

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

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

...

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

Sec. 27-67. Land development.

...

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

...

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

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

Sec. 27-192. Definitions.

...

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

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

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

...

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

...

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

...

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

Sec. 27-193. Prohibitions.

(a) General prohibitions and exceptions:

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

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

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

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

...

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

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

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

...

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

Sec. 27-194. Exemptions.

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

...

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

...

(c) *Surface water management:*

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

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

. . .

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

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

. . .

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

. . .

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

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

Sec. 27-195. Water quality standards.

...

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

TABLE 1

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

...

CAS #	COMPOUND	MARINE	FRESH	GROUND
...	...	...	...	...
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

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.:~~

262 _____ (SEAL)
263 If there are deficiencies in the functioning, maintenance standards,
264 or maintenance frequency of the surface water management system,
265 the licensee may be required by PWESD to make remedial repairs
266 or maintenance to the works. Water quality monitoring may also be
267 required on a case-by-case basis.

268 . . .

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

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

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

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

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

278 a. Application procedures:

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

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

...

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

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

...

- b. Operation & and maintenance:

...

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

...

5. Operation and maintenance manual:

- a) An operation and maintenance manual for domestic wastewater collection/~~trans-mission~~ transmission systems shall be submitted electronically as part of the application process. PWESD may accept written certification by the licensee that an appropriate manual is available in lieu of actual submittal. The manual shall provide for the reliable and efficient operation and maintenance.

...

c. Certification of completion:

...

2. The licensee or ~~his/her~~ their engineer of record shall file with PWESD upon completion of work an electronic copy of the plans and specifications for the system record drawing, the appropriate review fee, and a completed Domestic Wastewater Collection/Transmission Systems Certification of Completion form.

...

(3) *Reuse distribution/application systems:*

- a. Application procedures: An ~~A~~application for a License to Construct/Operate a Reuse Application System shall be on the forms 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 ~~those portions of the work which~~ that, if

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

...

(2) *Application:*

a. General:

1. Submittals:

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

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

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

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

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

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

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

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 ~~e~~County 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 ~~Hold 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

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

...

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

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

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

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

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

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

_____ (SEAL)

...

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

...

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

...

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

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

...

(b) *Surface water management:*

...

(5) *Design criteria:*

a. Water quantity:

...

3. Criteria:

...

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

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

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

...

e) Minimum drainage:

...

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

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

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

...

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

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

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

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

2. Retention/detention criteria:

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

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

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

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

- d) Projects ~~having greater~~ with more than forty (40) percent (40%) impervious area ~~and which that~~ discharge directly to sensitive receiving waters shall provide ~~at least one half (0.5) inch of dry detention or retention~~ pretreatment a minimum of twenty percent (20%) of the load reduction in a retention BMP for stormwater treatment as part of the required retention/detention. Such receiving waters are defined as:
- 1) Water bodies designated as Class I or II waters by DEP.
 - 2) Outstanding Florida waters as defined in Chapter 62-302.700, F.A.C.
 - 3) Water bodies located within the cone of depression of a permitted public supply wellfield, as defined by Broward County Wellfield Protection Ordinance contour for Zone 3, that ~~cone of depression which~~ are not separated from the aquifer by strata at least ten (10) feet thick; and having an average saturated hydraulic conductivity of less than one-tenth (0.1) foot per day; ~~where the cone of 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, II₁ and III landfills₁ there may be required
one (1) or more of the following additional ~~Best~~
~~Management Practices (BMPs)~~ for stormwater
treatment:

...

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

...

7. Underground exfiltration systems:

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

...

d. Construction criteria:

...

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

...

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

...

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

Sec. 27-302. Definitions and reference standards.

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

...

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

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

...

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

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

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

...

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

Sec. 27-331. Declaration of intent.

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

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

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

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

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

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

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

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

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

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

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

...

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

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

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

...

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

...

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

...

Isolated wetland means any wetland that is not hydrologically connected through 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

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

. . .

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

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

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

. . .

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

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

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

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

...

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

Sec. 27-333. Prohibited activities.

(a) *Prohibitions.*

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

...

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

Sec. 27-334. Application requirements and standards.

(a) *Application Forms:* Application for a license shall be on the approved PWESD wetland or aquatic resource alteration form ~~along with the currently approved PWESD addendum~~. All application forms shall be available from PWESD. The Prior to 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

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

. . .

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

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

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

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

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

. . .

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

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

Sec. 27-335. Exemptions.

The following projects are exempt from license requirements:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27-336. General licenses.

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

Requirements To Obtain a General License:

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

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

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

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

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

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

e. The installation of ~~private, noncommercial~~ over-water structures, docks, seawall caps, or floating docks of five hundred (500) square feet or less of over-water surface area, as measured from the wet face of the seawall at MHW, where no dredging or filling is required except to install the pilings. FVPs that qualify for a general license 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.

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

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

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

b. The construction, maintenance, repair, or replacement of existing drainage facilities provided that no wetlands or lands subject to a conservation easement will be affected.

c. The installation of fences within regulated waters or wetlands provided no dredging or filling occurs other than that necessary for the posts and that water flow is not impeded. This general license does not apply within the boundaries of lands subject to a conservation easement.

d. Projects that do not meet the general license criteria listed above (Section 27-336(a)(3)a. through c.) are required to apply for and obtain an Environmental Resource License prior to commencement.

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

...

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

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

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

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

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

...

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

...

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

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

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

...

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.

1169 ~~(9)~~ (10) There shall be a presumption that higher quality wetlands shall receive
1170 greater protection and enhancement than lower quality wetlands.

1171 ~~(10)~~ (11) Mangrove alteration shall be licensed only if the alternætion is in conformity
1172 with Chapter 373, ~~Pt. Part~~ IV, ~~F.S. Florida Statutes~~ (§ Section 373.403, ~~F.S.~~
1173 Florida Statutes, et seq.), and Chapter 403, ~~F.S. Florida Statutes~~, as
1174 amended.

1175 ~~(11)~~ (12) Any lake excavation shall meet design criteria that provides a minimum
1176 slope of one (1) foot vertical to every four (4) feet horizontal ~~between~~ from
1177 the ordinary high water line to two (2) feet below the average dry season
1178 low water table elevation, as demonstrated by water management district
1179 or county maps. Lakes excavated greater than twenty (20) feet deep shall
1180 require permanent aerators to provide improved water quality.

1181 . . .

1182 (d) *Mitigation Functional Assessment Methods.*

1183 . . .

1184 (2) For Environmental Resource License applications received by PWESD
1185 prior to February 2, 2004, mitigation requirements and license modifications
1186 ~~shall be~~ were determined using the Wetland Benefit Index as described
1187 herein.

1188 . . .

1189 TABLE II. BASE REPLACEMENT RATIOS FOR MITIGATION

1189a		Wetland Type	Creation	Enhancement Higher Quality* (≥ 0.52 WBI)	Enhancement Lower Quality* (< 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 <u>a</u> construction or reconfiguration of a boat or marine			
1195		facility <u>project</u> 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 <u>first</u> 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.			

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

b. If the number of slips returned to the pool is greater than the ~~highest~~
~~priority~~ applicant's pending application would utilize, the next ~~highest~~
~~priority~~ applicant on the waiting list shall also be notified in writing by
PWESD of the total number of slips that became available, the
number of slips subject to a higher priority application, and the
opportunity to proceed with its pending application for the number of
slips available after consideration of the higher priority application.

c. Within thirty (30) days after the date on the notification, an applicant
may notify PWESD in writing to either process its application for the
available slips up to the maximum number of slips for which it has a
Good Faith Application or to withdraw its application. If no response
is received within thirty (30) days after the date on the notification,
the application shall be moved to the bottom of the waiting list based
upon an application date equal to the day after the deadline, i.e., the
thirty-first ~~(34st)~~ (31st) day. No modifications are allowed to
supplement submitted applications with the intent of adding
additional slips to a pending project on the list.

(7) If the number of slips available in the applicable pool is less than the number
of slips the applicant has requested in a Good Faith Application, the
applicant shall have thirty (30) days from the date of the notification to
pursue issuance or denial of an ERL for the available slips and to apply for
a modification to the ERL for the remainder of the Good Faith Application
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 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 ~~€~~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 c. ~~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.~~

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

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

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

...

(2) *Standard specific conditions:*

...

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

...

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

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

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

...

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

...

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

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

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

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

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

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

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

Sec. 27-342. Marine facility operating licenses.

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

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

Sec. 27-351. Declaration of intent.

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

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

Sec. 27-352. Definitions.

. . .

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

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

. . .

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

. . .

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

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

. . .

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

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

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

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

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

...

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

Sec. 27-353. Prohibitions.

The following general prohibitions shall apply to this Article:

...

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

...

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

Sec. 27-356. Required licenses and approvals.

...

(b) *Hazardous Material Management Facility Licenses:*

...

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

...

b. *Construction materials and methods:*

...

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

...

(d) *Environmental Assessment and Remediation Licenses:*

...

(4) *Operating requirements:*

...

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

...

h. The licensee shall complete construction and ~~begin the~~ commence operation of the remediation system described in the RAP no later than ~~four (4) months~~ one hundred twenty (120) calendar days after RAP approval, or within such other timeframe as approved by PWESD, or within such other extended timeframe as approved. Excavation and removal or reuse of contaminated soil from the site, if specified in the RAP, shall be completed and manifests shall be submitted to PWESD no later than ~~four (4) months~~ one hundred twenty (120) calendar days after ~~PWESD approves the~~ RAP approval, or within such other timeframe as approved by PWESD, or within such other extended timeframe as approved.

i. In accordance with the environmental assessment and remediation license or the approved RAP, inclusive of modifications, ~~The~~ 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:

1546 APPENDIX 1
 1547 RECOMMENDED TREES FOR CANOPY REPLACEMENT
 1548 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.**

...

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

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

...

Section 30. Severability.

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

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

It is the intention of the Board of County Commissioners that the provisions of this 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.