumstances:

141 . . .

142 (c) *Surface water management:*

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

152 originally developed prior to the requirement of operating permits or licenses
153 by BCWRMD or SFWMD shall be exempt from obtaining a license for the
154 water management works of the minor redevelopment. Applications for
155 major redevelopment of land that was originally developed prior to the
156 requirement of operating licenses or permits by BCWRMD or SFWMD are
157 required to comply with the licensing provisions of this Aarticle.

158 . . .

159 (2) *Previously permitted or licensed water management works by BCWRMD or*
160 *SFWMD:* All water management works for which permits or licenses have
161 been issued by ~~the~~ BCWRMD or ~~the~~ SFWMD prior to the adoption of the
162 regulations for Natural Resources Protection in May 1989 shall remain in
163 effect and be exempt from the licensing provisions of this Aarticle with the
164 exception of Section 27-198(d)(2)f., Renewals for ~~C~~onstruction/~~O~~operation
165 ~~L~~license. If such water management works (or lack of water management
166 works) are determined to have caused, are causing, or will cause an
167 immediate adverse impact on the public, the property owner or licensee
168 shall be required to modify the portion of the water management works
169 ~~which~~ that is causing or will cause the adverse impact. Such surface water
170 management works must continue to comply with all conditions and/or
171 requirements imposed by ~~the~~ BCWRMD or SFWMD at the time of
172 licensing/permitting. Responsibility for monitoring and enforcing the water
173 management works permits issued by ~~the~~ BCWRMD has been transferred
174 to ~~the~~ PWESD ~~Water Resources Division~~. Failure to comply with the

175 conditions and/or requirements of a water management works operating
176 permit issued by the BCWRMD, or the SFWMD, shall constitute a violation
177 of this ~~C~~chapter. Water management works for minor redevelopment of land
178 that had originally been developed in accordance with operating permits or
179 licenses by BCWRMD or SFWMD shall be accomplished utilizing the
180 licensing provisions of BCWRMD and/or SFWMD in effect at the time of
181 original permitting or licensing. Water management works for major
182 redevelopment of land that had originally been developed in accordance
183 with operating permits or licenses by BCWRMD or SFWMD shall be
184 accomplished utilizing the licensing provisions of this article. Water
185 management works for major or minor redevelopment of land, that were not
186 issued operating permits or licenses from BCWRMD or SFWMD for the
187 original development, are operating with an expired operating permit or
188 license, or are not in compliance with the conditions of the permit or license
189 shall be accomplished utilizing the licensing provisions of this article.

190 . . .

191 (5) *Exemption for certain activities:* Persons constructing, altering, operating,
192 or maintaining surface water management systems for land uses and
193 activities on sites listed below are exempt from licensing provisions
194 contained in this ~~S~~section. This exemption applies only to the extent the
195 surface water management activity is conducted in full conformance with
196 the provisions of this ~~A~~article:

197 . . .

198 k. Projects undertaken by the Broward County Highway and Bridge
 199 Maintenance Division for: bike lanes, sidewalks, and bridge repairs;
 200 or drainage improvement, repair, or replacement of drainage
 201 structures and pipes with similar structures or pipes at similar
 202 elevations and location, provided no adverse impacts occur.

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

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

206 . . .

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

213 TABLE 1

214 BROWARD COUNTY WATER QUALITY STANDARDS
 215 FOR MARINE, FRESH (SURFACE) AND GROUND WATERS

216 . . .

216a	CAS #	COMPOUND	MARINE	FRESH	GROUND
216b	...	...	...	...	...
216c	72-20-8	ENDRIN	0.0023 µg/L	0.0023 µg/L	2 µg/L

216d	<u>ENTEROCOCCI</u>	<u>MPN or MF</u>	<u>N.S.</u>	<u>N.S.</u>	<u>ENTEROCOCCI</u>
216e		<u>counts shall</u>			
216f		<u>not exceed a</u>			
216g		<u>monthly</u>			
216h		<u>geometry</u>			
216i		<u>mean of 35 nor</u>			
216j		<u>exceed 10%</u>			
216k		<u>Threshold</u>			
216l		<u>Value (TPTV)</u>			
216m		<u>of 130 in 10%</u>			
216n		<u>or more of the</u>			
216o		<u>samples during</u>			
216p		<u>any 30-day</u>			
216q		<u>period.</u>			
216r		<u>Monthly</u>			
216s		<u>geometric</u>			
216t		<u>means shall be</u>			
216u		<u>based on a</u>			
216v		<u>minimum of 10</u>			
216w		<u>samples taken</u>			
216x		<u>over a 30-day</u>			
216y		<u>period.</u>			

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216z	<u>ESCHERICHIA</u>	<u>N.S.</u>	<u>MPN or MF</u>	<u>N.S.</u>	<u>ESCHERICHIA</u>
216aa	<u>COLI (E. coli)</u>		<u>counts shall</u>		<u>COLI (E. coli)</u>
216bb			<u>not exceed a</u>		
216cc			<u>monthly</u>		
216dd			<u>geometry</u>		
216ee			<u>mean of 126</u>		
216ff			<u>nor exceed</u>		
216gg			<u>10%</u>		
216hh			<u>Threshold</u>		
216ii			<u>Value (TPTV)</u>		
216jj			<u>of 410 in 10%</u>		
216kk			<u>or more of the</u>		
238ll			<u>samples</u>		
216mm			<u>during any</u>		
216nn			<u>30-day period.</u>		
216oo			<u>Monthly</u>		
216pp			<u>geometry</u>		
216qq			<u>means shall</u>		
216rr			<u>be based on a</u>		
216ss			<u>minimum of</u>		
216tt			<u>10 samples</u>		
216uu			<u>taken over a</u>		
216vv			<u>30-day period.</u>		

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

216ww ...

217 ...

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

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

221 ...

222 (d) *Surface water management:*

223 ...

224 (2) *Types of Licenses:*

225 ...

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

229 1. ~~the applicable fee;~~

230 2. A sketch showing the location of all components of the
231 surface water management system;

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

234 For licenses issued after May 18, 2026, the maintenance
235 standards and frequency for each component of the

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

238 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

285 designed ~~according to~~ in accordance with sound engineering
286 practices and this article.

287 . . .

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

291 a) When an application is received without the required
292 fee, ~~the~~ PWESD shall acknowledge receipt of the
293 application and shall immediately notify the applicant
294 ~~by mail~~ in writing that the required fee was not received
295 and advise the applicant of the correct fee. ~~The~~
296 PWESD shall take no further action until the correct fee
297 is received. If a fee was received by ~~the~~ PWESD which
298 that is less than the amount required, ~~the~~ PWESD shall
299 ~~return the fee along with written notification~~ request the
300 additional fee.

301 . . .

302 b. Operation & and maintenance:

303 . . .

304 2. All collection/transmission systems shall be operated and
305 maintained so as to provide uninterrupted service as required
306 by this Aarticle.

307 . . .

308 5. Operation and maintenance manual:

309 a) An operation and maintenance manual for domestic

310 wastewater collection/~~trans-mission~~ transmission

311 systems shall be submitted electronically as part of the

312 application process. PWESD may accept written

313 certification by the licensee that an appropriate manual

314 is available in lieu of actual submittal. The manual shall

315 provide for the reliable and efficient operation and

316 maintenance.

317 ...

318 c. Certification of completion:

319 ...

320 2. The licensee or ~~his/her~~ their engineer of record shall file with

321 PWESD upon completion of work an electronic copy of the

322 plans and specifications for the system record drawing, the

323 appropriate review fee, and a completed Domestic

324 Wastewater Collection/Transmission Systems Certification of

325 Completion form.

326 ...

327 (3) *Reuse distribution/application systems:*

328 a. Application procedures: An Application for a License to

329 Construct/Operate a Reuse Application System shall be on the forms

330 supplied by ~~the~~ PWESD and be accompanied by:

331 1. An electronic copy of the application and engineering report
332 as required by Rule 62-610.310, F.A.C., which is incorporated
333 by reference and in effect at the time of adoption of this
334 Aarticle, and any additional information requested by ~~the~~
335 PWESD.

336 ...

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

340 ...

341 b. License conditions:

342 ...

343 5. Reporting requirements shall be according to Rules
344 62-610.870(1) and 62-610.870(3)(a), (c), and (d) ~~only~~, F.A.C.,
345 only. Reports shall be ~~delivered or mailed~~ submitted
346 electronically to ~~the~~ PWESD on or before January 1 of each
347 year.

348 ...

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

353 partially or improperly constructed ~~or improperly constructed~~, would create an adverse
354 surface water management impact.

355 . . .

356 (2) *Application:*

357 a. General:

358 1. Submittals:

359 a) The A surface water management application shall be
360 submitted ~~in duplicate~~.

361 b) The applicable license fee must be submitted with the
362 application.

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

366 d) ~~Two (2) copies of all other information shall be~~
367 ~~submitted~~.

368 e) The required application documents and their contents
369 thereof ~~can~~ may be modified for processing and ~~record~~
370 ~~keeping~~ recordkeeping purposes.

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

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

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

- 376 3. Name, email address, and address of the person who will be
377 responsible for the construction of the proposed works.
- 378 4. Name, email address, and address of the person who
379 prepared the plans and specifications.
- 380 5. Name, email address, and address of the proposed
381 responsible entity.

382 . . .

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

391 . . .

392 (5) *License conditions:*

393 a. Specific conditions: In addition to the general license conditions set
394 out in Article I of this ~~C~~chapter, every surface water management
395 license issued by ~~the Water Resources Division~~ PWESD shall be
396 subject to the applicable specific conditions ~~which~~ that follow:

397 . . .

398 2. The responsible entity shall agree to maintain the operating
399 efficiency of the water management works. Except in cases
400 where the responsible entity is a governmental agency, the
401 agreement shall further require that, if the water management
402 works is not adequately maintained, the eCounty may
403 undertake the required work and bill all associated costs to
404 the responsible entity. If the payment for such obligations is
405 not satisfied within thirty (30) days, said obligation shall
406 become a lien against the property associated with the water
407 management works. Where ownership of the water
408 management works is separate from property ownership, ~~the~~
409 ~~Water Resources Division~~ PWESD shall require these
410 agreements demonstrating ownership to be recorded.

411 . . .

412 6. The licensee shall ~~Hhold the Water Resources Division~~
413 PWESD harmless from any and all damages, claims, or
414 liabilities ~~which~~ that may arise by reason of the construction,
415 operation, maintenance, or use of any facility authorized by
416 the license.

417 . . .

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

421 operate and maintain the efficiency of the system. The entity
422 must be provided with sufficient ownership so that it has
423 control over all water management facilities authorized
424 therein. Upon receipt of written evidence of the satisfaction of
425 this condition, ~~the Water Resources Division~~ PWESD will
426 issue authorization to commence the construction.

427 . . .

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

431 13. The operation or construction will be in accordance with the
432 approved details and plans submitted with the application.
433 Any modifications must be submitted to ~~Water Resources~~
434 ~~Division~~ PWESD in writing and receive prior approval.

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

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

444 issuance of the license, and hence transfer of operation and
445 maintenance responsibility, that a Florida registered
446 professional engineer certify that the surface water
447 management system was indeed constructed as licensed.
448 Certified record drawings shall accompany the certification.
449 Suggested wording for this is as follows:

450 I HEREBY CERTIFY TO THE CONSTRUCTION
451 COMPLETION OF ALL THE COMPONENTS OF THE
452 SURFACE WATER MANAGEMENT FACILITIES FOR THE
453 ABOVE-REFERENCED PROJECT AND THAT THEY HAVE
454 BEEN CONSTRUCTED IN SUBSTANTIAL
455 CONFORMANCE WITH THE PLANS AND
456 SPECIFICATIONS APPROVED BY THE BROWARD
457 COUNTY ~~WATER RESOURCES DIVISION~~ PUBLIC WORKS
458 AND ENVIRONMENTAL SERVICES DEPARTMENT, AND
459 HEREBY AFFIX MY SEAL THIS _____ DAY OF _____
460 20____.

461 _____ (SEAL)

462 ...

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

467 . . .
468 b. Phased projects: In addition to the general license conditions set out
469 in Article I of this chapter and specific conditions above, a surface
470 water management license issued by ~~Water Resources Division~~
471 PWESD for phased projects shall be subject to the applicable
472 specific conditions ~~which~~ that follow:

473 . . .
474 Section 10. Section 27-200 of the Broward County Code of Ordinances is hereby
475 amended to read as follows:

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

477 . . .
478 (b) *Surface water management:*

479 . . .
480 (5) *Design criteria:*

481 a. Water quantity:

482 . . .
483 3. Criteria:

484 . . .
485 c) Flood protection: The lowest habitable building finished
486 floor elevation shall be above the 100-year flood
487 elevations, as determined from the most appropriate
488 information, including: the elevation required by the
489 Florida Building Code, if located within the federal flood

490 insurance rate ~~maps~~ map's special flood hazard area;
491 the 100-year flood elevation map, plate WM 13.1; the
492 100-year flood elevation map, plate WM 13.1 - Future
493 Conditions; the site-specific post-development
494 100-year, 3-day flood stage; or 100-year flood
495 elevations established by previously approved basin
496 studies for local water control districts with self-
497 contained water management systems. However,
498 nonresidential buildings and nonresidential portions of
499 residential buildings may be constructed at lower
500 elevations if they are ~~shown to meet the Federal~~
501 ~~Emergency Management Agency's standards for flood~~
502 ~~proofing~~ dry-floodproofed up to the habitable building
503 finished floor elevation required above and comply with
504 applicable dry-floodproofing requirements. Both tidal
505 flooding and the 100-year, 3-day storm event shall be
506 considered in determining elevations requirements in
507 accordance with the Florida Building Code and
508 ASCE 24. Where a conceptual comprehensive
509 drainage plan has been approved, each phase shall
510 provide detailed plans and calculations indicating
511 compliance with the approved conceptual
512 comprehensive drainage plan (i.e., minimum floor

513 elevations, building size, average finished grade, and
514 the required retention/detention volume). For
515 nonresidential buildings in areas where the 100-year
516 flood elevation map, plate WM 13.1 - Future
517 Conditions, establishes a flood elevation more than
518 three (3) feet higher than the next highest flood
519 elevation, as compared to the criteria above, the
520 applicant may propose a lower finished floor elevation,
521 provided (i) the proposed finished floor elevation is at
522 least three (3) feet above the next highest required
523 elevation and (ii) design documentation is prepared
524 and sealed by a registered design professional using
525 accepted engineering practices to demonstrate the
526 adequacy of the proposed lower level of flood
527 protection. The 100-year flood elevation map, plate
528 WM 13.1 - Future Conditions, shall apply to new
529 surface water management license applications,
530 surface water management license applications for
531 major redevelopment of existing sites, and surface
532 water management license applications for major
533 modifications submitted after June 30, 2021.

534 . . .

535 e) Minimum drainage:

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...

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

~~(aa)~~ a. The required water quality treatment system for ~~one (1) inch of runoff detention or one-half (1/2) inch of dry runoff retention in the master system for the total developed site~~ a minimum of twenty percent (20%) of the load reduction in a retention BMP for stormwater treatment. The individual sites must provide the remainder ~~(2.5 inches × % impervious = one (1) inch),~~ which may be in an exfiltration trench. The master SWM system must be in a legally defined common area. The master SWM system cannot utilize exfiltration trench.

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

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

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

575 . . .

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

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

582 . . .

583 (iii) The elevation required by the
584 Florida Building Code, if located
585 within the federal flood insurance
586 rate ~~maps~~ map's flood hazard
587 area.

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

590 ~~(cc)~~ c. The percentage of swale adjacent to the
591 public right-of-way fronting a lot/parcel
592 that may be paved with any type of
593 impervious material shall not exceed
594 thirty percent (30%) of the lot/parcel
595 frontage unless positive drainage exists
596 or the property owner provides and
597 maintains additional ~~sub-surface~~
598 subsurface drainage facilities in
599 accordance with Sections 31-48 through
600 31-56.

601 . . .

602 b. Water quality:

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

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

608 2. Retention/detention criteria:

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

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

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

- 627 3) ~~Dry retention volume shall be provided equal to~~
628 ~~fifty (50) percent of the above amounts~~
629 ~~computed for wet detention. Retention volume~~
630 ~~included in flood protection calculations requires~~
631 ~~a demonstration of guarantees of long-term~~
632 ~~operation and maintenance of system bleed~~
633 ~~down-ability. This must normally consist of proof~~
634 ~~of excellent soil percolation rates (example:~~
635 ~~coastal ridge sands) or an operations entity~~
636 ~~which specifically reserves funds for operation,~~
637 ~~maintenance, and replacement.~~
- 638 b) ~~Commercial or industrial zoned projects shall provide~~
639 ~~at least one-half (1/2) inch of dry detention or retention~~
640 ~~pre-treatment as part of the required~~
641 ~~retention/detention.~~
- 642 c) ~~Systems with inlets in grassed areas will be credited~~
643 ~~with up to two-tenths (0.2) inch of the required wet~~
644 ~~detention amount for the contributing areas. Full credit~~
645 ~~will be based on a ratio of 10:1 impervious area (paved~~
646 ~~or building area) to pervious area (the grassed area)~~
647 ~~with proportionately less credit granted for greater~~
648 ~~ratios.~~

649 d) Projects ~~having greater~~ with more than forty (40)
650 percent (40%) impervious area ~~and which that~~
651 discharge directly to sensitive receiving waters shall
652 provide at least one-half (0.5) inch of dry detention or
653 retention ~~pretreatment~~ a minimum of
654 twenty percent (20%) of the load reduction in a
655 retention BMP for stormwater treatment as part of the
656 required retention/detention. Such receiving waters are
657 defined as:

- 658 1) Water bodies designated as Class I or II waters
659 by DEP.
- 660 2) Outstanding Florida waters as defined in
661 Chapter 62-302.700, F.A.C.
- 662 3) Water bodies located within the cone of
663 depression of a permitted public supply
664 wellfield, as defined by Broward County
665 Wellfield Protection Ordinance contour for
666 Zone 3, that ~~cone of depression which~~ are not
667 separated from the aquifer by strata at least
668 ten (10) feet thick; and having an average
669 saturated hydraulic conductivity of less than
670 one-tenth (0.1) foot per day; ~~where the cone of~~
671 ~~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 ~~Best
Management Practices (BMPs)~~ for stormwater
treatment:

...

694 g) To provide information for assessing the need for
695 BMPs for stormwater treatment at a specific site, a
696 hydrogeologic investigation will be required that
697 should, at a minimum, provide information on:

698 . . .

699 7. Underground exfiltration systems:

700 a) Systems shall be designed for the ~~retention volumes~~
701 water quality requirements specified in ~~subparagraph~~
702 ~~b. of this paragraph (2) Section 27-200(b)(5)b.2.~~ for
703 retention systems, exfiltrated over one (1) hour for
704 retention purposes, prior to overflow, and based on test
705 data for the site. (Note: Such systems will not be
706 acceptable on projects to be operated by entities other
707 than single owners or entities with full-time
708 maintenance staff).

709 . . .

710 d. Construction criteria:

711 . . .

712 10. Canal crossings: A surface water management license must
713 be obtained for all crossings of waterways controlled and
714 operated by the eCounty. Canal crossings shall conform to the
715 general requirements indicated below.

716 . . .

717 c) Bridges: Drainage structures of greater than a
718 twenty (20) foot span will be considered as bridges with
719 the hydraulic and navigation criteria set by PWESD.
720 ~~Approval of the bridge design will be by t~~The Broward
721 County Traffic Engineering Division will approve the
722 bridge design.

723 . . .

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

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

730 (a) The definitions set forth in the most current version of Chapters 62-252,
731 62-761, and 62-762, F.A.C., are adopted by reference and incorporated herein and shall
732 apply to the provisions of this article; however, where a word or phrase is defined in this
733 section, that definition shall apply to this regulation to the exclusion of the definition of the
734 same word or phrase in the most current versions of Chapters 62-252, 62-761, and
735 62-762, F.A.C. The following words, phrases, and terms when used in this article shall,
736 unless the context clearly indicates otherwise, have the following meaning:

737 . . .

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

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

741 . . .

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

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

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

755 . . .

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

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

759 The ~~board~~ Commission desires to avoid water pollution and the resultant
760 environmental degradation by protecting the Everglades, wetlands, and waters of
761 Broward County (eCounty) because of their value to the maintenance of the quality of life,

762 public drinking water supply, flood storage, groundwater recharge and discharge,
763 recreation, propagation of fish and wildlife, and the public health, safety, and welfare, and
764 hereby declares that:

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

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

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

778 (4) (d) Dredging and filling or aquatic resource alteration projects include, without
779 limitation, construction, maintenance, removal, or replacement of seawalls, bulkheads,
780 docks, and piers; the filling of any existing regulated water body; the creation of new
781 canals, ponds, or lakes within upland areas; maintenance dredging of existing canals,
782 ditches, or waterways; site clearing; installation of pilings, buoys, or aids to navigation;
783 the installation of subaqueous utility crossings or lines; the construction or replacement
784 of bridges; the removal or alteration of any mangroves as defined within Chapter 373, pt.

785 Part IV, F.S. Florida Statutes (§ Section 373.403, F.S. Florida Statutes,
786 et seq.), and Chapter 403, F.S. Florida Statutes, as amended; and any other work done
787 in, on, or under the waters of Broward County, except for those activities specifically
788 exempted by this article.

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

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

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

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

802 . . .

803 ~~Boat or m~~Marine facility means a public or private structure, operation, or facility
804 where boats are moored or launched, including commercial, recreational, private,
805 governmental, and residential marinas, and boat ramps. A dry storage facility is
806 considered a ~~boat~~ marine facility if the dry storage facility has the capability of launching
807 vessels into adjacent waters or water access is provided adjacent to the project. Facilities

808 such as long-term boat storage lots, boat yards, or boat dealership lots that do not have
809 direct water access are not considered ~~boat or~~ marine facilities. Waterfront single-family
810 residences and ~~waterfront multi-slip~~ facilities with less than five (5) slips are not
811 ~~considered boat or marine facilities~~ regulated under the MPP.

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

814 . . .

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

823 . . .

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

828 . . .

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

831 *Jurisdictional wetland* means those areas that are inundated or saturated by
832 surface water or groundwater at a frequency and a duration sufficient to support, and that
833 under normal circumstances do support, a prevalence of vegetation typically adapted for
834 life in saturated soils, and which would satisfy the requirements of a jurisdictional
835 determination. Soils present in wetlands generally are classified as hydric or alluvial, or
836 possess characteristics that are associated with reducing soil conditions. The prevalent
837 vegetation in wetlands generally consists of facultative or obligate hydrophytic
838 macrophytes that are typically adapted to areas having soil conditions described above,
839 including, but not necessarily limited to, swamps, marshes, bogs, sloughs, wet meadows,
840 river floodplains, mud flats, and wet prairies, whether or not adjacent to a surface water
841 body. The term “wetland(s)” as used in this chapter means jurisdictional wetland.

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

847 *Living shoreline* means the use of natural materials such as oyster bags/clumps,
848 marsh grasses, riprap, mangroves, etc., to enhance shoreline ecosystems while providing
849 shoreline protection.

850 . . .

851 *Manatee Protection Plan Zone(s) or MPP Zone(s)* means map areas established
852 by the Boat Facility Siting Plan component of the Manatee Protection Plan, which divides
853 Broward County into North, Center, and South waterway regions and four (4) areas of

854 special concern. Slips are allocated through an ERL based upon the “pool” of existing
855 and available slips within the applicable Manatee Protection Plan Zone.

856 . . .

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

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

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

866 . . .

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

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

876 wood, putrescible construction and demolition debris, and asphalt or other asphaltic
877 material.

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

881 . . .

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

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

885 (a) *Prohibitions.*

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

891 . . .

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

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

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

899 required fees must be paid, a license must be issued prior to commencement of work
900 activities as herein regulated, and a notice of commencement must be received by
901 PWESD.

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

905 . . .

906 (c) *Fees:*

907 . . .

908 (2) Pursuant to the Broward County Manatee Protection Plan, each ERL
909 applicant proposing to add one (1) or more new slips ~~at a boat or marine~~
910 ~~facility~~ over four (4) slips, or above the historical number of slips present at
911 that facility, ~~except for projects at a single-family residence~~ location, is
912 required to pay to PWESD a nonrefundable application fee of
913 one hundred dollars (\$100.00) per proposed slip as partial payment of the
914 total new slip fee of six hundred sixty-six dollars (\$666.00) per proposed
915 slip. The application fee portion of the new slip fee is due at the time an
916 application is submitted. At the time that an application is determined to be
917 a Good Faith Application by PWESD pursuant to the MPP and the
918 standards of this article, slips for the proposed project may be allocated to
919 the project from the pool of available slips in the applicable MPP Zone, if
920 any. Payment of the remainder of the new slip fee is due and must be
921 received by PWESD to complete the application process and prior to

922 issuance of the ERL. If an application denial becomes final without legal
923 challenge, or a denial is upheld as the end result of any legal challenge, the
924 slips allocated to the proposed project from those available pursuant to the
925 MPP shall return to the pool of slips. Additionally, each ~~multislip facility~~
926 location with five (5) or more slips shall also pay to PWESD an annual
927 manatee mitigation fee of thirty-two dollars (\$32.00) for each allocated slip
928 on or before October 1 of each year pursuant to Section 27-342 and the
929 facility's Marine Facility Operating License.

930 . . .

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

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

940 (d) *Procedure:* Within thirty (30) days after the receipt of an application for an
941 ERL, the applicant may be requested to provide such additional information as is
942 reasonably necessary to determine whether the license should be issued or denied. A
943 decision on the application based upon the criteria contained in this article shall be in
944 writing and ~~mailed~~ sent to the applicant's ~~address~~ no later than ninety (90) days after the

945 requested additional information is received from the applicant or, if a timely request for
946 additional information is not made, no later than ninety (90) days after receipt of the
947 application. If an application is not approved or denied within the applicable ninety (90)
948 days, the applicant may, within thirty (30) days after the last date when a timely decision
949 could have been made, request PWESD make a final agency determination on the
950 license. The applicant may seek administrative review of a final agency determination as
951 provided by this chapter. Alternatively, the applicant may, in writing, waive the time frames
952 for processing its application in order to maintain its Good Faith Application status for a
953 future allocation of slips and to voluntarily allow more additional time for PWESD to
954 complete the processing of its application. Placement on a waiting list per
955 Section 27-337(e)(3) tolls the expiration date for a phased ERL. If the applicant chooses
956 to not move a project forward after allocation, they may withdraw the application without
957 prejudice and reapply within one (1) year without paying application fees again.

958 If an applicant withdraws an application prior to PWESD initiating review, any
959 processing fee submitted with that application shall be applied to the processing fee for a
960 new application or notice submitted by the same applicant within one (1) year from when
961 the original application was withdrawn, provided the activity is located within all or part of
962 the same project area. In such a case, additional processing fees will be required only to
963 collect the balance due for the activities proposed in the revised application or notice.
964 Processing fees previously paid for an application or notice that was denied by PWESD
965 shall not be applied to a new or revised application or notice.

966 . . .

967 (i) *Public Notice*: When an ERL application is received, a description of the
968 project and its location will be publicly available at the main PWESD office pursuant to
969 Chapters 119 and 373, Florida Statutes, and will be available for public comment. Where
970 an application is reviewed for work within a municipality, that municipality will be provided
971 a copy of the application for comment prior to a final agency determination on the
972 application.

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

975 **Sec. 27-335. Exemptions.**

976 The following projects are exempt from license requirements:

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

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

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

986 ~~(4)~~ (d) Any temporary excavation in ~~nonwetlands~~ nonwetland areas constructed
987 for the purpose of demucking, site runoff control or erosion control, or the removal of
988 materials unsuitable for construction, for the purpose of preparing land for development;

989 ~~providing~~ provided that the excavation is designed to be filled to, at, or above the average
990 annual water table with clean fill or original suitable fill from on-site operations.

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

999 ~~(6)~~ (f) Projects for which Broward County, through PWESD, is the project
1000 manager. PWESD shall ensure that all actions undertaken as part of the project comply
1001 with the requirements of this Aarticle.

1002 ~~(7)~~ (g) United States Army Corps of Engineers dredging projects for which Broward
1003 County is a local sponsor; ~~;~~ ; provided that the Port Everglades Department submits notice
1004 to the County Administrator of its intent to proceed under this exemption, and the County
1005 Administrator, through the County's participation in the planning and design of the project,
1006 is able to ensure that potential impacts of the project are properly addressed.

1007 ~~(8)~~ (h) Maintenance dredging conducted by the Port Everglades Department, if the
1008 County Administrator determines that the dredging to be performed is no more than is
1009 necessary to restore previously dredged areas to original design specifications or
1010 configurations, previously undisturbed natural areas are not significantly impacted, all
1011 other federal and state authorizations are obtained and complied with, best management

1012 practices are followed, and PWESD is notified at least thirty (30) days before the
1013 commencement of maintenance dredging.

1014 ~~(9)~~ (i) New slips at single-family residences, but only from the licensing and fee
1015 requirements of the Manatee Protection Plan. This exemption shall not apply when the
1016 facility meets the definition of a ~~boat~~ marine facility.

1017 Section 17. Section 27-336 of the Broward County Code of Ordinances is hereby
1018 amended to read as follows:

1019 **Sec. 27-336. General licenses.**

1020 (a) *Projects Meeting Criteria for General License:* Projects described below
1021 shall qualify for a general license upon submittal of a complete application to PWESD,
1022 and subject to the requirements of this section:

1023 *Requirements To Obtain a General License:*

1024 (1) A general license will be issued within ten (10) days ~~of~~ after receipt of the
1025 complete application proposing one (1) or more of the projects described
1026 below. This application shall include information that demonstrates that the
1027 project will not substantially impede water flow, will not impact natural
1028 resources or submerged aquatic vegetation, or will not violate applicable
1029 local and state water quality standards, or criteria contained in this article,
1030 ~~sSections 27-331 to~~ through 27-341, and that clean fill will be used in any
1031 filling activities.

1032 a. The repair or replacement of existing docks and associated pilings,
1033 provided that no additional waterward fill is used and the new or
1034 repaired ~~deck~~ over-water structure, including docks or seawall caps,

1035 is not enlarged beyond a total of five hundred (500) square feet
1036 over-water surface area for the new and existing structure, as
1037 measured from the wet face of the seawall at mean high water
1038 ("MHW").

1039 b. The repair, maintenance, or restoration of existing functional
1040 seawalls no more than one (1) foot waterward of their original
1041 authorized location or the installation of a new seawall within one (1)
1042 foot of the existing seawall wet face, when the old wall will remain in
1043 place.

1044 c. The relocation within an already approved right-of-way, or repair or
1045 maintenance of existing utility transmission or distribution lines and
1046 associated adjacent facilities required to ~~effect~~ complete the repair.

1047 d. New lake or pond excavations of at least one (1) acre, but less than
1048 two (2) acres, ~~but equal to or greater than one (1) acre~~ that are not
1049 connected ~~with~~ to and do not exchange water with any other surface
1050 water body or wetland, except by means of a permitted overflow
1051 structure (weir, control structure, etc.).

1052 e. The installation of ~~private, noncommercial~~ over-water structures,
1053 docks, seawall caps, or floating docks of five hundred (500) square
1054 feet or less of over-water surface area, as measured from the wet
1055 face of the seawall at MHW, where no dredging or filling is required
1056 except to install the pilings. FVPs that qualify for a general license
1057 are not included in the over-water surface area calculation.

- 1058 f. ~~Projects which are within isolated wetlands or lakes and/or surface~~
1059 waters, as well as otherwise projects that, in the opinion of PWESD,
1060 will not significantly degrade the environment, including boatlifts,
1061 davits, and mooring, dolphin, or cluster pilings.
- 1062 . . .
- 1063 j. The installation of twenty (20) cubic yards or less of natural limerock
1064 ~~rip-rap~~ riprap at the waterward face of an existing vertical bulkhead,
1065 provided that the ~~rip-rap~~ riprap is clean and free of debris, that no
1066 seagrasses are covered by the ~~rip-rap~~ riprap, that no dredging or
1067 other filling is conducted ~~and~~, that the ~~rip-rap~~ riprap is placed at a
1068 slope no steeper than 2H:1V, and that no interference to other
1069 riparian property rights, or navigation occurs.
- 1070 . . .
- 1071 l. The installation of utility or transmission lines laid on or embedded in
1072 the substrate; provided that no dredging or filling is required and that
1073 no seagrasses or significant benthic communities ~~will~~ could be
1074 affected by the activity.
- 1075 . . .
- 1076 n. Installation of seepage holes through seawalls, refacing seawall
1077 surfaces, filling cracks, or other minor repairs.
- 1078 o. Raising the elevation of a seawall cap in the same footprint, with no
1079 widening of the cap.
- 1080 p. Redecking of existing docks in the same footprint with no piling work.

1081 (2) A general license for the emergency repair, replacement, or maintenance
1082 of existing utility transmission or distribution lines ~~is hereby~~ will be issued,
1083 provided that the owner of the damaged facility or the owner's agent
1084 provides verbal notice to the County of the condition, its location and
1085 expected length of time required for repair, replacement, or maintenance
1086 activities, and submits an application as soon as practicable, concurrent
1087 with the start of work.

1088 (3) A general license is granted to the ~~Florida Department of Transportation~~
1089 Broward County Highway and Bridge Maintenance Division, following
1090 appropriate PWESD notification procedures, for the following minor works
1091 within ~~FDOT~~ Broward County rights-of-way and provided that all other water
1092 quality standards and wetland regulations are not violated:

1093 a. Repair of existing concrete bridge pilings by the construction of pile
1094 jackets provided that the permanent outer form is composed of inert
1095 materials, and the quantity of material shall not exceed three hundred
1096 (300) cubic yards of dredging or three hundred (300) cubic yards of
1097 filling per project. Although the bottom sediments within the forms
1098 may be removed by jetting or pumping, and may not be recoverable,
1099 proper turbidity control measures shall be employed as necessary to
1100 prevent violations of state or county water quality standards. No
1101 impacts to natural resources (mangroves, seagrasses, corals,
1102 oysters, etc.) are authorized by this general license.

- 1103 b. The construction, maintenance, repair, or replacement of existing
1104 drainage facilities provided that no wetlands or lands subject to a
1105 conservation easement will be affected.
- 1106 c. The installation of fences within regulated waters or wetlands
1107 provided no dredging or filling occurs other than that necessary for
1108 the posts and that water flow is not impeded. This general license
1109 does not apply within the boundaries of lands subject to a
1110 conservation easement.
- 1111 d. Projects that do not meet the general license criteria listed above
1112 (Section 27-336(a)(3)a. through c.) are required to apply for and
1113 obtain an Environmental Resource License prior to commencement.
- 1114 (4) A general license for the construction, installation, operation, or
1115 maintenance of an FVP will be issued within ten (10) days after a complete
1116 application ~~under~~ is received pursuant to this section if the FVP meets the
1117 following requirements:
1118 ...
- 1119 (5) A general license for the construction, installation, operation, or
1120 maintenance of an FVP will be issued within ten (10) days after receipt of a
1121 complete application ~~under~~ pursuant to this section if the FVP does not meet
1122 the general license criteria of Section 27-336(a)(4), above, but complies
1123 with the general permit requirements of Rule 62-330.428 of the Florida
1124 Administrative Code, as amended.

1125 (6) Applicants that do not meet the criteria for issuance of an FVP ~~General~~
1126 ~~License~~ under Section 27-336(4) or 27-336(5), above, shall obtain a
1127 ~~General License~~ or Environmental Resource License as otherwise
1128 required by Section 27-336 or Section 27-337.

1129 Section 18. Section 27-337 of the Broward County Code of Ordinances is hereby
1130 amended to read as follows:

1131 **Sec. 27-337. Criteria for issuance or denial of an Environmental Resource License.**

1132 (a) *Application Requirements:* A license shall be granted only after the
1133 applicant provides PWESD with reasonable assurances that the license is not contrary to
1134 the public interest. In determining whether a project is not contrary to the public interest,
1135 PWESD shall consider and balance the following criteria:

1136 . . .

1137 (6) Whether the activity will adversely affect or will enhance significant historical
1138 and archaeological resources under the provisions of
1139 § Section 267.061, F.S. Florida Statutes, as amended.

1140 . . .

1141 (9) Whether the dock is the minimal width to moor a vessel.

1142 (10) Whether the local municipal seawall elevation and setback requirements
1143 have been met.

1144 (b) *Design Criteria:* In addition to the general criteria, for all projects, a license
1145 shall not be issued for specific activity unless all the following criteria are met:

1146 . . .

- 1147 (2) No construction shall occur over seagrasses unless the vertical separation
1148 between the construction and the substrate is equal to or greater than
1149 five (5) feet, or unless light-penetrating decking is used.
- 1150 (3) Permanent ~~terminal platforms, roof structures, or decks~~ over-water
1151 structures shall not be located over seagrasses or significant benthic
1152 communities, unless light-penetrating materials are used.
- 1153 . . .
- 1154 (5) Marginal docks shall be no further waterward than ten (10) feet from the
1155 property line.
- 1156 ~~(5)~~ (6) All vertical bulkheads or seawalls constructed in marine waters where no
1157 previous seawall existed shall be provided with natural limerock ~~rip-rap~~
1158 riprap, or other approved habitat enhancement, at the waterward face of the
1159 bulkhead or seawall. Riprap is not required if (1) natural resources are
1160 present and would be impacted by the riprap, or (2) alternative technologies
1161 are used to provide additional habitat.
- 1162 ~~(6)~~ (7) Wetland impacts will not be licensed where an upland alternative is
1163 practicable or economically feasible.
- 1164 ~~(7)~~ (8) Wetland impacts will be avoided or minimized to the greatest extent
1165 practicable.
- 1166 ~~(8)~~ (9) Wetland losses ~~which~~ that are unavoidable shall be replaced by
1167 compensatory mitigation such that ecological functional values provided by
1168 the subject wetland area are not lost as a result of the project.

1189a		Wetland Type	Creation	Enhancement	Enhancement
				Higher Quality*	Lower Quality*
				(≥ 0.52 WBI)	(< 0.52 WBI)

1189b

1189c 2. Forested

freshwater,

noncypress

1189d

1190 ...

1191 (e) Additional criteria and waiting list for ~~boat or marine facility~~ projects subject

1192 to the Manatee Protection Plan:

1193 (1) In addition to the requirements of this chapter and the MPP, each applicant

1194 for an ERL proposing a construction or reconfiguration of ~~a boat or marine~~

1195 ~~facility~~ project shall:

1196 ...

1197 (6) When slips are returned to the pool of available slips for an MPP Zone with

1198 a waiting list, the following process shall apply:

1199 a. The ~~highest priority~~ first applicant on the waiting list for that MPP

1200 Zone shall be notified in writing by PWESD of the total number of

1201 slips available and the opportunity to proceed with its pending

1202 application.

- 1203 b. If the number of slips returned to the pool is greater than the highest
1204 priority applicant's pending application would utilize, the next highest
1205 priority applicant on the waiting list shall also be notified in writing by
1206 PWESD of the total number of slips that became available, the
1207 number of slips subject to a higher priority application, and the
1208 opportunity to proceed with its pending application for the number of
1209 slips available after consideration of the higher priority application.
- 1210 c. Within thirty (30) days after the date on the notification, an applicant
1211 may notify PWESD in writing to either process its application for the
1212 available slips up to the maximum number of slips for which it has a
1213 Good Faith Application or to withdraw its application. If no response
1214 is received within thirty (30) days after the date on the notification,
1215 the application shall be moved to the bottom of the waiting list based
1216 upon an application date equal to the day after the deadline, i.e., the
1217 thirty-first ~~(34st)~~ (31st) day. No modifications are allowed to
1218 supplement submitted applications with the intent of adding
1219 additional slips to a pending project on the list.
- 1220 (7) If the number of slips available in the applicable pool is less than the number
1221 of slips the applicant has requested in a Good Faith Application, the
1222 applicant shall have thirty (30) days from the date of the notification to
1223 pursue issuance or denial of an ERL for the available slips and to apply for
1224 a modification to the ERL for the remainder of the Good Faith Application
1225 slips pursuant to Section (3), above. If an application for modification of the

1226 ERL is received by PWESD for the remaining slips within the foregoing time
1227 frame, that application for modification shall retain the same application date
1228 for priority purposes in the waiting list as the original Good Faith Application.
1229 If an applicant notifies the PWESD in writing that it will not pursue issuance
1230 or denial of its ERL, or does not submit an application for modification of the
1231 ERL for the remaining Good Faith Application slips, within thirty (30) days
1232 after the date of the notification, the application shall be removed from the
1233 waiting list. If an applicant wishes to pass on receiving offered available slips
1234 at a given time, they can retain their place on the waiting list, and the slips
1235 can be offered to the next applicant on the waiting list.

1236 . . .

1237 (9) ~~Slips a~~Allocated slips ~~to a boat or marine facility~~ are not transferable or
1238 assignable to any other facility or MPP Zone. Adjacent parcels under the
1239 same ownership may merge their individual Marine Facility Operating
1240 Licenses into one (1) license.

1241 (10) An ERL that authorizes construction of one (1) or more slips ~~at a boat or~~
1242 ~~marine facility~~ shall expire no later than two (2) years after issuance by
1243 PWESD and may only be extended or renewed i) once for one (1) additional
1244 year if an applicant demonstrates to PWESD that it is diligently pursuing
1245 other regulatory permits (i.e., United States Army Corps of Engineers,
1246 Florida Department of Environmental Protection, or South Florida Water
1247 Management District permits necessary for construction of or modifications
1248 ~~to its boat or marine facility,~~); ii) as may be required by state law; or iii) as

1249 allowed by a variance granted pursuant to Sections 27-10 through 27-13 of
1250 this chapter.

1251 (11) Slips allocated ~~to a boat or marine facility~~ by issuance of an ERL, inclusion
1252 of an application on the waiting list, or that were in existence at the time of
1253 adoption of the MPP shall be returned to the pool of available slips within
1254 an MPP Zone in total or in relevant number if:

1255 . . .

1256 Section 19. Section 27-338 of the Broward County Code of Ordinances is hereby
1257 amended to read as follows:

1258 **Sec. 27-338. Mitigation.**

1259 (a) Projects that do not otherwise meet the licensing criteria contained in
1260 ~~s~~Section 27-337 must provide assurances that lost ecological functional values will be
1261 compensated for by providing a mitigation plan for PWESD approval prior to the license
1262 being issued. The mitigation plan must include, at a minimum, the following:

1263 . . .

1264 (3) Characterization of existing and proposed soils in the mitigation area, ~~and~~
1265 the extent of earth work proposed for the mitigation site, and the source for
1266 any materials (i.e., muck) to be placed in the wetland mitigation area. Muck
1267 shall be a minimum of twelve (12) inches deep and shall not exceed
1268 twenty-four (24) inches deep in any wetland mitigation area.

1269 . . .

1270 (7) Mitigation for wetland impacts may include upland areas or buffers for
1271 habitat where it can be demonstrated that the upland areas provide or

1272 improve the overall wetland ecological functional values originally provided
1273 by the subject wetland area. Maintenance is required in perpetuity and in
1274 conformance with all license conditions.

1275 . . .

1276 (10) Evidence of financial resources necessary to complete a mitigation project
1277 shall be provided to the ~~e~~County ~~a~~Attorney and may include, but not be
1278 necessarily limited to:

1279 . . .

1280 b. A cash bond for the proposed mitigation.

1281 . . .

1282 (12) ~~Mitigation banking shall be encouraged by the identification of sites suitable~~
1283 ~~for banking and through the utilization of the wetland benefit index to~~
1284 ~~establish a credit system for potential mitigation banking areas. The~~
1285 ~~application of a habitat mosaic credit 0.9 shall be utilized in multiple habitat~~
1286 ~~banks approved by PWESD to encourage the use of mitigation banks when~~
1287 ~~such use will more effectively offset project related wetland impacts~~
1288 Mitigation for impacts to less than 0.50 acres of wetlands may use a
1289 mitigation bank outside of the service area in accordance with
1290 Section 373.4136, Florida Statutes, if the mitigation service area lacks the
1291 appropriate credit type.

1292 a. ~~A mitigation bank license shall be issued by PWESD following the~~
1293 ~~successful demonstration by the applicant that all of the~~
1294 ~~requirements of this section 27-338 are met and that a credit system~~

1295 ~~and long-term maintenance plan ensuring persistence of this bank~~
1296 ~~have been put in place.~~

1297 b. ~~Specific mitigation bank credits will be assigned by assessing the~~
1298 ~~existing wetland values through the wetland benefit index (WBI) and~~
1299 ~~applying the habitat mosaic credit (HMC) of 0.90 by the following~~
1300 ~~formula:~~

1301 ~~WBI × HMC = Mitigation Bank Value~~
1302 ~~1.0 × MBV = Mitigation Bank Credit~~

1303 e. ~~Additional mitigation bank credits may be established based upon~~
1304 ~~the affirmative demonstration by the banker that the following~~
1305 ~~conditions will be provided by the bank:~~

1306 1. ~~The bank will provide a corridor to or with other~~
1307 ~~environmentally significant lands that are protected.~~

1308 2. ~~The bank will provide critical type habitat for listed species~~
1309 ~~(threatened, endangered, or species of special concern).~~

1310 3. ~~The bank will provide additional lands for preservation that are~~
1311 ~~not, or have not previously been, preserved.~~

1312 4. ~~The bank shall be constructed prior to credit use.~~

1313 5. ~~Wetland benefits as identified in the mitigation bank proposal~~
1314 ~~are provided prior to credit use.~~

1315 d. ~~The mitigation bank license shall be binding on the bank applicant,~~
1316 ~~successors and bank landowners as identified in section 27-338.~~

1317 (13) Mitigation is not required for temporary impacts when Best Management
1318 Practices are implemented. Monitoring reports may be required as a license
1319 condition.

1320 Section 20. Section 27-339 of the Broward County Code of Ordinances is hereby
1321 amended to read as follows:

1322 **Sec. 27-339. General and specific conditions to be included in all licenses.**

1323 ...

1324 (2) *Standard specific conditions:*

1325 ...

1326 b. Notify ~~the department~~ PWESD immediately in the event of any
1327 project-caused environmental problem(s). Notification shall be by
1328 telephone to 954-519-1499, and by email to
1329 AWRLicense@broward.org.

1330 ...

1331 (3) *Compensatory mitigation (area) specific conditions:*

1332 a. Construction and installation of the area shall be in accordance with
1333 plans dated (date) by PWESD (attached) and associated
1334 information. The area shall be installed concurrently with licensed
1335 construction. ~~Compensatory mitigation for projects requiring less~~
1336 ~~than ten (10) acres of mitigation in a mitigation bank licensed by~~
1337 ~~PWESD shall be exempt from the concurrent installation requirement~~
1338 ~~of this section if PWESD has approved a schedule for phasing such~~
1339 ~~mitigation in the mitigation bank. Said schedule shall provide that~~

1340 ~~construction of the compensatory mitigation within the mitigation~~
1341 ~~bank shall commence within six (6) months and be completed within~~
1342 ~~eighteen (18) months of issuance of the final certificate of occupancy~~
1343 ~~at the impact site.~~

1344 b. Upon completion of the area, the following documentation shall be
1345 submitted to PWESD:

1346 . . .

1347 3. The time-zero monitoring report.

1348 This certification of elevations and verification of acreage
1349 documentation is required within thirty (30) days ~~of~~ after completion
1350 of the area ~~and prior to any certificate of occupancy's being issued~~
1351 ~~for any structure on the site/phase.~~ Upon PWESD's acceptance, the
1352 licensee shall proceed with planting. The time-zero report shall be
1353 submitted within sixty (60) days after planting.

1354 c. A viable wetland system shall be established that replicates a natural
1355 reference wetland in basic structure and function. ~~In order to assure~~
1356 To ensure that the area becomes self-sustaining, the following
1357 criteria shall be met:

1358 . . .

1359 2. Less than ~~five (5)~~ two percent (2%) coverage by invasive
1360 exotic and undesirable species. Exotic and undesirable
1361 species include, but are not limited to, melaleuca, Australian

1362 pine, Brazilian pepper, bischofia, torpedo grass, primrose-
1363 willow, and cattail.

1364 . . .

1365 d. Should PWESD determine that the area is not achieving the listed
1366 criteria during some portion of the monitoring period, upon
1367 notification to the licensee, the licensee shall prepare contingency
1368 plans within sixty (60) days that demonstrate clearly how the
1369 problem(s) will be corrected and submit such plans immediately to
1370 PWESD for approval. These plans must be approved by PWESD
1371 and implemented within thirty (30) days of PWESD's approval.

1372 . . .

1373 Section 21. Section 27-341 of the Broward County Code of Ordinances is hereby
1374 amended to read as follows:

1375 **Sec. 27-341. Alterations of voluntarily created wetlands resource enhancement**
1376 **projects.**

1377 Alterations of a licensed voluntarily created wetlands resource enhancement
1378 project (such as wetlands, living seawalls, living shorelines, etc.) are exempted from
1379 ~~sections 27-327 to 27-336 licensing criteria~~ the mitigation criteria of Section 27-338,
1380 provided the following conditions are met:

1381 ~~(1) (a)~~ (a) Upon construction of a ~~licensed (where required) created wetland~~
1382 voluntarily created resource enhancement project, a detailed drawing and survey with a
1383 legal description of the ~~wetland~~ project limits shall be submitted to PWESD for certification
1384 as a voluntarily created ~~wetland~~ project.

1385 (2) (b) Prior to any alteration of ~~a voluntarily created wetland or a portion thereof,~~
1386 ~~a PWESD certified voluntarily created wetland,~~ a drawing, photographs, and survey,
1387 along with a completed PWESD application form ~~with addendum~~ and appropriate review
1388 fee, shall be submitted for review and approval. No mitigation shall be required for
1389 alteration of a certified voluntarily created wetlands project.

1390 (3) (c) No areas outside of the original surveyed property, as shown on the certified
1391 drawing and survey with attached legal description, will ~~be subject to~~ qualify for the
1392 exemption.

1393 Section 22. Section 27-342 of the Broward County Code of Ordinances is hereby
1394 amended to read as follows:

1395 **Sec. 27-342. Marine facility operating licenses.**

1396 Pursuant to the MPP, a Marine Facility Operating License is hereby established.
1397 Each existing, new, or reconstructed ~~boat or marine~~ facility with five (5) or more slips
1398 located in coastal waters, as defined in the MPP, is required to apply for and obtain a
1399 Marine Facility Operating License and pay the annual manatee mitigation fee established
1400 in Section 27-334(c)(2) prior to commencing operation and annually thereafter throughout
1401 the operation of the facility. Applications must be made on forms approved by PWESD.
1402 A Marine Facility Operating License is valid for one (1) year and must be renewed
1403 annually prior to expiration. Payment of the annual manatee mitigation fee established in
1404 Section 27-334(c)(2) is required for renewal of a Marine Facility Operating License and
1405 continued operation of the facility.

1406 Section 23. Section 27-351 of the Broward County Code of Ordinances is hereby
1407 amended to read as follows:

1408 **Sec. 27-351. Declaration of intent.**

1409 In order to protect the air, waters, soils, and other natural resources of Broward
1410 County, as well as to protect the health, safety, and welfare of Broward County's ~~citizens~~
1411 residents, Broward County declares that the generation, use, storage, handling,
1412 processing, manufacturing, and disposal of hazardous material, as defined in
1413 ~~s~~Section 27-352 of this article, must be regulated. Furthermore, the ~~Board~~ Commission
1414 finds that the unauthorized presence of hazardous material in the air, waters, soils, or
1415 other natural resources of Broward County is prohibited and that a responsible party shall
1416 take the necessary action to remediate and ~~to remove as required~~ such substances as
1417 required so that the air, waters, soils, or other natural resources contaminated by the
1418 introduction of such materials are restored to a condition ~~which~~ that does not pose a threat
1419 to health, safety, or to the environment. ~~The Public Works and Environmental Services~~
1420 ~~Department (PWESD),~~ ~~t~~To the extent permitted by state and federal law, PWESD shall
1421 have the authority to license, evaluate, review, and administer all hazardous material
1422 activities, and all environmental assessment and remediation actions performed in
1423 Broward County.

1424 Section 24. Section 27-352 of the Broward County Code of Ordinances is hereby
1425 amended to read as follows:

1426 **Sec. 27-352. Definitions.**

1427 . . .

1428 *Combustible liquid* is defined as a liquid having a flash point at or above
1429 one hundred (100) degrees Fahrenheit (37.8 degrees Celsius) and below

1430 two hundred (200) degrees Fahrenheit (93.3 degrees Celsius), and that is not otherwise
1431 classified as a hazardous material under another hazard class.

1432 . . .

1433 *Double-walled* means a storage tank system or system component that has an
1434 outer tank wall, ~~or integral piping that has an outer wall,~~ that provides secondary
1435 containment ~~of the primary tank or piping.~~

1436 . . .

1437 *Mobile tank* means a shop-fabricated storage tank that is five hundred fifty (550)
1438 gallons or less in capacity that is:

1439 (a) ~~Is an aboveground storage tank system, five hundred fifty (550) gallons or~~
1440 ~~less in capacity, that is m~~M~~oved to a different location at least once every~~
1441 ~~one hundred eighty (180) days, and:~~

1442 . . .

1443 (2) Is designed and constructed to be moved to other service locations, and its
1444 relocation within a facility or from site to site is inherent in its use; ~~or~~

1445 (3) ~~Is used for on-site construction activities, provided that the construction~~
1446 ~~activities do not exceed twelve (12) months, or the life of the construction~~
1447 ~~project as long as construction is continuous, and the tanks are removed~~
1448 ~~from the site when the construction is complete; or~~

1449 (4) ~~Is permanently connected to its mode of transport, which is used to~~
1450 ~~transport a hazardous material for dispensing or transfer, and is~~
1451 ~~appropriately constructed, placarded, and operated in compliance with all~~
1452 ~~local, state, and federal regulations.~~

1453 (b) ~~However, notwithstanding that an aboveground storage tank system meets~~
1454 ~~the definition of Subsection (a), it is not considered mobile if it is connected to stationary~~
1455 ~~underground or aboveground integral piping, unless associated with the production of an~~
1456 ~~agricultural commodity and provided that the tank is moved at least once every~~
1457 ~~one hundred eighty (180) days. Used for on-site construction activities, provided that the~~
1458 ~~construction activities do not exceed twelve (12) months, or the life of the construction~~
1459 ~~project as long as construction is continuous, and the tanks are removed from the site~~
1460 ~~when the construction is complete; and~~

1461 (c) Not considered mobile if it is connected to stationary underground or
1462 aboveground integral piping, unless associated with the production of an agricultural
1463 commodity, provided that the tank is moved to a different location at least once every
1464 one hundred eighty (180) days.

1465 . . .

1466 Section 25. Section 27-353 of the Broward County Code of Ordinances is hereby
1467 amended to read as follows:

1468 **Sec. 27-353. Prohibitions.**

1469 The following general prohibitions shall apply to this ~~A~~article:

1470 . . .

1471 (c) Flammable and/or combustible liquids shall be stored in ~~full~~ accordance with
1472 the most current version of the National Fire Protection Association ~~Code~~ (NFPA) Code.

1473 . . .

1474 Section 26. Section 27-356 of the Broward County Code of Ordinances is hereby
1475 amended to read as follows:

1476 **Sec. 27-356. Required licenses and approvals.**
1477 . . .
1478 (b) *Hazardous Material Management Facility Licenses:*
1479 . . .
1480 (4) *Operating requirements:* The operation of a hazardous material
1481 management facility subject to licensing shall be in accordance with all
1482 applicable portions of this Chapter. In addition, the following requirements
1483 shall apply:
1484 . . .
1485 b. *Construction materials and methods:*
1486 . . .
1487 5. All storage containers shall be designed and constructed in
1488 accordance with the applicable standards established by the
1489 ~~National Fire Protection Association~~ NFPA, the American
1490 Society for Testing and Materials (ASTM), or the EPA; or, if
1491 none of the above standards are applicable, then in
1492 accordance with alternate PWESD approved standards.
1493 . . .
1494 (d) *Environmental Assessment and Remediation Licenses:*
1495 . . .
1496 (4) *Operating requirements:*
1497 . . .

1498 c. *Field activities:* Written notification shall be provided by the
1499 responsible party to PWESD ~~at least three (3) working days~~ within
1500 seven (7) days but not less than twenty-four (24) hours prior to
1501 performing field activities such as installing assessment monitoring
1502 wells or recovery wells, performing sampling, installing remediation
1503 equipment, or performing source removal activities. Personnel from
1504 PWESD shall be allowed the opportunity to observe these field
1505 activities and to take split samples.

1506 . . .

1507 h. The licensee shall complete construction and ~~begin the~~ commence
1508 operation of the remediation system described in the RAP no later
1509 than ~~four (4) months~~ one hundred twenty (120) calendar days after
1510 RAP approval, or within such other timeframe as approved by
1511 PWESD, or within such other extended timeframe as approved.

1512 Excavation and removal or reuse of contaminated soil from the site,
1513 if specified in the RAP, shall be completed and manifests shall be
1514 submitted to PWESD no later than ~~four (4) months~~
1515 one hundred twenty (120) calendar days after ~~PWESD approves the~~
1516 RAP approval, or within such other timeframe as approved by
1517 PWESD, or within such other extended timeframe as approved.

1518 i. In accordance with the environmental assessment and remediation
1519 license or the approved RAP, inclusive of modifications, ~~¶~~the
1520 licensee shall submit a site remediation progress report ~~within~~

1521 ~~thirty (30) days after the remediation system is started and every~~
1522 ~~quarter thereafter~~ until the site is reclassified as inactive by PWESD.
1523 The progress reports shall be prepared in accordance with PWESD
1524 site-specific instructions.

1525 . . .

1526 Section 27. Section 27-408 of the Broward County Code of Ordinances is hereby
1527 amended to read as follows:

1528 **Sec. 27-408. Tree removal license requirements and standards.**

1529 . . .

1530 (i) *Tree Replacement Requirements:*

1531 (1) Tree Replacement Requirements for Nonspecimen Trees:

1532 . . .

1533 b. The following criteria shall be used by PWESD to determine the tree
1534 replacement requirements:

1535 . . .

1536 6. PWESD will base the number of required replacement trees
1537 on the size of the impacted area and the category of
1538 replacement trees the applicant selects. ~~At a minimum, the~~
1539 ~~size of the replacement trees at maturity must equal the size~~
1540 ~~of the canopy removed.~~ The following table is used to
1541 determine the number of required replacement trees:

1541a	Replacement Tree Category	Replacement Canopy Area Credit
1541b	(See Appendix 1)	(In Square Feet)

1541c	...	...
1541d	Category 3 Tree	100 (for trees greater than or equal to a 5 <u>6</u> -foot
1541e		minimum height <u>or palms with a 6-foot minimum</u>
1541f		<u>clear trunk</u>)
1541g	Category 4 Tree	50 (for trees greater than or equal to a 2½-foot
1541h		minimum height <u>palms with a 6-foot minimum</u>
1541i		<u>clear trunk</u>)

1542 ...

1543 Section 28. Appendix 1, Recommended Trees for Canopy Replacement, found
 1544 in Section 27-413 of the Broward County Code of Ordinances, is hereby amended to read
 1545 as follows:

APPENDIX 1

RECOMMENDED TREES FOR CANOPY REPLACEMENT

CATEGORY 1 TREES

1549 ...

1549a	Common Name	Latin Name
1549b	...	...
1549c	*Mahogany	Swietenia mahogany <u>mahagoni</u>
1549d	...	...

1550 ...

1551 Section 29. Section 34-168 of the Broward County Code of Ordinances is hereby
 1552 amended to read as follows:

1553 **Sec. 34-168. Regulation of cooling towers.**

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

1554 . . .

1555 (c) *Annual renewal of Cooling Tower License:* Licenses shall be renewed
1556 annually on or before March 31~~st~~. Each renewal application shall be accompanied by the
1557 applicable fee, a log of the operation and maintenance schedule for the components of
1558 the cooling tower system, and a signed affidavit of compliance with the Florida Building
1559 Code from the service provider. The signed affidavit shall include all dates of service
1560 within the reporting period and verification of system operation at a minimum of eight (8)
1561 cycles of concentration.

1562 Cooling towers located in areas served by potable water with a hardness greater
1563 than 120 mg/L as calcium carbonate may be permitted to operate at a lower minimum
1564 number of cycles of concentration when the minimum requirement of eight (8) cycles
1565 cannot be achieved.

1566 . . .

1567 Section 30. Severability.

1568 If any portion of this Ordinance is determined by any court to be invalid, the invalid
1569 portion will be stricken, and such striking will not affect the validity of the remainder of this
1570 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
1571 legally applied to any individual, group, entity, property, or circumstance, such
1572 determination will not affect the applicability of this Ordinance to any other individual,
1573 group, entity, property, or circumstance.

1574 Section 31. Inclusion in the Broward County Code of Ordinances.

1575 It is the intention of the Board of County Commissioners that the provisions of this
1576 Ordinance become part of the Broward County Code of Ordinances as of the effective

1577 date. The sections of this Ordinance may be renumbered or relettered and the word
1578 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
1579 phrase to the extent necessary to accomplish such intention.

1580 Section 32. Effective Date.

1581 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 04/16/2026
Deanna M. Kalil (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 04/16/2026
Maite Azcoitia (date)
Deputy County Attorney

DMK/gmb
Chapter 27 Ordinance
04/16/2026
#41027

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