MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	April 21, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance related to potable water supply wells and wellfield protection; amending Section 24-5 of the Code to provide certain definitions and amend other definitions relating to wellfield protection and hazardous materials

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 3-11-15 Metropolitan Services Committee. This item differs from the original version as stated on the County Mayor's memorandum, and corrects other scrivener's errors.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Metropolitan Services Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

/

Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 24-43 of the Code of Miami-Dade County Relating to Potable Water Supply Wells and Potable Water Wellfield Protection

---

This substitute ordinance differs from the original ordinance as shown on page 15 and on page 32 of the attached ordinance. On page 15 in new paragraph (v), the phrase "or other method as approved by the Director" was inserted. On page 32 in new paragraph (b), under the land use "Limestone quarrying", the onsite fuel storage condition was slightly modified.

Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Section 24-5 of the Code of Miami-Dade County (Code) relating to definitions; amending Section 24-43 of the Code, relating to potable water supply wells and potable water wellfield protection; and amending Section 24-43.1 of the Code relating to liquid waste disposal and potable water supply systems.

Scope
The proposed ordinance involves environmental regulations countywide.

Fiscal Impact/Funding Source
This ordinance will have no fiscal impact on Miami-Dade County.

Track Record / Monitor
Lee Hefty, Assistant Director of the Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management (DERM), will implement the provisions of the proposed ordinance.

Background
Section 24-43 of the Code is the County's drinking water wellfield protection regulation. It requires RER-DERM to maintain maps of the areas subject to Miami-Dade County's potable water wells (cones of influence). These cones of influence then define the County's wellfield protection areas. The wellfield protection areas impose land use restrictions on properties located within them to ensure the safety of Miami-Dade County's drinking water supply. This includes imposing land use restrictions that prohibit the storage of hazardous materials and the generation of hazardous wastes within wellfield protection areas. Section 24-5 of the Code currently provides a definition for hazardous materials and further requires DERM to provide a list of hazardous materials to the Board for consideration and adoption by resolution on a regular basis. The last update to the hazardous materials list occurred in 1988.

Although well intended at the time of adoption, the existing language in the Code relating to the definition of hazardous materials and its application within wellfield protection areas have proven to be overly broad making strict implementation of the Code as worded very difficult. Under the current Code, a substance is deemed hazardous if it or (any of) its components are included on the

list. As such, the storage of everyday home and office items such as common cleaning solutions, which can contain ammonia, would be considered hazardous. The existing Code also does not consider or make allowances for the concentration, quantity or physical state of the material. For example, solid materials that are composed of chemicals found on the hazardous materials list would be considered hazardous, despite the fact that solid materials because of their physical state cannot seep into the groundwater. For example, this would apply to items made of stainless steel, which contain chromium.

If adopted, the proposed ordinance will revise the hazardous material list to reference existing criteria previously established elsewhere in the Code as well as in state law, and will provide specific criteria for determining if a substance is hazardous based not only on its chemical composition, but also on its concentration, quantity and physical form.

The proposed ordinance also provides a new definition for "de minimus quantity" which relates to a small volume (less than one gallon) of material, including fuels and oils that are stored within a closed container or within a crankcase or gear box. The purpose of this change is to address the practicality and real world presence of small amounts of these materials in our modern daily lives.

The County is presently in litigation over these sections of the Code, and we have been advised by the County Attorney's Office that revisions within this proposed ordinance are advisable to protect this part of the Code.

The ordinance also proposes to revise the use restrictions in the Northwest Wellfield and the West Wellfield Interim Protection Area to eliminate restrictions that are based solely on zoning category and instead focus on prohibitions on the storage of hazardous materials or the generation of hazardous wastes. In fact, this change will restrict activities that may pose a potential risk to wellfield protection areas, but streamline the permitting review and approval process for activities that, despite their zoning category, do not pose a risk to the wellfield protection area.

Specifically, this revision would eliminate the need for property owners to obtain a variance from the Environmental Quality Control Board simply because their proposed activity falls within a certain zoning category, even though their proposed activities would not store hazardous materials or generate a hazardous waste. To be clear, the overall environmental protections afforded by the wellfield designation are not in any way weakened.

The proposed ordinance also includes a definition for onsite liquid waste treatment and disposal systems to include other types of onsite sewage disposal systems in addition to septic tanks. The more inclusive terminology replaces references to septic tanks in the section of the Code which relates to the protection of public water supply wells. Other proposed changes include, revisions to clarify the definition of sewage loading, changes to the sewage loading requirement for properties within a wellfield that are connected to sewers to allow for simplified review and approval when the work does not involve increasing the gross square footage of the facility, revisions to memorialize current standards for testing exfiltration rates for new sewer line installations, and other minor Code changes for consistency and to clarify language in the Code. In effect, these revisions provide clarifications and practical revisions to the Code without compromising our goal of protecting the wellfields.

In addition to review of the hazardous material list as noted above, staff has initiated an evaluation of wellfield protection area boundaries. The wellfield protection areas are developed based on scientific principles and have been amended from time to time based on current science. At the time of adoption of the West Wellfield Interim Protection Area, the Code required DERM to provide for technical review of the regulations imposed within the West Wellfield Interim Protection Area and to submit to the Board reports and recommendations to protect the public's health, safety and welfare based on the technical reviews.

In fulfillment of the above mentioned Code directive and pursuant to Resolution R-112-08, Miami-Dade County contracted with the United States Geological Survey (USGS), nationally and globally recognized groundwater/hydrogeological experts, to develop a new groundwater/surface water model for Miami-Dade County based on current science.

The first phase of this project involved the groundwater modeling of the Northwest and the West Wellfield Protection Areas to reflect current understanding of the hydrology of the area and to provide consistency in the assumptions and parameters used in determining the drawdown and travel times for the two wellfields. On April 19, 2013, after extensive internal peer review, the USGS published *USGS Open File Report 2013-1086: Estimation of Capture Zones and Drawdown at the Northwest and West Well Fields, Miami-Dade County, Florida, Using an Unconstrained Monte Carlo Analysis: Recent (2004) and Proposed Conditions*, which presented revised travel times and draw down contours for the Northwest and West Wellfield Protection Areas. The model output was used to develop proposed revisions to the Northwest and West Wellfield Interim Protection Areas. Following public workshops on the outcome of the modeling effort and technical staff's drafting of revised wellfield protection area boundaries, some stakeholders have expressed concern with the draft revised boundaries for the Northwest and West Wellfield Interim Protection Areas. Therefore, I have instructed staff to coordinate with stakeholder groups to further consider their concerns, and undertake additional study regarding changes to the Northwest Wellfield and West Wellfield Interim Protection areas prior to making a recommendation for any proposed changes to the wellfield protection area boundaries.

This ordinance also corrects a scrivener's error from the 2004 modification of Chapter 24 of the Code by making the ordinance retroactive to March 3, 1981, the original date of enactment of the regulations. This does not add any new regulations or affect any existing rights.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
✓	**6 weeks required between first reading and public hearing**
✓	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
_____	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
4-21-15

ORDINANCE NO. _____

ORDINANCE RELATED TO POTABLE WATER SUPPLY WELLS AND WELLFIELD PROTECTION; AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE CERTAIN DEFINITIONS AND AMEND OTHER DEFINITIONS RELATING TO WELLFIELD PROTECTION AND HAZARDOUS MATERIALS; AMENDING SECTION 24-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR UPDATED PROTECTION OF POTABLE WATER SUPPLY WELLS AND PROVIDING EXCEPTIONS FOR HOUSEHOLD AND ORDINARY MATERIALS; AMENDING SECTION 24-43.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO LIQUID WASTE DISPOSAL AND POTABLE WATER SUPPLY SYSTEMS TO MAKE CONFORMING CHANGES TO SECTION 24-43; TO PROVIDE FOR RETROACTIVITY TO MARCH 3, 1981; TO PROVIDE SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the West Wellfield and the Northwest Wellfield are sources of a substantial portion of the drinking water for the residents of Miami-Dade County and are resources of extreme value to the citizens of the County; and

WHEREAS, the protection of these wellfields as a source of drinking water for the future of the County is paramount and a primary concern of this Board of County Commissioners; and

WHEREAS, the West Wellfield Interim Protection Area has been in existence since its creation by Ordinance No. 89-80; and

WHEREAS, the County through its Division of Environmental Resources Management has contracted with the United States Geological Survey (USGS) to create updated models of the

Northwest and West Wellfield protection areas to update and modernize those protection areas in accordance with good scientific background and appropriate pumpage rates; and

WHEREAS, those models and the associated maps of the cones of influence of the respective protection areas will update and modernize the protection areas to properly protect the drinking water supply of the County, now and for the future; and

WHEREAS, updating the wellfield protection areas will ensure adequate water for the residents of the County going forward; and

WHEREAS, several stakeholder groups have expressed concern with the draft revised boundaries for the Northwest and West Wellfield protection areas, and such concerns should be investigated, reviewed and subjected to further scrutiny; and

WHEREAS, proper and complete scientific investigation will ensure that the wellfield protection areas are sufficient to protect the County's drinking water sources and provide for adequate drinking water for the future of the County; and

WHEREAS, the continued use of the currently existing maps for the cones of influence for these invaluable wellfield protection areas for a short period of time to allow for additional scientific investigation will not unduly burden the citizens of the County nor the owners of land found within these protection areas; and

WHEREAS, protecting an area larger than the current needs of the County is necessary to allow for the growth of the County, reflects the County's history of the expansion, and is critical to the future needs of this County; and

WHEREAS, this Board of County Commissioners desires to update and modernize other portions of the Potable Water Supply Well Protection Ordinance to reflect better scientific

knowledge and changes to the methods by which ordinary life occurs and to better reflect the realities of life within these wellfield protection areas,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 24-5 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 24-5. Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

[[~~*1990 Urban Development Boundary* shall mean the line established by the Miami-Dade County Board of County Commissioners on July 8, 1983 by Ordinance 83-58 delineating the approved urban development boundary for Miami-Dade County, as amended by ordinance from time to time.~~]]

* * *

>>*De minimis quantity* shall mean a volume of one quarter U.S. gallon (946.4 milliliters) or less stored in a closed container; or in the case of fuel, lubricating oils or hydraulic fluids, de minimis quantity shall also mean either a volume of one U.S. gallon or less stored in a closed container or, the total volume inside a gear box, a hydraulic reservoir, or a crankcase. Items that individually meet the volumetric requirements of de minimis quantity shall not be considered de minimis if the aggregated volume of such items at one facility exceeds 5 gallons.<<

* * *

Hazardous materials shall mean any waste, product, substance, or combination or breakdown product thereof which, because of its biological or chemical characteristics, if introduced into a potable [[~~public~~]] water supply well, will impair the potability of the water withdrawn by the potable [[~~public~~]] water supply well or which will be harmful or potentially harmful to human, plant or

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

animal life or property or the conduct of business or which will increase the cost of operation of [[~~public~~]] >>utility<< water supply treatment facilities or which will increase the reliance by consumers of potable water from such potable [[~~public~~]] >>utility<< water supply wells on the operation of [[~~public~~]] >>utility<< water supply treatment facilities to provide potable water which is not harmful or potentially harmful to human, plant or animal life or property or the conduct of business.

>>There shall be a rebuttable presumption that any waste, product, substance, combination, or breakdown product containing any chemical listed as a contaminant in Section 24-44(2)(f)(v) Table 1 and Table 2 , 24-43.3(2)(h) or Chapter 62-550, FAC., Table 1, Table 2, Table 3, Table 4, Table 5 and Table 6, as same may be amended from time to time, shall constitute a hazardous material if the chemical is present in the waste, product, substance, combination, or breakdown product at concentrations which exceed the groundwater cleanup target level set forth in Section 24-44(2)(f)(v)1 unless it is demonstrated, to the satisfaction of the Director or the Director's designee, that based on its physical properties, the chemical will not seep, run, drain or otherwise discharge to the ground or groundwater.<< [[~~Within ninety (90) days from the effective date of Ord. No. 83-96 and at least annually thereafter, the Director or the Director's designee shall submit to the Board of County Commissioners a list of wastes, products, substances or combination or breakdown products thereof which the Director or the Director's designee has determined to be hazardous materials as hereinabove defined. The Board of County Commissioners shall designate, by resolution, which of the wastes, products, substances or combination or breakdown products thereof so listed by the Director or the Director's designee shall be legally presumed to be hazardous materials as defined hereinabove. Such designation by the Board of County Commissioners shall create a rebuttable presumption that the wastes, products, substances or combination or breakdown products thereof so designated are hazardous materials as hereinabove defined. Such designations shall be deemed nonexclusive. Nondesignation by the Board of County Commissioners~~]] >>The omission of any chemical from the list of contaminants in Section 24-44(2)(f)(v) Table 1 and Table 2, Section 24-43.3(2)(h) or Chapter 62-550, FAC., Table 1, Table 2, Table 3, Table 4, Table 5 and Table 6, as same may be amended from time to time<< shall not create any presumption that the >>chemical<<, [[~~nondesignated~~]] waste[[s]], product[[s]], substance[[s]]>>,<< or combination >>containing that chemical,<< or breakdown product[[~~s thereof are not hazardous materials.~~]] >>of that chemical is not a hazardous material. To determine the cleanup target level of a chemical, not included as a contaminant in Section 24-44(2)(f)(v) Table 1 and Table 2, Section 24-43.3(2)(h) or Chapter 62-550, FAC., Table, 1, Table 2, Table 3, Table 4, Table 5 and Table 6, the groundwater cleanup target level(s) for that chemical shall be established using the procedures, equations and input parameters set forth in the DERM Technical Report: "Development of Clean-up Target Levels (CTLs) for

Chapter 24 of the Code of Miami-Dade County, Florida" (dated September, 2005) or the most current update thereto.<< Nothing herein shall be construed to limit in any way the power of the Director or the Director's designee in the performance of his duties and responsibilities to determine that a >>chemical,<< waste, product, substance>>,<< or combination >>containing the chemical,<< or breakdown product >>of that chemical<< [[~~thereof~~]] is a hazardous material as defined hereinabove.

* * *

On-site retention shall mean the containment and disposal of stormwater runoff by means other than positive drainage within the limits of the project site.

>>*Onsite Sewage Treatment and Disposal System* shall mean a sewage system that contains any of the following elements which is not connected to a utility or non-utility collection and transmission system: subsurface drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet. The term includes all components and units required for the elements to function properly. <<

* * *

Sewage loading shall mean the [[~~estimated average amount of waste water~~]] >>total sewage flow<< generated by the actual or projected use>>s<< [[~~of~~]] >>on<< a property [[~~as a function of~~]] >>calculated using the flow rates in Section 24-43.1(5), divided by<< the unsubmerged area of said property. Abutting easements and right-of-way shall be included to the centerline thereof in calculating the unsubmerged area of the property.

* * *

>>*Urban Development Boundary* shall mean the line established by the Miami-Dade County Board of County Commissioners delineating the approved urban development boundary for Miami-Dade County, as amended by ordinance from time to time.<<

* * *

WCTS shall mean Wastewater Collection and Transmission Systems, including all pipes, force mains, gravity sewer lines, pump stations, manholes and appurtenances thereto, designed to collect and convey sewage (domestic, commercial and industrial) to a wastewater treatment plant.

>>*Wellfield* shall mean the surface and subsurface area surrounding a potable water supply well, through which water is likely to move toward and reach the potable water well.<<

* * *

Wellfield complex shall mean two or more wellfields which: a.) provide raw water to the same water treatment facility or provide raw water to interconnected water treatment facilities for treatment of raw water from the same wellfield and, b.) which wellfields are within the same outer wellfield protection zone.

>>*Wellfield Protection Area* shall mean the area defined by the maps of cones of influence as set forth herein.<<

* * *

Section 2. Section 24-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows.

Sec. 24-43. Protection of [[~~public~~]] >>utility<< potable water supply wells.

[[~~The provisions of this section which impose upon land uses within the West Wellfield Interim protection area regulations which are more restrictive than those regulations applicable to the other public utility potable water supply wellfields in Miami-Dade County shall be deemed interim in nature. Said more restrictive regulations shall be reviewed by such technical review task force(s) or committee(s) as provided by the Board of County Commissioners or its designee upon recommendation of the Director. The Director shall submit to the Board of County Commissioners progress reports, as necessary, pertaining to said review, and recommendations necessary to protect the public health, safety and welfare arising out of said review shall be presented to the Board of County Commissioners. The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Section 2-11.1 of this Code) shall not be applicable to task forces or committees provided for in this section.~~]]

(1) *Legislative intent.* The intent and purpose of this section is to safeguard the public health, safety and welfare by providing scientifically established standards for land uses within the cones of influence thereby protecting public potable water supply wells from contamination.

(2) *Short title; applicability; construction.* This section shall be known as the "Potable Water Supply Well Protection Ordinance." The provisions of this

//

section shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effect the purposes set forth herein.

(3) *Maps of cones of influence* >>*and Wellfield Protection Areas*<< *[[~~the Northwest Wellfield protection area, the West Wellfield Interim protection area, and the South Miami Heights Wellfield Complex protection area~~]].* The Director or the Director's designee[[~~,~~]] shall maintain maps of cones of influence of [[~~public~~]] utility potable water supply wells >>and maps of wellfield protection areas<<[[~~,~~]]>>; the cone of influence maps dated December 30, 1980, as may be amended from time to time, << map(s) of the Northwest Wellfield protection area, map(s) of the West Wellfield Interim protection area, and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005>>, and all other previously approved maps of cones of influence and wellfield protection areas<<. [[~~The cone of influence maps dated December 30, 1980, as may be amended from time to time, prepared by the Department~~]] >>These maps<< are incorporated herein by reference hereto. Any changes, additions or deletions to said maps shall be approved by the Board of County Commissioners by ordinance. [[~~The cone of influence maps of the Northwest Wellfield dated December 30, 1980, as amended effective May 31, 1985, shall hereinafter be referred to as the Northwest Wellfield protection area map(s). The Northwest Wellfield protection area map(s) dated May 31, 1985, the West Wellfield Interim protection area map(s) dated February 28, 1989 and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005, as all of same may be amended from time to time, prepared by the Department, are incorporated herein by reference hereto. Any changes, additions or deletions to said Northwest Wellfield protection area map(s), West Wellfield Interim protection area map(s) or South Miami Heights Wellfield Complex wellfield protection area map(s) shall be approved by the Board of County Commissioners by ordinance~~]] The Director[[~~,~~]] or the Director's designee[[~~,~~]] shall maintain the DERM Technical Report: "Development of a Groundwater Model to Determine Wellfield Protection Zones for the Miami-Dade County, Florida, South Miami Heights Wellfield Complex". The wellfield protection zones of the South Miami Heights Wellfield Complex have been established using the procedures and input parameters set forth in the aforesaid Technical Report dated[[~~,~~]] November, 2005. The aforesaid Technical Report dated[[~~,~~]] November, 2005, a copy of which is attached hereto, is hereby incorporated by reference, as same may be amended from time to time. Any changes, additions or deletions to the aforesaid Technical Report [[~~dated November, 2005~~]] shall be approved by the Board of County Commissioners by ordinance.

(4) [[~~*Septic tanks*~~]] >>*Onsite Sewage Treatment and Disposal System*<<, *sanitary sewers, storm water disposal, liquid waste storage, disposal or treatment and* >>*exceptions to address*<< *violations of this chapter within wellfield protection areas.* [[~~Notwithstanding any provisions of this Code, n~~]]>>N<<o County or municipal officer, agent, employee or board shall approve, grant or issue any building permit, certificate of use and occupancy [[~~(except for changes in ownership)~~]], municipal occupational license [[~~(except for changes in ownership)~~]], platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use [[~~served or to be served by a septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and~~]] which is within >>or partially within, a wellfield protection area of any utility potable water supply well<< [[~~the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower, Miami Spring Upper, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any other public utility potable water supply well,~~]] until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director or the Director's designee.

Furthermore, [[~~not withstanding any provisions of this Code,~~]] no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use [[~~served or to be served by a septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and~~]] which is within >>or partially within, a wellfield protection area of any utility potable water supply well<< [[~~the Northwest Wellfield protection area, or within, the West Wellfield Interim protection area, or within, the outer wellfield protection zone of South Miami Heights Wellfield Complex, or within, the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within, the basic wellfield protection area of any public utility potable water supply well,~~]] until the person has obtained the prior written approval of the Director or the Director's designee. The Director or the Director's designee shall issue [[~~the Director's or the Director's designee's~~]] written approval only if the Director or the Director's designee finds that all >>onsite sewage treatment and disposal systems<< [[~~septic tanks, septic tank drain fields~~]], storm water disposal methods and liquid waste storage, disposal or treatment methods will be installed upon the

property as far away as is reasonably possible from all potable water supply wells, and:

(a) >>*Onsite Sewage Treatment and Disposal Systems*<<[[~~*Septic tanks*~~]]. >>For any land use served or to be served by an onsite sewage treatment and disposal system,<< [[~~That~~]] the [[~~septic tank~~]] sewage loading[[~~s~~]] will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Tables A-1, A-2, A-3 and A-4[[~~;~~]]>> . For uses ancillary to rock mining as defined in Section 33-422 and as authorized by Chapter 24 of this Code within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is outside of the Urban Development Boundary of the Comprehensive Development Master Plan as may be amended from time to time, the sewage loading shall not exceed a maximum of seventy (70) gallons per day per unsubmerged acre. For residential uses within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is outside of the Urban Development Boundary of the Comprehensive Development Master Plan, the minimum acreage of land shall be five (5) acres and the minimum acreage of unsubmerged land shall be determined based on Tables A-1 and A-2. For land uses located within the wellfield protection area of any utility potable water supply wells and which are served by an onsite sewage treatment and disposal system (as authorized by Section 24-43(4)(a)) and a non-utility potable water supply, there shall be required a minimum separation of 100 feet between any non-utility potable water supply well and any onsite sewage treatment and disposal system.<<

[[~~except that~~]]>>Furthermore<< [[~~neither~~]] the Director [[~~nor~~]] >>or<< the Director's designee shall issue [[~~the Director or the Director's designee's~~]] written approval>> , <<

>>(i)<< for any land use served or to be served by an [[~~septic tank~~]] >>onsite sewage treatment and disposal system<< within the Northwest Wellfield protection area >>that does not comply with Section 4(a) above if<< [[~~unless~~]] the [[~~septic tank~~]]>>onsite sewage treatment and disposal system<<was installed prior to September 30, 1983, or

>>(ii) for any land use<< within the West Wellfield Interim protection area >>that does not comply with Section 4(a) above if<< [[~~unless~~]] the [[~~septic tank~~]] >>onsite sewage

treatment and disposal system<< was installed prior to >>August 6, 1989<< [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]], or [[~~that the land use served or to be served by a septic tank within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is west of the Urban Development Boundary of the Comprehensive Development Master Plan as may be amended from time to time, is residential or is an ancillary rockmining use necessary for extracting and processing subsurface materials and which residential or ancillary rockmining use shall not exceed a maximum sewage loading of seventy (70) gallons per day per acre and which septic tanks shall be located within an area of twenty-one thousand seven hundred eighty (21,780) square feet of unsubmerged land,~~]]

>>(iii)<<[[~~or that the property served or to be served by septic tanks~~]] >>for residential land uses that do not comply with Section 4(a) above if the residential use is served or will be served by<< [[~~is residential, uses~~]] a [[~~public~~]] >>utility<<water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-43.1, or [[~~that~~]]

>>(iv) if<< the owner of the property [[~~served or to be served by septic tanks~~]] is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area obtained prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area obtained prior to the >>August 6, 1989<< [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]] or within [[~~the outer wellfield protection zone of~~]] the South Miami Heights Wellfield Complex obtained prior to >>September 22, 2006<< [[~~the effective date of this ordinance,~~]] or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield,

obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, obtained prior to December 12, 1986, which permit has been valid and continuously in full force and effective since its issuance, or [[~~that~~]]

>>(v) if<< the owner of the property is applying for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by a>>n<< [[~~septic tank~~]] >>onsite sewage treatment and disposal system<<installed prior to March 13, 1981 for property within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area installed prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area installed prior to [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]] >>August 6, 1989<<, or within [[~~the outer wellfield protection zone of~~]] the South Miami Heights Wellfield Complex obtained prior to >>September 22, 2006<< [[~~the effective date of this ordinance~~]] or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, and Southwest Wellfield, installed prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, >>and<< which uses a [[~~public~~]] >>utility<< water supply and which is in compliance with Section 24-43.1>>.<<

[[~~(i) Notwithstanding the provisions of Section 24-43(4)(a), there shall be required within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, the outer wellfield protection zone of within the South Miami Heights Wellfield Complex, and within the maximum day wellfield protection area of all public utility potable water supply wells a minimum separation equivalent to ten (10) days travel time shall be~~

~~required between any potable water supply well (other than a public utility potable water supply well) and any septic tank or septic tank drainfield.~~]]

(b) *Sanitary sewers.* >>For any land use served or to be served by sanitary sewer which require a building permit for new construction, enlargement, or alteration that increases gross square area,<< [[~~That~~]] the sewage loading into sanitary sewers will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Table B-1, or that the property [[~~served or to be served by sanitary sewers~~]] is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981>>.<<[[~~, and is in compliance with Section 24-42.4, or that the owner of the property served or to be served by sanitary sewers is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, for property within the Northwest Wellfield protection area, or, in the case of property within the West Wellfield Interim protection area, obtained prior to the effective date of this ordinance, or for property within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance, or, in the case of property not within the basic wellfield protection area, but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which permit has been valid and continuously in full force and effect since its issuance.~~]]

[[~~(i) Notwithstanding the provisions of Section 24-43(4)(b),~~]] [[~~a~~]]>>A<<ll sanitary sewers>>, or portion thereof,<< installed within [[~~the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of South Miami Heights Wellfield Complex, or within the maximum day~~

~~pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic~~]] >>a<< wellfield protection area of any [[~~public~~]] utility potable water supply well, after June 13, 1986, shall comply with the following standards:

>>(i)<< *Residential land use—>>New sewer installations:<<* >>Gravity sanitary sewers shall be designed and constructed to not exfiltrate at a<< [[~~No gravity sanitary sewer shall have an exfiltration~~]] rate greater than fifty (50) gallons per inch pipe diameter per mile per day[[~~.~~]] >>based on a two (2) hours test having a minimum of two (2) feet of positive head above the crown of the pipes. Any observed leaks or defective joints or pipes shall be repaired or replaced prior to the sewer being placed into service even when the total leakage is below that allowed.<< Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.

>>(ii)<< *Nonresidential land use—>>New sewer installations:<<* >>Gravity sanitary sewers shall be designed and constructed to not exfiltrate at a<< [[~~No gravity sanitary sewer shall have an exfiltration~~]] rate greater than twenty (20) gallons per inch pipe diameter per mile per day[[~~.~~]] >>based on a two (2) hours test having a minimum of two (2) feet of positive head above the crown of the pipes. Any observed leaks or defective joints or pipes shall be repaired or replaced prior to the sewer being placed into service even when the total leakage is below that allowed.<< Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.

>>(iii)<< *Sanitary sewer force mains—>>New force main installations:<<* All sanitary sewer force mains [[~~installed within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well,~~]]shall be constructed of either ductile iron >>,Cast Iron Pipe, C900 PVC, HDPE,<< [[~~or~~]] reinforced concrete pressure sewer pipe >>or

otheracceptable concrete pipes<<. No such ductile iron sanitary sewer force main shall[[,]] exfiltrate at a rate greater than the allowable leakage rate specified in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch. >>The duration of all tests shall be a minimum of two (2) hours. Any observed leaks or defective joints or pipes shall be repaired or replaced prior to the sewer being placed into service even when the total leakage is below that allowed.<< No such reinforced concrete pressure sanitary sewer force main shall exfiltrate at a rate greater than one-half (½) the allowable leakage rate specified for ductile iron pipe in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch. >>The duration of all tests shall be a minimum of two (2) hours. Any observed leaks or defective joints or pipes shall be repaired or replaced prior to the sewer being placed into service even when the total leakage is below that allowed.<<

[[(ii) ~~Notwithstanding the provision of Section 24-43(4)(b), all gravity sanitary sewers with invert elevations above the average surrounding water table elevation and all sanitary sewer force mains shall be tested to ensure compliance with the aforementioned exfiltration rate standards.~~]]

>>(iv)<< [[~~A registered professional~~]]>>An<< engineer>>licensed by the State of Florida<< shall provide written certification of the exfiltration rate for all manhole/gravity sewer pipe systems installed, in equivalent gallons per inch pipe diameter per mile of pipe per day (twenty-four (24) hours), and the exfiltration rate for all sanitary sewer force mains in gallons per hour per one thousand (1,000) feet of sanitary sewer force main installed. >>The written certification shall include test and inspection results and repair logs and shall be submitted to the Department for review and approval within thirty (30) days after completion of the particular test, inspections and repairs.<<

>>(v)<< Existing gravity sanitary sewers with pipe diameters of eight (8) inches or more shall be [[~~visually inspected~~]]

>>evaluated<< by >>closed circuit<<television >>or other method as approved by the Director<<[2] every five (5) years by the responsible utility or >>non-utility<<[[~~property owner to ensure both~~]] >>to determine<< structural and pipe joint integrity. Existing manholes shall be visually inspected for both structural and incoming pipe connection integrity every five (5) years.

>>A report documenting the<< [[~~C~~]]>>c<<ertified test and inspection results and repair logs shall be submitted to the Department >>for review and approval<< within thirty (30) days after completion of the particular test, [[~~inspection, or repair~~]]>>inspections, and repairs, but no later than twelve (12) months from the end date of the five (5) year cycle<<.

(c) *Storm water disposal methods.* >>For any land use required to install or modify a storm water disposal method<< [[~~That~~]] the storm water disposal methods utilized or to be utilized will be limited as set forth in Table C-1.

Furthermore, land uses adjacent to the Snapper Creek extension canal and secondary canals directly connected to the Snapper Creek extension canal shall provide an earth berm, or alternative structure as approved by the Director or the Director's designee, which shall be constructed upon the perimeter of all canals to prevent overland storm water runoff from entering the canal. The berm shall be constructed adjacent to the canal top of slope on the landward side. Said berm shall extend one (1) foot above the canal bank elevation. The landward slope of the berm shall have a gradient not steeper than one (1) foot vertical to four (4) feet horizontal. The canalward slope shall not be steeper than the canal slope. The construction of berming and backsloping shall be subject to the approval of the Director or the Director's designee.

(d) *Liquid waste storage, disposal or treatment methods other than >>onsite sewage treatment and disposal systems<<* [[*~~septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage~~*]]*; sanitary sewer* [[*~~lift~~*]]*>>pump<< stations; and* [[*~~public~~*]] *>>utility<< sanitary sewers.* [[~~That~~]] [[~~I~~]]>>L<<iquid waste storage, disposal or treatment methods (other than [[~~septic tanks~~]] >>onsite sewage treatment and disposal systems<<

[2]The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[~~double bracketed~~]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

~~domestic sewage~~]]; sanitary sewer [[~~lift~~]]>>pump<< stations; and [[~~public~~]] >>utility<<sanitary sewers); shall be prohibited>>:<< [[~~within the Northwest Wellfield protection area, the West Wellfield Interim protection area, the outer wellfield protection zone of the South Miami Heights Wellfield Complex, the average day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, and the basic wellfield protection area of any public utility potable water supply well~~]]

>>(i)<< [[~~unless, in the case of property~~]] within the Northwest Wellfield protection area, >>unless<< said liquid waste storage, disposal or treatment method was installed prior to September 30, 1983, or,

>>(ii)<< [[~~unless, in the case of property~~]] within the West Wellfield Interim protection area, >>unless<< said liquid waste storage, disposal or treatment method was installed prior to [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]] >>August 6, 1989,<< or>>,<<

>>(iii)<< within [[~~the outer wellfield protection zone of~~]] the South Miami Heights [[~~wellfield complex~~]] >>Wellfield Complex, unless<< said liquid waste storage, disposal or treatment method was installed prior to >>September 22, 2006<< [[~~the effective date of this ordinance~~]], or,

>>(iv)<< [[~~unless, in the case of property~~]] within the average day pumpage but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, >>unless<< said liquid waste storage, disposal or treatment method was installed prior to February 1, 1985, or

>>(v)<< [[~~unless, in the case of property~~]] >>within the average day pumpage but<< not within the basic wellfield protection area [[~~but within the average day pumpage~~]] of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, >>unless<< said liquid waste, storage, disposal or treatment method was installed prior to December 12, 1986,>>or,<<

>>(vi)<< [[~~unless, in the case of property~~]] within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, >>unless<< said liquid waste storage, disposal or treatment method was installed prior to June 13, 1986

(e) >>*Exceptions to address*<< [[~~*V*~~]]>>*v*<<*iolations of this chapter.* That the >>onsite sewage treatment and disposal systems<< [[~~septic tanks~~]], sanitary sewer, storm water disposal method or liquid waste storage, disposal or treatment method [[~~utilized or to be utilized~~]] will serve an existing land use >>located within, or partially<< within [[~~the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, or within the basic~~]] >>a<< wellfield protection area of any [[~~public~~]] utility potable water supply well, [[~~and~~]] which is required by the Director or the Director's designee to correct violation(s) of this chapter. [[~~Notwithstanding the foregoing,~~]] [[~~t~~]]>>T<<he Director or the Director's designee shall not issue [[~~the Director's or the Director's designee's~~]] written approval unless the Director or the Director's designee determines that the land use will comply with all the provisions of this chapter and that the [[~~following~~]] water pollution prevention and abatement measures and practices >>set forth in Sections 24-43(5)(c)(i), (ii) (iii), (iv), and (v)<< shall be provided[[~~:~~]]>> . <<

[[~~(i) Monitoring and detection of water pollution caused by hazardous materials.~~

~~(ii) Secondary containment of water pollution caused by hazardous materials, and~~

~~(iii) Inventory control and record keeping of hazardous materials, and~~

~~(iv) Storm water management of water pollution caused by hazardous materials, and~~

~~(v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials.~~]]

(5) *Prohibition of hazardous materials within wellfield protection areas.* [[~~Notwithstanding any provisions of this Code, no~~]] >>No<< County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy [[~~(except for changes in ownership)~~]], municipal occupational license [[~~(except for changes in ownership)~~]], platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use, other than a bona fide agricultural land use, a bona fide rockmining use (lake excavation), a [[~~public~~]] >>utility<<sewer facilities use, or a [[~~public~~]] >>utility<< water supply facilities use within [[~~the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic~~]] >>a<< wellfield protection area of any [[~~public~~]] utility potable water supply well, without obtaining the prior written approval of the Director or the Director's designee. [[~~The Director or the Director's designee shall issue the Director's or the Director's designee's written approval only if the Director or the Director's designee determines that the nonresidential land use is in compliance with Section 24-43(5)(a), 24-43(5)(b) or 24-43(5)(c).~~]]

[[~~Furthermore, notwithstanding any provision of this Code, no~~]] >>No<< person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use, other than a bona fide agricultural land use, a [[~~public~~]] >>utility<<sewer facilities use, or a [[~~public~~]] >>utility<<water supply facilities use, within [[~~the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic~~]] >>a<< wellfield protection area of any [[~~public~~]] utility potable water supply well, [[~~and~~]] which uses, generates, handles, disposes of, discharges or stores hazardous materials, until the person has obtained the prior written approval of the Director or the Director's designee.

[[~~Pursuant to the foregoing, the~~]] >>The<< Director or the Director's designee shall issue [[~~his~~]] written approval only if>>:<< [[~~the Director or the Director's designee determines that all:~~]]

>>(a) All<< potential sources of pollution will be installed upon the property as far away as is reasonably possible from all potable water supply wells; >>and,<<

>>(b)<< [[~~h~~]]>>H<<azardous materials will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area or within the basic wellfield protection area of any >>other<< [[~~public~~]] utility potable water supply well; [[~~and hazardous wastes will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the average day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield.~~]] >>except that de minimis quantities of hazardous materials (not including hazardous waste) and lubricating oils and hydraulic fluids necessary to the operation of stationary equipment integral to the operation of a building, shall be allowed outside the thirty (30) day travel time of any utility water supply well, provided that the use, handling, or storage of said de minimis quantities occur inside a building and provided that said lubricating oils and hydraulic fluids are contained within the closed sealed reservoirs of the stationary equipment; and,<<

[[~~Notwithstanding the foregoing,~~]] [[~~f~~]]>>F<<uels, [[~~and~~]] lubricants >>and other materials<< required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or >>within<< the West Wellfield Interim protection area, electrical transformers [[~~serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter, within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, Hialeah Wellfield, and the South Miami Heights Wellfield Complex;~~]] and, existing land uses required by the Director or the Director's designee to correct violations of this chapter shall not be prohibited when the water pollution prevention and abatement measures and practices set forth in Sections 24-43(5)[[~~(a)~~]]>>(c)<<(i), (ii), (iii), (iv) and (v) will be provided and

the Director or the Director's designee has approved same. >>However, the water pollution prevention and abatement measures shall not be required for electrical transformers serving residential land uses.

The use, handling or storage of factory prepackaged products intended primarily for domestic use or consumption which contain hazardous materials shall not be prohibited provided, however, that the requirements of Sections 24-43(5)(b)(i), (ii), (iii), and (iv) are fulfilled;

Prepackaged products necessary to and used solely for the upkeep and maintenance of the property, including any buildings or landscape features, personal hygiene products, and office supplies containing hazardous materials shall not be prohibited provided however, that the requirements of Sections 24-43(5)(b)(i) and (iii) are fulfilled.

(i) The storage of factory prepackaged products shall only occur within a building,

(ii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption,

(iii) The nonresidential land use is served or is to be served by utility water and utility sanitary sewers,

(iv) Said building is located more than thirty (30) days travel time from any utility potable water supply well; and,

(c) Hazardous wastes will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the South Miami Heights Wellfield Complex, or within the average day pumpage wellfield protection area or within the basic wellfield protection area of any other utility potable water supply well, except that small quantity generators of hazardous waste are allowed outside the basic wellfield protection area of a utility potable water supply well (except for utility potable water supply well within the Northwest Wellfield protection area, and the West Wellfield Interim

protection area) when the water pollution prevention and abatement measures and practices set forth in Sections 24-43(5)(c)(i), (ii), (iii), (iv) and (v) have been provided.

The water pollution prevention and abatement measures required in Section 24-43(4)(e), Section 24-43(5)(b) and Section 24-43(5)(c) above shall be:

(i) A monitoring program for the detection of pollution caused or which may be caused by hazardous materials,

(ii) Secondary containment for the storage of fifty-five (55) U.S. gallons or more of hazardous materials,

(iii) Inventory control and record keeping of hazardous materials,

(iv) Storm water management controls to prevent the introduction of hazardous materials into the storm water collection and discharge system,

(v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials,

The aforesaid pollution prevention and abatement measures and practices shall be subject to the approval of the Director or Director's designee; and,<<

[[~~Notwithstanding the foregoing, the use, handling or storage of factory prepackaged products intended primarily for domestic use or consumption determined by the Director or the Director's designee to be hazardous materials shall not be prohibited; provided, however, that the requirements of Sections 24-43(5)(a)(vi), (vii), (viii), and (ix) are fulfilled.~~]]

[[~~(a)~~]] >>(d)<< The owner of the property has submitted to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County. >>The aforesaid covenant shall be in a form prescribed by the Director and shall incorporate the requirements and prohibitions of Section 24-43(5)(a), (b) and (c).<< [[~~which provides that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property located within the Northwest Wellfield protection area or within the West~~

~~Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and that hazardous wastes shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex. Furthermore, the aforesaid covenant shall provide that fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter, within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield and existing land uses required by the Director or the Director's designee to correct violations of this chapter; shall not be prohibited when the following water pollution prevention and abatement measures and practices will be provided:~~

~~(i) Monitoring and detection of water pollution caused by hazardous materials, and~~

~~(ii) Secondary containment of water pollution caused by hazardous materials, and~~

~~(iii) Inventory control and record keeping of hazardous materials, and~~

~~(iv) Storm water management of water pollution caused by hazardous materials, and~~

~~(v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials.~~

~~Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or the Director's designee.~~

~~Furthermore, the aforesaid covenant shall provide that use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption, determined by the Director or the Director's designee to be~~

~~hazardous materials shall not be prohibited, provided, however, that:~~

~~(vi) The use, handling or storage of said factory prepackaged products occurs only within a building, and~~

~~(vii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption, and~~

~~(viii) The nonresidential land use is served or is to be served by public water and public sanitary sewers, and~~

~~(ix) Said building is located more than thirty (30) days' travel time from any public utility potable water supply well.~~

~~Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners.~~]] The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property, or

[[~~(b)~~]]>>(e)<< If the Director or the Director's designee determines that the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, or, in the case of the West Wellfield Interim protection boundary, obtained prior to [[~~the effective date of this Ordinance [Ordinance No. 89-80]~~]] >>August 6, 1989<<, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to[[~~the effective date of this ordinance,~~]] >>September 22, 2006,<< or, in the case of property within the average day pumpage wellfield protection area, but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, or Southwest Wellfield, obtained prior to February 1, 1985 or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, obtained prior to December 12, 1986 and which permit has been valid and continuously in full force and effect since its issuance, or

[[~~(c)~~]]>>(f)<< If the Director or the Director's designee determines:

(i) That the application for a building permit, certificate of use and occupancy [[~~(except for~~

~~changes in ownership)~~]], municipal occupational license [[~~(except for changes in ownership)~~]], platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) is for the replacement, modification or limited expansion of an existing facility, provided in no case shall such replacement, modification or limited expansion cause, permit, let, suffer or allow the use, generation, handling, disposal, discharge or storage of hazardous materials on the property to be increased by more than fifty (50) percent over the use, generation, handling, disposal, discharge or storage of hazardous materials which existed on the property on September 30, 1983, for properties within the Northwest Wellfield protection area, or which existed on the property on [[~~the effective date of this ordinance [Ord. No. 89-80]~~]] >>August 6, 1989<<, for properties within the West Wellfield Interim protection area, or which existed on March 13, 1981 for properties within the basic wellfield protection area of any >>other<< [[~~public~~]] utility potable water supply well, and

(ii) That the proposed replacement, modification or limited expansion of the existing facility will substantially reduce the existing risk of pollution from the hazardous materials to the closest [[~~public~~]] utility potable water supply well. In determining whether there will be a substantial reduction of the existing risk of pollution as aforesaid, the Director or the Director's designee shall consider the following factors and shall render written findings [[~~as to~~]] >>of<< the Director's or the Director's designee's assessment of each of the following:

1. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate [[~~and increased~~]] monitoring [[~~and detection of~~]] >>for detecting<< pollution which may be or which has been caused by the hazardous materials on the property.
2. Whether the proposed replacement, modification or limited expansion of the

facility will provide adequate [[~~and increased~~]] secondary containment [[~~of pollution which may be or which has been caused by~~]] >>for<< the hazardous materials >>stored<< on the property

3. Whether the proposed replacement, modification or limited expansion will provide adequate [[~~and increased~~]] inventory control and record keeping of hazardous materials on the property.
4. Whether the proposed replacement, modification or limited expansion will provide adequate [[~~and increased~~]] storm water management>>controls to prevent the introduction of hazardous materials into the storm water collection and discharge system.<<[[~~of pollution which may be or which has been caused by the hazardous materials on the property~~]].
5. Whether the proposed replacement, modification or limited expansion will provide adequate [[~~and increased~~]] protection and security of the facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials on the property.

The Director or the Director's designee shall determine that there will be a substantial reduction of the existing risk of pollution from the hazardous materials to the closest [[~~public~~]] utility potable water supply well only if the Director or the Director's designee makes affirmative findings as to all of the aforesaid factors, and

(iii) That the owner of the property has submitted to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the hazardous materials to be used, generated, handled, disposed of, discharged or stored on the property after the proposed replacement, modification or limited expansion is approved by the Director or the Director's designee pursuant to this section, shall not be more hazardous than the hazardous materials used, generated,

handled, disposed of, discharged or stored on the property at the time of the aforesaid approval and which furthermore shall require written notice by the owner of the property to the Department of any change in the kind of hazardous materials on the property after the aforesaid approval. Said covenants shall be in a form(s) prescribed by the Director [[~~and approved by the Board of County Commissioners~~]]. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property.

* * *

(7) *Excavations.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, or issue any permit, of any kind whatsoever, certificate of completion, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, or within one-quarter (¼) of a mile of the perimeter of the Miami-Dade County 58th Street landfill, United Sanitation landfill, or the resources recovery facility until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director or the Director's designee.

Furthermore, notwithstanding any provision of this Code, no person shall cause, allow, let, permit or suffer any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well until the person has obtained the prior written approval of the Director or the Director's designee.

The Director or the Director's designee shall issue his written approval only if the Director or the Director's designee determines that the excavation will comply with the following:

(a) The property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall be provided with protection and security measures to prohibit the handling, disposal of, discharge or storage of hazardous materials, solid waste, or liquid waste in

the excavation or on the property which has not been excavated or will not be excavated. Said protection and security shall be subject to the approval of the Director or the Director's designee.

Furthermore, the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall submit to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that protection and security measures shall be provided subject to the approval of the Director or the Director's designee. Said covenants shall be executed by the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated in form(s) prescribed by the Director [[~~and approved by the Board of County Commissioners~~]]. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property upon which the excavation has occurred or will occur and the property which has not been excavated or will not be excavated, and

(b) The excavation will not be located within thirty (30) days' travel time from any [[~~public~~]] utility potable water supply well or within thirty (30) days' travel time from potable water supply wells as set forth on the West Wellfield Interim protection area map(s) and the excavation will not exceed a depth of forty (40) feet below existing grade within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, or

(c) The excavation will not be located within thirty (30) days' travel time from any [[~~public~~]] utility potable water supply well and there exists property without excavation which will provide an additional thirty (30) days' travel time between the excavation and any [[~~public~~]] utility potable water supply well.

Furthermore, the owner of the property upon which the excavation is to occur shall submit to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the property without excavation aforesaid will not be subject to excavation at any time. Said covenants shall be executed by the owner of the property without excavation aforesaid and in a form(s) prescribed by the Director [[~~and approved by the Board of County Commissioners~~]]. The covenants shall be recorded in the

public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property upon which the excavation is to occur, or

(d) The excavation has a valid excavation permit or equivalent municipal permit for excavation and a valid Class IV permit, if required by Article IV of this chapter, which was obtained prior to September 30, 1983, which permits have been valid and continuously in full force and effect since their issuance.

(8) *Pipelines for hazardous materials.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board, after July 13, 1984 shall approve, grant or issue any permit of any kind whatsoever for the installation, modification, or expansion of that portion of any pipeline used or to be used for the transmission or storage of any hazardous materials and which portion is within the Northwest Wellfield protection area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well or, in the case of that portion of any pipeline not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, after December 12, 1986, or, in the case of that portion of any pipeline within the West Wellfield Interim protection area, after [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]]>>August 6, 1989<< or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after [[~~the effective date of this ordinance~~]] >>September 22, 2006,<<.

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the Northwest Wellfield Protection Area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, after July 13, 1984, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before July 13, 1984, or, in the case of the West Wellfield Interim protection area, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the West

Wellfield Interim protection area, after [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]]>>August 6, 1989<< or, in the case of that portion of any pipeline within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after [[~~the effective date of this ordinance~~]] >>September 22, 2006.<< unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior the effective date of this ordinance, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior to >>August 6, 1989 in the case of the West Wellfield Interim protection area, or September 22, 2006 in the case of the South Miami Heights Wellfield Complex<< [[~~effective date of this ordinance [Ordinance No. 89-80]~~]]

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the maximum day pumpage wellfield protection area but not within the basic wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield after [[~~the effective date of this subsection~~]] [[~~[~~]]December 12, 1986[[~~]~~]] unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before [[~~the effective date of this subsection~~]] [[~~[~~]]December 12, 1986[[~~]~~]].

* * *

(10) *Land uses within the Northwest Wellfield protection area and West Wellfield Interim protection area.* [[~~Notwithstanding any provision of this Code, no~~]] >>No<< County >>or municipal<< officer, agent, employee or board shall approve, grant or issue any building permit, >>municipal occupational license<<, certificate of use and occupancy[[~~(except for changes in ownership)~~]], platting action (final plat, waiver of plat, >>or equivalent municipal platting action<<) or zoning action (district boundary change, unusual use, use variance, new use, similar use >>or equivalent municipal zoning action<<) for any land use within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, without obtaining the prior written approval of the Director or the Director's designee. Furthermore, [[~~notwithstanding any provision of this Code,~~]] no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use within the Northwest Wellfield protection area or

within the West Wellfield Interim protection area without obtaining the prior written approval of the Director or the Director's designee.

>>In determining whether the existing land use(s) for the property or the land use(s) requested for the property is a land use which meets the criteria of this Section the Director or the Director's designee shall consider all of the following: the materials used, handled and stored, and the products and wastes produced, the activities, processes and methods which are employed and utilized and, the machinery and other facilities utilized and the maintenance requirements of said machinery and facilities, provided such maintenance activities are in compliance with Section 24-43(5),<<

The Director or the Director's designee shall issue [[~~his~~]] written approval only if:

(a) [[~~The Director or the Director's designee determines that the property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area and the~~]] >>The<< existing land use(s) for the property or the land use(s) requested for the property >>does not use, generate, handle, dispose, discharge or store hazardous materials or hazardous waste. The exceptions provided in Section 24-43(5)(b) shall apply, and<< [[~~is one (1) or more of the land uses set forth in Table E-1 and the land use(s) and is not a land use found exclusively in the following Miami-Dade County zoning classifications or that the zoning classification requested is not one (1) or more of the following Miami-Dade County zoning classifications:~~

~~(i) BU-3 (excluding those land uses permitted by BU-1, BU-1A or BU-2),~~

~~(ii) IU-1,~~

~~(iii) IU-2,~~

~~(iv) IU-3,~~

~~(v) IU-C, or~~]]

[[~~(b) The Director or the Director's designee determines that the land use is not listed in Table E-1, the land use(s) is not set forth as a permitted use, special exception, unusual use or conditional use in Chapter 33 of this Code, the land use(s) is not a land use(s) found exclusively in the zoning classifications listed in Sections 24-43(10)(a)(i), (ii), (iii), (iv), (v), above the land use(s) is comparable to a land use(s) set forth in Table E-1, and the land use(s) will not~~

~~have an adverse environmental impact on groundwater quality in the North Wellfield protection area and within the West Wellfield protection area. Notwithstanding the foregoing, the Director or the Director's designee shall not determine that the land use is comparable to land use(s) set forth in Table E-1 if the land use is permitted in one (1) or more of the following Miami-Dade County zoning classifications and if the land use is not permitted in one (1) or more Miami-Dade County zoning classifications which are less restrictive than the following BU-3; IU-1; IU-2; IU-3; and IU-C.~~

~~(i) In determining whether a land use is comparable to one (1) or more land use(s) set forth in Table E-1 the Director or the Director's designee shall consider the following factors:~~

~~1. The materials used, handled and stored, and the products and wastes produced;~~

~~2. The activities, processes and methods which are employed and utilized;~~

~~3. The machinery and other facilities utilized and maintenance requirements of said machinery and facilities;~~

~~4. Uses commonly attendant to or associated with the primary use.~~

~~(ii) In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality the Director or the Director's designee shall consider the following factors:~~

~~1. The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of water pollution within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;~~

~~2. The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;~~

~~3 The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored within the Northwest Wellfield protection area or~~

~~within the West Wellfield Interim protection area shall be domestic sewage discharged to a public sanitary sewer or septic tank;~~

~~4 Stormwater runoff shall be retained on the property and disposed of through infiltration drainage systems supplemented with seepage drainage systems, or~~]]

>>(b) The land use is in a category comparable or equivalent to the land use categories provided below which are not expected to use, generate, handle, dispose, discharge or store hazardous materials or hazardous waste provided that any emergency electric power to these land uses is by liquid petroleum (LP) gas, or natural gas, only:

Agricultural use

Communication tower, transmitting station

Dry manufacturing

Distribution centers (no hazardous materials)

Educational institutions (no hazardous materials)

Film and television production (no hazardous material)

Financial institutions

Food establishments

Garment manufacturing (no hazardous materials, no dyes)

Libraries and museums (no hazardous materials)

Limestone quarrying, rock crushing and aggregate plants ancillary to limestone quarrying (~~onsite fuel storage shall be prohibited, except that the~~ onsite storage of LP and natural gas, and use of fuels and lubricants pursuant to Section 24-43(5)(b), are permitted)

Lodging establishments (no hazardous materials)

Parks

Parking facilities (no fueling, no repairs)

Professional and semiprofessional offices (no medical laboratories or clinics)

Recreational facilities

Residential facilities (not providing health care)

Retail sales (no hazardous materials)

Storage and sale of factory pre packaged items

Storage warehouses (no hazardous materials)

Utilities: water production, treatment and distribution facilities; and sewage collection, distribution and transmission facilities; and electrical transmission and distribution facilities

Worship centers; and

(c) The existing land use(s) for the property or the land use(s) requested for the property is a land use which does not generate, dispose of, discharge, or store liquid waste except for stormwater, (as provided in Section 24-43(4)(c)) and domestic sewage discharged to utility sanitary sewers or onsite sewage treatment and disposal systems as permitted pursuant to Section 24-43(4)(a); and

(d) The existing land use(s) for the property or the land use(s) requested for the property is a land use which retains and disposes of stormwater runoff on the property in accordance with Section 24-43(4)(c); or<<

[[~~(e)~~]] >>(e)<< The [[~~Director or the Director's designee, determines that: The property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; the~~]] owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to December 12, 1986, in the case of the Northwest Wellfield protection area, or August 6, 1989, in the case of the West Wellfield Interim protection area, which permit has been valid and continuously in full force and effect since its issuance; the property is served or will be served by a [[~~public~~]] >>utility<<water main and [[~~public~~]] >>utility<< sanitary sewer no later than the date that the original certificate of use and occupancy or original municipal occupational license is issued; and the property is in compliance with Sections 24-43(4),

(5) and (6) of this Code and was in compliance with Sections 24-43(4), (5) and (6) of this Code no later than the date of issuance of the aforesaid valid building permit.

[[~~TABLE E-1~~

~~*Allowable Land Uses Within the Northwest Wellfield Protection Area and Within the West Wellfield Interim Protection Area*~~

~~*Land Use*~~

~~Abstract title~~

~~Accounts, bookkeeping~~

~~Actuaries~~

~~Advertising office only; no printing~~

~~Agricultural use~~

~~Alcoholic beverage district, sales~~

~~Amusement, game room~~

~~Animals, birds, and tropical fish, retail only~~

~~Antique shops~~

~~Apparel sales, rentals~~

~~Apartment house~~

~~Appliance and fixture sales (no service)~~

~~Appraisers (no merchandise)~~

~~Archery range~~

~~Art gallery~~

~~Art goods and bric a brac shops~~

~~Artist studios~~

~~Auction sales (no hazardous materials)~~

~~Auditoriums~~

~~Bait and tackle shop~~

~~Bakeries, retail~~

~~Bakeries, wholesale~~

~~Banks~~

~~Barbecue restaurants, stands, pits (wood for cooking) drive-in theaters~~

~~Barbershop~~

~~Bars~~

~~Baseball field~~

~~Bath and massage parlors~~

~~Bathing beaches~~

~~Bicycle sales (no service)~~

~~Billiard parlor/pool hall~~

~~Bindery (books, publications, etc.)~~

~~Bingo~~

~~Boat piers, docks~~

~~Book store (new and used)~~

~~Bottled gas storage (liquefied petroleum gas and natural gas only)~~

~~Bowling alleys~~

~~Box lunches--Wholesale and retail with delivery trucks (no truck maintenance)~~

~~Broadcasting studios (radio and TV, including transmitting station and tower, incidental electrical generation by LP or natural gas only)~~

~~Business machines sales (typewriters, calculators, etc.) (no service)~~

~~Camps~~

~~Card club/public~~

~~Card shops~~

~~Carpet sales~~

~~Caterers~~

~~Churches~~

~~Cigar making and sales~~

~~Cigarette vending~~

~~Clubs (private)~~

~~Coin laundries (no dry cleaning machines)~~

~~Coin shop~~

~~Cold storage warehouses and pre-cooling plants~~

~~Colleges (no hazardous materials)~~

~~Computer service~~

~~Concrete, cement, clay products Storage and sales (no vehicle maintenance; no on-site fuel storage)~~

~~Confectionery (and ice cream stores)~~

~~Conservatories~~

~~Convent~~

~~Convention halls~~

~~Costuming shops~~

~~Curio stores~~

~~Dance halls, schools, academies~~

~~Day camp~~

~~Day care, nursery~~

~~Department store~~

~~Dependent children (home for)~~

~~Drive-shop~~

~~Docks, piers--Boat~~

~~Dog obedience training, training tracks, schools~~

~~Dormitories~~

~~Drapery stores, drapery making~~

~~Dressed poultry and sea food stores~~

~~Drive-through banks and restaurants~~

~~Drug store~~

~~Dry cleaning (no cleaning on premises)~~

~~Dynamite storage~~

~~Electric substations~~

~~Electrolysis office (removal of hair by electrolytic process)~~

~~Employment agencies~~

~~Entrance gates~~

~~Escort service~~

~~Farms~~

~~Fire station (no hazardous materials)~~

~~Fishing camps~~

~~Fish houses, market, smoking~~

~~Fish, tropical, aquariums (retail sales only)~~

~~Flea market~~

~~Florist shops~~

~~Flower importers~~

~~Food distribution (no on-site vehicle maintenance)~~

~~Food sales~~

~~Foster home~~

~~Fraternities~~

~~Fruit packing, fruit stores, fruit stands~~

~~Furniture sales, rental and storage (no restoration, no manufacturing)~~

~~Furriers (sales and storage)~~

~~Garment manufacturing (no dyeing)~~

~~Gas (natural gas, LP gas including distribution system and bottling plant)~~

~~Gift stores~~

~~Glass blowing~~

~~Golf course, clubhouse~~

~~Golf driving range~~

~~Grocery store~~

~~Gun shop~~

~~Haberdashery~~

~~Hall for hire~~

~~Handball court~~

~~Health spa~~

~~Homes for dependent children~~

~~Hotels, motels~~

~~Houses of worship~~

~~Ice cream stores~~

~~Ice manufacturing, distributing (emergency electrical generation by LP or natural gas only)~~

~~Import-export office~~

~~Insurance office~~

~~Interior decorators office, showroom~~

~~Jai alai~~

~~Jewelry sales (no manufacturing)~~

~~Judo and karate instructions~~

~~Key shop~~

~~Kindergartens, day care~~

~~Lake excavation~~

~~Laundries (all types, no dry cleaning)~~

~~Leather goods stores (retail)~~

~~Libraries (public)~~

~~Limestone quarrying, rock crushing and aggregate plants ancillary to section in connection with limestone quarrying (no on site fuel storage except that the use of fuels and lubricants and LP and natural gas storage are permitted)~~

~~Liquefied petroleum (LP) gas~~

~~Liquor package stores~~

~~Livery stable~~

~~Lodges (private)~~

~~Lounges~~

~~Luggage sales~~

~~Lunches (packaging, catering)~~

~~Mail order office~~

~~Massage parlor~~

~~Meat market~~

~~Men's store~~

~~Messenger office~~

~~Milk store (drive-in)~~

~~Miniature golf course~~

~~Mission~~

~~Mobile homes~~

~~Mobile homes, sales (no manufacturing or repair; and no motor homes or recreational vehicles)~~

~~Monastery~~

~~Motel~~

~~Modeling (agencies, schools)~~

~~Motion picture studio (no film developing)~~

~~Motion picture theatre, indoor and outdoor~~

~~Motion pictures and equipment, sales and rental (no equipment servicing, no film developing)~~

~~Moving and storage company (no on-site vehicle maintenance)~~

~~Municipal recreation building~~

~~Museums, public~~

~~Music stores, teaching~~

~~Newsstand~~

~~Night club~~

~~Notions sales~~

~~Office building~~

~~Office, professional~~

~~Open air theaters~~

~~Package stores~~

~~Palmistry~~

~~Paneling (wall/retail sales)~~

~~Paper salvage~~

~~Park or playground, public or private~~

~~Parking lot, parking garage (no auto pound, no tow yard, no on-site vehicle repair)~~

~~Passenger stations (railroad, bus)~~

~~Pawn shops (swap shops)~~

~~Pet shops, retail sales only (in air-conditioned building)~~

~~Pharmaceuticals (retail)~~

~~Photographic studio (no developing, no printing)~~

~~Pillow renovating~~

~~Plant sales (no propagation)~~

~~Plaster products~~

~~Plasterers, storage area~~

~~Police station~~

~~Pool rooms~~

~~Post office~~

~~Pottery (retail sales only/no manufacturing)~~

~~Private clubs~~

~~Produce or fruit market~~

~~Professional and semiprofessional offices (no medical laboratory or clinic)~~

~~Public art galleries, museums~~

~~Racquet ball clubs~~

~~Radio, broadcasting station, studio, transmitting station/tower (emergency electrical power by LP or natural gas only)~~

~~Railroad and bus passenger stations (no freight terminal, no vehicle maintenance)~~

~~Real estate office~~

~~Recording studios~~

~~Recreational facilities~~

~~Rentals (household equipment, appliances, tools, hardware, etc.) (no hazardous materials)~~

~~Residential uses~~

~~Restaurants, including outdoor patios and service~~

~~Retirement villages~~

~~Rifle, pistol range~~

~~Rock and sand yards~~

~~Rock yards (crushing)~~

~~Saloons and bars~~

~~Savings and loan associations~~

~~Schools (no hazardous materials)~~

~~Seafood stores~~

~~Secondhand stores (inside only)~~

~~Shoe store (no manufacturing)~~

~~Shooting gallery~~

~~Shooting range, trap and skeet~~

~~Shopping center (no hazardous materials)~~

~~Showrooms, salesrooms (no hazardous materials)~~

~~Skating rink~~

~~Sororities~~

~~Souvenir stores~~

~~Sporting goods store~~

~~Stationery stores~~

~~Storage warehouse (no hazardous materials)~~

~~Swap shops~~

~~Swimming pools~~

~~Synagogues~~

~~Tailor shops~~

~~Tattoo parlor~~

~~Telegraph stations (emergency electrical power by LP or natural gas only)~~

~~Telephone answering service~~

~~Telephone exchange~~

~~Television (broadcasting studio)~~

~~Tennis courts~~

~~Textile sales~~

~~Theaters~~

~~Tile sales (no manufacturing)~~

~~Tourist attractions (no hazardous materials)~~

~~Trading post~~

~~Trailer park~~

~~Travel agency~~

~~Upholstery shop~~

~~Utilities: Public and private water production, treatment and distribution facilities; and sewage except that wastewater treatment plants are not permitted (emergency electrical power by LP or natural gas only)~~

~~Vegetable stands~~

~~Wall paper, paneling (retail sales)~~

~~Warehouses (storage of food, fodder, apparel, and other nonhazardous materials)~~

~~Watchman's quarters~~

~~Water tanks or towers~~

~~Water treatment plants (emergency electrical power by LP or natural gas only)~~

~~Wearing apparel stores (sales, rentals)~~

~~Wholesale salesrooms and attendant storage rooms (no hazardous materials)~~]]]

(11) *Prohibition of resource recovery and management facility within wellfield protection areas.* [[~~Notwithstanding any provision of this Code, no~~]] >>No<< County >>or municipal<< officer, agent, employee or board shall approve, grant or issue any permit (except for renewal of valid operating permits, issued pursuant to this chapter, no later than March 12, 1987), certificate of use and occupancy, >>municipal occupational license<< [[~~(except for changes in ownership)~~]], platting action (final plan, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility within the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit issued pursuant to this chapter no later than March 12, 1987 or, in the case of a resource recovery and management facility within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, was in operation and had obtained all other applicable permits prior [[~~to the effective date of this ordinance~~]] >>September 22, 2006<<.

Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, modify or issue any permit (except for renewal of valid operating permits issued pursuant to this chapter, renewed no later than ninety (90) days after [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]] >>August 6, 1989<<),

certificate of use and occupancy [[~~(except for changes in ownership)~~]], platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility (unless the facility's primary purpose is to collect paper, glass, plastics or aluminum for transport out of the West Wellfield Interim protection area or the facility provides composting for on-site organic plant materials at plant nurseries) within the West Wellfield Interim protection area after [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<<, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<< and obtained a valid operating permit issued pursuant to this chapter no later than ninety (90) days after [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<<.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any resource recovery and management facility within the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit pursuant to this chapter, no later than March 12, 1987 or, in the case of a resource recovery and management facility within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, was in operation and had obtained all other applicable permits prior to [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<<.

Notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any resources recovery and management facility within the West Wellfield Interim protection area after [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<<, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to [[~~the effective date of this ordinance [Ordinance No. 89-80])~~]] >>August 6, 1989<< and obtained a valid operating permit pursuant to

this chapter, no later than ninety (90) days after [[~~the effective date of this ordinance [Ordinance No. 89-80]~~]] >>August 6, 1989<<.

* * *

Section 3. Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-43.1. Liquid waste disposal and potable water supply systems.

(1) The intent and purpose of this section is to safeguard the public health, safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

* * *

(6) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use and occupancy [[~~(except for changes in ownership)~~]] >>, municipal occupational license<<, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than [[~~public~~]] >>utility<<sanitary sewers or any source of potable water supply other than a [[~~public~~]] >>utility<<water main without obtaining the prior written approval of the Director or the Director's designee.

* * *

(g) The Director or the Director's designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Interim Wellfield protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, that the owner of the property is applying for a land use prohibited by Section 24-43.1(6)(a) above, and:

(i) That extension of [[~~public~~]] >>utility<<sanitary sewers to serve the property from the nearest available point of connection to an available [[~~public~~]] >>utility<<sanitary sewer is not within a feasible distance [[~~for public sanitary sewers~~]], and

* * *

(iv) That if the nonresidential land use will handle, use, or store hazardous materials on the property then the water pollution prevention and abatement measures and practices set forth in Sections 24-43(5)[[~~(a)~~]]>>(c)<< (i), (ii), (iii), (iv), and (v) of this Code shall be provided. Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or the Director's designee, and

* * *

(j) The Director or the Director's designee determines that the property is located within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the basic wellfield protection area of any [[~~public~~]] utility potable water supply well, that the property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, that the owner of the property is applying for a land use prohibited by Section 24-43.1(6)(a) above, and

(i) That the property is served or is to be served by a [[~~public~~]] >>utility<<water supply, and

(ii) That the property complies with Section 24-43.1(4)(b), and

(iii) That the property complies with the requirements of Sections 24-43(5)(a), (b), [[~~and~~]] (c), >>(d), (e),<<and>>(f)<<

* * *

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida, except that the wellfield maps referred to in Section 2 of this ordinance, shall not be codified. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

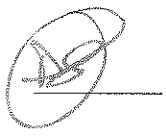
Section 6. The Mayor or Mayor's designee is directed to conduct further scientific investigation of the proposed wellfield protection areas and to bring before this Board within twenty four months recommendations for the updating and modernization of the existing protection areas. In so doing, the proposed pumpage rate for the West Wellfield Protection Area shall not exceed forty million gallons per day

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 8. Chapter 24, in its entirety, including but not limited to this ordinance, shall have retroactive effect to and including March 3, 1981. This retroactivity shall in no way eliminate, remove or limit any lawful, nonconforming use or any properly granted or enacted vested rights that were applicable immediately prior to the enactment of this ordinance.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

David Sherman