Memorandum

MIAMI-DADE COUNTY

Date: April 20, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Commission Sponsorship Request: Ordinance Amending Chapter 24 of the Code of Miami-Dade County Regarding Natural Resource Permitting

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As I advised the Board in my March 7, 2012, memorandum recommending the creation of a Regulatory and Economic Resources Department through the merger of the existing SPEE (Sustainability, Planning and Economic Enhancement) and PERA (Permitting, Environment and Regulatory Affairs) Departments, I have tasked staff with the identification of specific initiatives that would facilitate economic development in our County. Staff has been working for some time with members of the land development community to address improvements to our permitting and land development processes through an informal Development Process Advisory Group. This ordinance is in part the result of this effort and is the first of what I anticipate to be a series of code related initiatives to streamline outdated processes without sacrificing public protections.

These changes are a first step toward increasing the economic benefits of land development and business functions in this community. Information on the proposed Code changes and notice of the April 10, 2012 public workshop were posted on the County's webpage and sent to more than 250 email addresses including municipal officials, industry, and environmental groups. Staff presented the proposed Code changes to attendees at the public workshop which included both industry and environmental groups and feedback was positive.

In addition to various modifications to improve and clarify Code language, specific examples of changes in this ordinance include:

- Allowing a greater number of projects to be reviewed administratively by the Department, thus reducing the time needed for a permitting decision. This ordinance also reformats the Code to specifically list those projects that require review by the Board of County Commissioners and allows all other projects to be reviewed administratively. This will reduce the time to process these permits by 90 days or more.
- Creating an expedited administrative authorization for certain work that otherwise requires the filing of a complete permit application and issuance of a permit. This will allow the department to quickly and more simply authorize certain work that does not result in adverse environmental impact. Some of this work includes water quality, engineering or geotechnical studies typically associated with pre-project plan development, or temporary work associated with media and entertainment productions.
- Providing for issuance of emergency authorizations associated with repairs to docks, seawalls, and related structures following disasters such as a hurricane. This change will allow property owners to begin permanent repair work following submittal of a permit application, but prior to issuance of a final permit. This change will be particularly helpful in the aftermath of such disasters when immediate action is needed to minimize further loss and property damage.
- Allowing the Department to approve the reconstruction of existing boat docks with less than the 4ft. minimum water depth in cases where the Department determines adequate water depth exists for the intended use, without the additional time and expense of the applicant obtaining a variance from the Environmental Quality Control Board (EQCB).

- Allowing for administrative review of seawall projects involving minimal dredging and filling thereby decreasing the time for permit review and approval.

It is important to note that while the proposed Code changes allow a greater number of projects to be reviewed administratively by the Department no changes are proposed to existing provisions of the Code that currently require a project to be forwarded to the Board of County Commissioners for a decision upon request by either the applicant or other party. In such cases, the application will be forwarded to the Board of County Commissioners for review and final decision-making as is the case today.

I am requesting sponsorship of the attached ordinance and anticipate further code related initiatives in the near future from the Development Process Advisory Group and I thank them for their efforts to date. If you require further information, please contact Jack Osterholt, Deputy Mayor/Director, at 305-375-5695.

Attachment

c: Robert A. Cuevas, County Attorney
Office of the Mayor Senior Staff
Charles Anderson, Commission Auditor
Development Process Advisory Group Participants

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Article IV, Division 1 and Related Sections of Chapter 24 of the Code of Miami-Dade County to Clarify Code Language Relating to Natural Resource Permitting, to Simplify the Natural Resource Permitting Process, and to Reduce the Time for Regulatory Review while Maintaining Established Levels of Natural Resource Protection

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Recommendation

It is recommended that the Board adopt the attached ordinance amending Section 24-5 of the Code of Miami-Dade County, Florida, relating to definitions, amending Section 24-20 of the Code of Miami-Dade County, Florida, relating to Abnormal Occurrences; amending Section 24-35 of the Code of Miami-Dade County relating to the Separate County Enforcement Fund; amending Section 24-37 of the Code of Miami-Dade County, Florida, relating to the Wetlands Trust Fund; and amending Article IV, Division 1, of the Code of Miami-Dade County, Florida, relating to natural and biological environmental resources permitting and protection and regulation of drainage systems and stormwater management involving work in canal rights-of-way, tidal waters, submerged bay-bottom lands and wetlands, dewatering, and construction of drainage systems.

Scope

The proposed ordinance involves environmental permitting and regulation countywide.

Fiscal Impact/Funding Source

This ordinance proposes to exempt certain activities from requiring natural resource permits. Therefore, the fiscal impact to Miami-Dade County will be a reduction in permit fee revenue of less than $10,000 on an annual basis. An Implementing Order recommending changes to the Fee Schedule as proposed in this ordinance will accompany this item during the Public Hearing at committee and the 2nd Reading for the Board's final consideration and approval.

Track Record/Monitor

The Assistant Director of the Department of Permitting, Environment and Regulatory Affairs (PERA) will be responsible for implementing the changes proposed by this ordinance.

Background

This ordinance amends several sections of Chapter 24 of the Code of Miami-Dade County relating to natural resource permitting for work in tidal waters and wetlands throughout the County. PERA has identified proposed modifications to the County Code that serve to clarify Code language, simplify the process, and reduce the time for regulatory review while maintaining established levels of natural resource protection. Proposed modifications include allowing more permit applications to be reviewed administratively by the Department, expanding the list of projects that qualify for an exemption, creating an expedited administrative authorization at a reduced fee for certain work, and allowing for issuance of emergency authorizations associated with permit applications resulting from natural and non-natural disasters.

The proposed changes allow a greater number of projects to be reviewed administratively by PERA, thus reducing the time needed for a permitting decision. However, no changes are proposed to provisions of the Code that currently require a project to be forwarded to the Board of County Commissioners for a decision upon request by either an applicant or other party. The proposed changes also create an expedited administrative authorization for certain work that otherwise require the filing of a permit application and issuance of a permit. Under this proposed change, certain work such as water quality, engineering or geotechnical studies typically associated with pre-project plan development, or temporary work associated with media and entertainment productions can be reviewed and approved at a reduced fee and more expeditiously when appropriate. In addition, the proposed changes also provide for issuance of emergency authorizations associated with repairs to docks, seawalls, and related structures following disasters such as a hurricane. This change will allow property owners to begin permanent repair work following submittal of a permit application, but prior to issuance of a final permit. This change would be particularly helpful in the aftermath of such disasters when immediate action is needed to minimize further property losses.

The changes proposed in this ordinance were the subject of meetings and discussions with representatives from related industries and environmental groups. A public workshop was held on April 10, 2012 to discuss the ordinance.

Jack Osterholt, Deputy Mayor

Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DEFINITIONS; AMENDING SECTION 24-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO ABNORMAL OCCURRENCES; AMENDING SECTION 24-35 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO THE SEPARATE COUNTY ENFORCEMENT FUND; AMENDING SECTION 24-37 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE WETLANDS TRUST FUND; AMENDING ARTICLE IV, DIVISION 1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO NATURAL AND BIOLOGICAL ENVIRONMENTAL RESOURCES PERMITTING AND PROTECTION; REGULATION OF DRAINAGE SYSTEMS AND STORMWATER MANAGEMENT; WORK IN CANAL RIGHTS-OF WAY, TIDAL WATERS, SUBMERGED BAY-BOTTOM LANDS, AND WETLANDS; DEWATERING; CONSTRUCTION OF DRAINAGE SYSTEMS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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, Florida, 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:

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[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.

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.

Abandonment in place of an underground storage facility shall mean:

(1) installation and sampling of the monitoring wells and soil borings required for the TCAR, and

(2) emptying, inerting and cleaning the interior of the underground storage facility, and

(3) filling the underground storage facility with a non-shrinking, inert and solid material approved by the Department.

* * *

Halophytic vegetation shall mean the following species:

Aizoaceae (carpetweed family)--*Sesuvium portulacastrum* (sea purslane)

Amaranthaceae (amaranth family)--*Philoxerus vermicularis* (marsh samphire)

Amaryllidaceae (amaryllis family)--*Hymenocallis latifolia* (spider lily)

Apocynaceae (oleander family)--*Rhabdadenia biflora* (mangrove rubber vine)

Asteraceae (aster family)--*Aster tenuifolius* var. *aphyllus* (salt-marsh aster)

Baccharis angustifolia (false willow)

Baccharis halimifolia (groundsel tree)

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Primulaceae (primrose family)--*Samolus ebracteatus* (water pimpernel)

Pteridaceae (bracken family)--*Acrostichum aureum* (coastal leather fern)

[[~~*Acrostichum danaeafolium* (leather fern)~~]]

Rhizophoraceae (red mangrove family)--*Rhizophora mangle* (red mangrove)

* * *

Section 2. Section 24-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-20. Abnormal occurrences.

(1) *Reports required.* In the event of any breakdown or lack of proper functioning of any facility installed or operating under the provisions of this chapter, which causes or may cause improperly treated or untreated potable water or sewage or hazardous materials or industrial wastes to be discharged from the plant or facility, or which causes or may cause a nuisance or sanitary nuisance or the emission of air contaminants in excess of the quantity permitted by the provisions of this chapter, it shall be the duty of the owner or operator thereof to immediately notify the Director or the Director's designee and to take all actions necessary to prevent or minimize air, water or ground pollution. It shall be

unlawful to fail to notify the Director or the Director's designee as required herein and said notification shall not be a defense to any civil liability imposed under the provisions of this chapter.

* * *

(4) *Emergencies.* Classification and procedure [for emergencies] are as follows:

(a) Class A--those emergencies [[~~which involve (i) the loss of human life, limb, or property~~]] >>resulting from or<< due to natural calamitous occurrences such as, but not limited to, hurricanes, tornadoes, fires, floods, or high winds>>which involve: (i) the loss of human life or limb, (ii) the loss or damage to property, or (iii) the breaks of dams, levees, or water control structures<< [[~~, and (ii) the breaks of dams or levees~~]]. No permit shall be required for temporary measures taken to correct or give relief from class A emergencies. Immediately after the occurrence of a class A emergency, the Department shall be notified of the emergency. Within fourteen (14) calendar days after the correction of the emergency a report to the Department shall be made [[~~outlining~~]] >>setting forth<< the details of the emergency>> , << [[~~and~~]] the steps taken for its temporary relief>> , <<[[~~. The report shall be a written description of all of the work performed involving dredge and fill activities and shall set forth~~]] >>and<< any pollution >>control<< measures which were utilized or are being utilized to prevent pollution of waters over submerged lands [[~~and/~~]]or coastal wetlands. A permit [[~~shall be~~]] >>is<< required [[~~in connection with dredge and fill activities~~]] for >>any permanent measures subject to the requirements of Division I of Article IV of the Code of Miami-Dade County, and for any<< permanent measures in relief of class A emergencies.

(b) Class B--[[~~other,~~]] >>those emergencies resulting from<< non-natural disasters such as, but not limited to, bridge collapses, sudden and unpredictable structural collapses and failures, and sudden and unpredictable hazards to navigation[[~~;~~]] which do not threaten the immediate >>loss of life or property but which will require immediate<< action for relief. No permit shall be required for temporary measures needed to correct or [[~~give~~]] >>provide<< relief [[~~from~~]] >>for<< class B emergencies. Temporary measures shall be limited to only those minimum [[~~works~~]] >>activities<< required to protect against loss of life, limb, health or property or which immediately threaten plant and animal life. The Department shall be notified >>in writing<< within fourteen (14) calendar days after completion of the temporary measures which have been taken. The [[~~report~~]] >>written notification<< shall [[~~be a written~~]]>>include a<< description of all [[~~works~~]] >>activities<< which have [[~~been performed~~]] >>occurred<< as well as >>any<< pollution control measures >>which were<< utilized >>to prevent pollution of waters of the County or wetlands<<. A permit [[~~shall be~~]] >>is<< required [[~~in connection with~~]] >>for any permanent measures subject to the requirements of Division I of Article IV of the Code of Miami-Dade County and for any<< [[~~dredge and fill activities for~~]] permanent measures taken for relief of class B emergencies.

>>(c) Upon applying for a permit for permanent measures in relief of a Class A or a Class B emergency, the Director or the Director's designee may issue an emergency authorization to proceed with construction, repair, or stabilization activities, subject to conditions, limitations or restrictions. Prior to the issuance of

an emergency authorization, the Director or the Director's designee may require the posting of a performance bond to ensure compliance with the conditions of the emergency authorization, the submittal of plans or sketches of the proposed work, and a plan which details the measures to be taken to prevent or minimize pollution impacts to the work area. If the Director or the Director's designee determines that work allowed by an emergency authorization issued pursuant to Section 24-20(4) has not been performed in accordance with the approved plans upon which the emergency authorization was issued or has not complied with all of the conditions or special conditions of the emergency authorization, the Director or the Director's designee shall notify the permit applicant of such noncompliance and specify a period of time in which the permit applicant shall correct or otherwise bring the work into compliance with the emergency authorization. In the event that the permit applicant fails or is unable to comply with the requirements of the notice, the Director or the Director's designee may, in addition to available enforcement remedies, call the performance bonds for the project.

Emergency authorizations issued pursuant to Section 24-20(4) are temporary in nature and may be suspended or revoked by the Director or the Director's designee in the event of non-compliance with the conditions, limitations, or restrictions of the emergency authorization or non-compliance with the provisions of this chapter. The issuance of an emergency authorization, the decision of the Director or the Director's designee to issue an emergency authorization, the suspension or revocation of an emergency authorization, or the decision of the Director to suspend or revoke an emergency authorization, is not subject to review pursuant to Section 24-11 of the Code of Miami-Dade County, Florida.<<

Section 3. Section 24-35 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-35. Separate County enforcement fund.

The following sums recoverable by the County shall be deposited in a separate County fund:

(1) The compensatory and punitive damages recoverable by the County pursuant to Section 24-29(1) of the Code of Miami-Dade County.

(2) The civil penalties recoverable by the County pursuant to Section 24-31(2) of the Code of Miami-Dade County.

* * *

(6) Notwithstanding subsections (1) through (5) hereinabove, any sums recoverable by the County pursuant to any of the foregoing provisions of Chapter 24 of the Code of Miami-Dade County which qualify for deposit in the Biscayne Bay Environmental Enhancement Trust Fund shall be deposited in said Biscayne Bay Environmental Enhancement Trust Fund.

(7) Notwithstanding subsections Sections 24-35(1) through (6) hereinabove, any sums recoverable by the County pursuant to any of the foregoing provisions of Chapter 24 of the Code of Miami-Dade County which qualify for deposit in the Tree Trust Fund shall be deposited in said Tree Trust Fund.

This fund may only be used to pay for the following:

(a) Tracing, controlling and abating of air pollution, water pollution, nuisances and sanitary nuisances in the County.

(b) Enforcement of this chapter.

(c) Restoration of the air, waters, property, animal life, aquatic life, and plant life of the County to their former condition.

>>(8) All interest generated from the sources identified in Section 24-35(1) through 24-35(7) hereinabove, except where monies received have been otherwise designated or restricted.<<

[[~~(8)~~]]>>(9)<<Reimbursement of sums given to the County by the State of Florida or the United States of America, or both, as reimbursement for expenditures by the County to trace, control and abate air pollution, water pollution, nuisances and sanitary nuisances in the County and to restore the air, waters, property, animal life, aquatic life and plant life of the County to their former condition. Said reimbursement to the State of Florida or the United States of America, or both, from this fund shall not in any case exceed the amount of monies actually recovered and collected by the County from the persons liable for the particular air pollution, water pollution, nuisances and sanitary nuisances and furthermore shall not include any monies recovered by the County from said persons liable as compensatory damages, punitive damages or civil penalties. Said reimbursement of sums by the County to the State of Florida or the United States of America, or both, shall be upon such terms and conditions deemed appropriate and approved by the Board of County Commissioners.

Section 4. Section 24-37 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-37. Wetlands Trust Fund.

(1) The Wetlands Trust Fund is created for use in acquiring, restoring, enhancing, managing or monitoring (or any combination of the above) wetlands within Miami-Dade County as well as any associated hammock and pineland communities. Monies also may be disbursed for such purposes for wetlands located outside of Miami-Dade County so long as they benefit wetland ecosystems in Miami-Dade County. The Finance Director is hereby authorized and directed to establish the Wetlands Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Wetlands Trust Fund shall receive monies from the following sources:

(a) All [[~~revenues~~]] >>monies<< collected by the Department pursuant to Section 24-48.5(2)(e).

(b) All monies accepted by Miami-Dade County in the form of federal, state, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for the acquisition, restoration, enhancement, management or monitoring of wetlands as provided for in Section 24-37(4).

>>(c) All monies received from the forfeiture of mitigation bonds pursuant to Section 24-48.12(3)<<

[[~~(c)~~]]>>(d)<< Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.

[[~~(d)~~]]>>(3)<< All interest generated from the sources identified in Section 24-37(2)(a), (b) >>, (c),<< and [[~~(c)~~]]>>(d)<< hereinabove, except where monies received have been otherwise designated or restricted.

[[~~(3)~~]]>>(4)<< The Wetlands Trust Fund shall be maintained in trust by the Finance Director for the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to Section 24-37(4).

[[~~(4)~~]]>>(5)<< Disbursements from the Wetlands Trust Fund shall only be made for the following purposes:

(a) Acquisition, including by eminent domain, restoration, enhancement, management or monitoring of wetland properties located within Miami-Dade County.

(b) All costs associated with each such acquisition including, but not limited to, appraisals, surveys, title search work, real property taxes, documentary stamps and surtax fees, and other transaction costs.

(c) Costs of administering the activities enumerated in Section 24-37(4)(a) and (b), hereinabove, will be funded from the proceeds of the Wetlands Trust Fund until such time as the fund is closed.

[[~~(5)~~]]>>(6)<< Disbursements from the Wetlands Trust Fund for the acquisition of eligible properties shall require approval by the Board of County Commissioners after a public hearing on the proposed acquisition. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include the location and a brief statement of the reason for the proposed acquisition.

Section 5. Article IV, Division 1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE IV. NATURAL AND BIOLOGICAL ENVIRONMENTAL RESOURCES PERMITTING AND PROTECTION; REGULATION OF DRAINAGE SYSTEMS AND STORMWATER MANAGEMENT

DIVISION 1. WORK IN CANAL RIGHTS-OF WAY, TIDAL WATERS, SUBMERGED BAY-BOTTOM LANDS, AND WETLANDS; DEWATERING; CONSTRUCTION OF DRAINAGE SYSTEMS

Sec. 24-48. Permit required; >>expedited administrative authorizations ;<< exceptions; work standards; compliance with work standards, suspension of permit.

(1) It shall be unlawful for any person to perform work or authorize, allow, suffer or permit

work to be performed in County canal rights-of-way, reservations or easements anywhere in Miami-Dade County, or to trim, cut or alter a mangrove tree anywhere in Miami-Dade County, or to authorize, allow, suffer or permit the trimming, cutting or alteration of a mangrove tree anywhere in Miami-Dade County, or to fill, dredge or authorize, allow, suffer or permit filling or dredging or perform or authorize, allow, suffer or permit any type of work in, on, over, or upon tidal waters, submerged bay bottom lands, or wetlands anywhere in Miami-Dade County, or to perform or authorize, allow, suffer or permit any work which results in harmful obstruction or alteration of the natural flow of surface waters or substantial reduction in recharge of water to the Biscayne Aquifer, or authorize cause, permit, allow, let or suffer the dewatering of groundwater into any groundwater, surface water or drainage structure anywhere in Miami-Dade County, or the construction of a drainage system for any [[~~non-residential~~]] project anywhere in Miami-Dade County, without first having obtained a permit >>or approval<< from the Department. All said work shall conform to minimum standards set forth in the Code of Miami-Dade County, Florida, and the "Permit Information Manual IV" of the South Florida Water Management District, dated [[~~March 19, 1994~~]]>>September 11, 2008<<, as same may be amended from time to time. This section shall not apply to work in treatment facilities or their ancillary facilities such as, but not limited to, cooling canals or polishing ponds or to the following projects:

[[~~(a) The placement of natural limerock boulder riprap waterward of an existing seawall, bulkhead or unconsolidated shoreline provided that the riprap is placed on a two (2) horizontal to one (1) vertical slope and the riprap does not extend more than ten (10) feet waterward of the mean high water line; provided, however, the Department conducts an inspection prior to the placement of the riprap and determines that said placement will not result in an adverse environmental impact to benthic communities.~~]]

[[~~(b)~~]]>>(a)<< Repair and/or replacement of the decking or handrails, on an existing dock or pier, limited to their original dimensions.

[[~~(c) Repair and/or replacement of the tieback systems on an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Department determines meets acceptable standards for professional engineering design.~~]]

[[~~(d) Repair and/or replacement of the cap of an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Department determines meets accepted standards for professional engineering design.~~]]

[[~~(e)~~]]>>(b)<< Sealing of cracks >>and spall repair<< [[~~in~~]] >>on<< a >>bridge,<<seawall or bulkhead cap or face.

[[~~(f)~~]]>>(c)<< Repair or sealing of the pilasters of an existing seawall or bulkhead.

[[~~(g)~~]]>>(d)<< Backfilling landward of existing seawalls or bulkheads.

[[~~(h)~~]]>>(e)<< Placement of riprap, gunite-filled tube, or other approved material beneath an undercut seawall or bulkhead provided that material does not extend more than two (2) feet waterward of the seawall or bulkhead.

[[~~(i)~~]]>>(f)<< Placement of sand-cement riprap bags at the toes of a seawall or bulkhead provided the bags do not extend more than two (2) feet or the width of two (2) standard sand-cement bags waterward of the seawall or bulkhead.

[[~~(j)~~]]>>(g)<< The removal of old or unused or rotting [[~~mooring~~]] piles or the removal of dilapidated docks>>, boatlifts, davits,<< or piers.

[[~~(k) Trimming or cutting or any other alteration of a mangrove tree(s) for the exclusive purpose of conducting a land survey, provided that the area of mangroves affected by the survey line is less than three (3) feet wide and said survey is conducted by a licensed land surveyor.~~]]

>>(h) The trimming of a mangrove tree(s) performed in accordance with the permit exemption provisions of Section 403.9326, Florida statutes, provided that notification is given to the Department as required pursuant to Section 24-48.17(1) of the Code of Miami-Dade County.<<

[[~~(l)~~]]>>(i)<< Roadway maintenance activities which are performed or authorized by the Miami-Dade County Public Works Department to correct safety deficiencies or are undertaken to maintain the continuity of existing use for an established road or road right-of-way. >>This provision shall not apply to any work involving expansion in the width or length of roads or work involving the filling of roads to higher elevations when said roads occur at elevations which are less than the elevations set forth by Miami-Dade County flood criteria.<<

[[~~(m)~~]]>>(j)<< Maintenance of private roads approved by the Department or maintenance of roads and fill pads approved by the Department located upon a public or private utility right-of-way. >>This provision shall not apply to any work involving expansion in the width or length of roads or work involving the filling of roads to higher elevations when said roads occur at elevations which are less than the elevations set forth by Miami-Dade County flood criteria.<<

[[~~(n)~~]]>>(k)<< Installation, repair, or replacement of marine hardware >>on docks and piers<< necessary to secure vessels including, but not limited to, cleats, mooring whips, chocks and mooring bits [[~~on docks and piers~~]].

[[~~(o)~~]]>>(l)<< Construction, installation, repair, or replacement of permanent uncovered benches and/or tables on docks and piers.

[[~~(p)~~]]>>(m)<< Construction, installation, repair, or replacement of fenders, except fender piles, on docks and piers necessary for the protection of vessels.

[[~~(q)~~]]>>(n)<< Construction, installation, repair, or replacement of storage boxes, not exceeding thirty-six (36) inches in height, on docks and piers.

[[~~(r)~~]]>>(o)<< Construction, installation, repair, replacement of ladders on docks and piers to provide access to and from vessels and/or the water.

[[~~(s)~~]]>>(p)<< The placement of concrete jackets or other forms of protection on existing dock, pier or mooring piles.

[[~~(t)~~]]>>(q)<< The replacement of >>fender piles or<< mooring piles at the same exact location as they presently exist and provided that the following criteria are adhered to:

(i) The >>fender piles or<< mooring piles to be replaced do not protrude into the water more than twenty-five (25) percent of the width of the waterway.

(ii) The work will be done by a contractor holding an applicable certificate of competency.

(iii) The contractor shall contact the Director or the Director's designee [[~~within~~]] >>a minimum of<< twenty-four (24) hours [[~~of~~]] >>prior to<< performing the >>fender pile or<< mooring [[~~piling~~]] >>pile<< replacement work with information on the location and the number of >>fender or<< mooring [[~~pilings~~]] >>piles to be<< replaced.

[[~~(u)~~]]>>(r)<< The installation of a drainage system for [[~~a commercially or industrially zoned~~]] >>any<< project which does not use, generate, handle, dispose of, discharge or store hazardous materials >>and not otherwise requiring a class II permit<<. This exemption, however, shall not apply to an airport facility, a resource recovery and management facility >> , <<[[~~or~~]] a sewage treatment facility >>, or any property that has known soil or groundwater contamination<<.

>>(s) Repair or replacement of uniform waterway markers or uniform waterway regulatory markers, which markers conform with Section 327.40 and 327.41, Florida Statutes, respectively, as may be amended from time to time.<<

>>(2) The following activities shall not require a permit and shall be eligible to receive a written expedited administrative authorization, provided the Department determines that the work meets one of the criteria set forth herein below in subsections (a)-(g) and will not result in adverse environmental impacts. The following items shall be required for departmental review: Site location and sketch of proposed work, full description of the work to be performed, all relevant information necessary to determine potential environmental impacts, as well as an administrative review fee. The Department will respond to the request with an approval, approval with conditions or denial within ten (10) business days from receipt of the required information. If the project is found to be ineligible for the expedited administrative authorization, the applicant may revise the request based on comments from the Department or the applicant may apply for a permit pursuant to 24-48.1. Expedited administrative authorizations are valid for a period of two (2) years unless otherwise specified.

(a) Scientific, water quality, or geotechnical sampling or testing in tidal waters or wetlands.

(b) Work in tidal waters and wetlands, not to exceed thirty (30) days, associated with motion picture, television, photographic or other media production.

(c) Treatment or removal of vegetation which is listed as a prohibited species as set forth in Section 24-49.9 of the Code of Miami-Dade County, Florida, for restoration and enhancement activities.

(d) Work in wetlands performed to restrict access to property for the purpose of maintaining the property in its natural state and protecting the property from trespass, illegal dumping, or damage to wetlands.

(e) The placement of natural limerock boulder riprap waterward of an existing seawall, bulkhead or unconsolidated shoreline provided that the riprap is placed on a two (2) horizontal to one (1) vertical slope and the riprap does not extend more than ten (10) feet waterward of the mean high water line; provided, however, the Department conducts an inspection prior to the placement of the riprap and determines that said placement will not result in an adverse environmental impact to benthic communities.

(f) Repair and/or replacement of the tieback systems on an existing seawall or

bulkhead, provided that the contractor submits structurally approved plans from the applicable building authority

(g) Repair and/or replacement of the cap of an existing seawall or bulkhead, provided that the contractor submits structurally approved plans from the applicable building authority<<

[[~~(2) The exemptions set forth in Sections 24-48(1)(l) and (m) shall neither apply to any work involving expansion in the width or length of roads nor shall said exemptions apply to work involving the filling of roads to higher elevations when said roads occur at elevations which are less than the elevations set forth by Miami-Dade County flood criteria.~~]]

(3) All work to be performed under any County permits shall conform with the applicable portions of this Article.

(4) If the Director, or the Director's designee, determines that the permittee and/or contractor is not performing the construction in accordance with the conditions of the permit or the approved plans upon which the permit was issued, the Director, or the Director's designee, may order suspension of the permit or the stopping of work until such time as the permittee and/or the contractor has complied with the permit, plans or standards. In such case, the permittee or the contractor or both shall take all necessary precautions to leave the work area in a safe and secure condition. In the event of any future widening, repairs, installation, construction, or reconstruction, by or for Miami-Dade County, of any road, bridge, canal, culvert, traffic signal, streetlight, water distribution system, sewage collection system, storm drainage system, or any other County facility within the public right-of-way in which the permittee or the contractor or both have constructed any utility which has not been conveyed to a franchised public utility, said permittee or contractor or both shall move or remove such utility as may be required for the public convenience as and whenever specified by the Director of the Public Works Department and at the expense of the permittee or the contractor or both.

(5) It shall be unlawful for any person to violate or fail to comply with any of the conditions or special conditions of >>a written expedited administrative authorization,<< a class I, class II, class III, class IV, class V, or class VI permit issued by the Director, or the Director's designee.

Sec. 24-48.1. Permit classifications; interpretation as to permit requirement, fee; determination of wetlands.

(1) There are six (6) permit classifications: class I, class II, class III, class IV, class V and class VI.

(a) Class I: Class I permits are required to trim[[;]] >>or<<cut >>a mangrove tree, unless specifically exempt pursuant to the provisions of Section 403.9326, Florida Statutes, as may be amended from time to time,<<or >>to<< alter >>or remove<< a mangrove tree anywhere in Miami-Dade County or for any type of work as defined herein to take place in, on, over or upon any tidal waters, bay bottom lands anywhere in Miami-Dade County or in wetlands supporting halophytic vegetation anywhere in Miami-Dade County, including but not limited to dredging or filling

provided, however, that class I permits shall not apply to the construction, installation or alterations of outfalls or overflow systems as described under the definition of class II permits (Section 24-48.1(1)(b)).

* * *

(d) Class IV: Class IV permits are required for any work in, on, or upon wetlands [[~~not supporting halophytic vegetation~~]] anywhere in Miami-Dade County >>, except for work in wetland areas requiring a class I permit under this article<<.

* * *

(f) Class VI: Class VI permits are required for [[~~drainage systems to be installed in non-residential projects~~]] >>the installation of a drainage system for any project that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials<<.

* * *

Sec. 24-48.2. Permit application forms; procedures.

There are two (2) types of application forms; short form and standard form. The general criteria for determining the type of application form required are based on the magnitude of the project, and its potential environmental impact. Unless waived by the municipality, the applicant's plans shall require municipal approval.

(I) *Short Form Permit Application:*

(A) *When permissible:* A short form permit application may be accepted by the Department of Environmental Resources Management for the following types of work:

(1) >>The construction, repair,<< [[~~Repair~~]] or replacement of seawalls or bulkheads >>, including the minimum filling or dredging necessary for installation,<< at the mean high water line or >>no more than 12 inches waterward of<< [[~~at~~]] their existing location.

(2) Construction or the placement of a single-family residence fixed or floating dock, davit, boat lift, mooring or fender pile, all of which are associated with a single family residence provided that none of the foregoing protrude into the water more than twenty-five (25) percent of the width of the waterway.

* * *

(5) All work requiring a class II >>, III, or VI<< permit.

[[~~(6) All work requiring a class III permit.~~]]

[[~~(7)~~]]>>(6)<< Maintenance dredging projects where the dredged material is to be deposited on a self-contained upland site.

[[~~(8)~~]]>>(7)<<The placement of riprap in front of an existing

seawall, bulkhead or shoreline, [[~~provided there is no adverse environmental impact associated with the project~~]] >>that does not otherwise qualify under Section 24-48(2)<<.

[[~~(9) Construction of new seawalls or bulkheads at the mean high water line.~~]]

[[~~(10)~~]]>>(8)<< Davit installation on a dock, seawall or bulkhead.

[[~~(11)~~]]>>(9)<< Repair or replacement of wave baffles at their original location and dimensions.

[[~~(12)~~]]>>(10)<<Construction or the placement of fixed or floating docks, piers, davits, boat lifts, mooring piles and fender piles in order to create fifty (50) or less boat slips at a new or existing boat docking facility other than a single-family residence, provided that the following criteria are adhered to:

(a) None of the foregoing protrude into the water more than twenty-five (25) percent of the width of the waterway.

(b) No dredging or filling is associated or required for the project.

A boat docking facility expansion may only be accepted as a short form application if the facility has not been physically expanded during the past two (2) years.

[[~~(13)~~]]>>(11)<<Installation of a subaqueous cable or pipeline crossing requiring the dredging and backfilling of ten thousand (10,000) cubic yards or less of material.

[[~~(14)~~]]>>(12) Any non-exempt<< [[~~I~~]]>>i<<nstallation of aids to navigation.

[[~~(15) Class II temporary dewatering projects.~~]]

[[~~(16)~~]]>>(13)<<Repair of bridge fender systems.

[[~~(17)~~]]>>(14)<<Repair or replacement of [[~~a~~]] >>an existing<< bridge [[~~to its original dimensions or less~~]].

[[~~(18)~~]]>>(15)<<Construction of artificial reefs.

[[~~(19)~~]]>>(16)<<[[~~Trimming~~]]>>Any non-exempt trimming<< or cutting or any other alteration of a mangrove tree(s) which is not a part of a coastal band community.

[[~~(20) Trimming or cutting or any other alteration of a mangrove tree(s) for the exclusive purpose of conducting a land survey, provided the area of mangrove trees affected by the survey line is greater than three (3) feet wide and said survey is conducted by a licensed land surveyor.~~]]

[[~~(21)~~]]>>(17)<<Clearing, farming, filling, dredging, plowing or any other work within wetlands requiring a class IV permit and not lying within the Bird Drive Everglades Wetland Basin or the North Trail

Wetland Basin where the usage is consistent with existing zoning regulations and where the cumulative area upon which work will be performed does not exceed:

(a) One (1) acre of wetlands in areas designated as "Environmental Protection" on the current Miami-Dade County Comprehensive Development Master Plan Map, or

(b) [[~~Ten (10)~~]]>>Forty (40)<< acres of wetlands in areas designated as "Open Land" or "Agriculture" on the current Miami-Dade County Comprehensive Development Master Plan Map>> . << [[~~, or~~]]

[[~~(c) Fifteen (15) acres of wetlands for lands inside the "Urban Development Boundary Line" as it appears on the current Miami-Dade County Comprehensive Development Master Plan.~~]]

[[~~(22)~~]]>>(18)<<Rockmining in the Transitional Northeast Everglades, the East Turnpike Wetland Basin and the C-9 Wetland Basin, when said rockmining has been previously approved as an unusual use by Miami-Dade County. However, a short form application for said rockmining shall be permitted only when the design and development criteria for the proposed rockmining project do not conflict with the prior unusual use approval by Miami-Dade County.

[[~~(23)~~]]>>(19)<<Elevated boardwalks landward of the mean high water line.

[[~~(24)~~]]>>(20)<<Boat [[~~elevator~~]]>>lift<< installation on a new or existing dock, seawall or bulkhead.

[[~~(25)~~]]>>(21)<<The clearing, farming, placement of clean fill, dredging, plowing or any other agricultural site alteration within the North Trail Wetland Basin or the Bird Road Drive Everglades Wetland Basin.

[[~~(26)~~]]>>(22)<<Clearing, placement of clean fill or dredging in wetlands associated with a modification of the Central and South Florida Flood Control Project, intended to restore historical patterns of hydrologic flow to Everglades National Park, Florida Bay or Biscayne Bay and performed by the State of Florida or the United States Government. Modifications intended to provide additional drainage of wetland areas shall be subject to the provisions of Section 24-48.2(II)(A).

[[~~(27)~~]]>>(23)<<All work requiring a class V permit.

[[~~(28) All work requiring a class VI permit.~~]]

>>(24) Clearing, placement of clean fill, dredging or other work in wetlands or surface waters associated with the repair, replacement or maintenance of the Central and South Florida Flood Control Project, performed by the State of Florida or the United States Government.

(25) Dredging and filling in wetlands or tidal waters for the sole purpose of environmental restoration or environmental enhancement.

(26) The filling of privately owned boat notches, boat ramps or other man made excavations into uplands in association with the installation of a seawall or bulkhead.

(27) The construction of monitoring wells or stations in wetlands or tidal waters for the purpose of environmental monitoring or research unless otherwise exempt.

(28) Work in wetlands or tidal waters associated with scientific studies conducted by public agencies, research, or academic institutions that does not otherwise qualify for approval under Sections 24-48(1) or 24-48(2).

(29) Filling at publicly-owned beaches for beach renourishment, beach restoration, or remediation of beach erosion.

(30) The minimum dredging or filling in wetlands or tidal waters necessary for the repair or replacement of utility poles and lines.

(31) All other work not specifically described in the list of projects requiring a standard form permit application or qualifying for approval under Sections 24-48(1) or 24-48(2).<<

(B) *Application procedure (class I, class II, class III, class IV, class V, and class VI permits):*

(1) The applicant or [[~~his~~]]>>the applicant's<< agent shall submit to the Department an application in such form as prescribed by the Department. [[~~A class I permit application shall be verified by~~]] >>Written consent of<< the upland property owner who possesses riparian rights to the area of the proposed work [[~~or the lessee of said upland property~~]] >>shall be submitted with the application for a class I permit<<. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the upland property owner who possesses riparian rights to the area of the proposed work or the written consent of the lessee who possesses riparian rights to the area of the proposed work shall be the equivalent of the aforesaid verification of the application. In such case, the local project sponsor shall be deemed and shall be the applicant for the purposes of this Article. Written consent shall be in a form prescribed by the Director or the Director's designee. [[~~Verification by~~]] >>The written consent of<<the upland property owner who possesses riparian rights to the area of the proposed work or by the lessee of said upland property shall not be required for a class I permit application submitted by a federal, state, county, municipal, or other governmental entity for dredging projects to improve drainage in tidal waters of canals and rivers, provided, that the proposed work shall be performed only on submerged lands owned by the

governmental entity submitting the class I permit application. >>Written consent of the owner of the property upon which the work is proposed shall be submitted with the application for a class IV permit on a form approved by the Department.<< [[~~A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or class IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application.~~]] A public hearing by the Board of County Commissioners shall be held for a short form application if a written request therefor>>e<< is filed with the Department of Environmental Resources Management prior to the Department's issuance of the permit. The written request for public hearing before the Board of County Commissioners shall include in the written request the specific Department of Environmental Resources Management pending permit application number. If no such written request is filed, the Department shall approve and issue, deny or approve and issue subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code. If a timely request is filed, the Board of County Commissioners shall approve, approve with conditions, limitations or restrictions, or deny a permit for the proposed work after conducting said public hearing in accordance with the procedures set forth in Section 24-48.2(II)[[~~(B)~~]]>>(C)<< (1), (2) and (3). A short form permit application shall include but not be limited to the following:

(a) Two (2) or more complete sets of construction plans and calculations for the proposed work prepared by an engineer [[~~registered~~]] >>licensed<< in the State of Florida. Said plans and calculations shall be subject to review and approval by the Department. Said plans and calculations may be prepared by an architect [[~~registered~~]] >>licensed<< in the State of Florida for work described in Section 24-48.2(I)(A)(4), >>(6),<<(7), (8), >>(9),<< [[~~(10), (11),~~]] >>(12), (16), (17),<< [[~~(14), (19)~~]] (21) >>, (25), (26), (27), and (28)<< [[~~and (27)~~]]. Said plans and calculations may be prepared by a land surveyor [[~~registered~~]] >>licensed<< in the State of Florida for the work described in Section 24-48.2(I)(A)>>(17), (18),<< (21) >>, (23), (25), (27), (28) and (30)<< [[~~and (27)~~]]. >>Applicants for permits to perform<< [[~~Rockplowing~~]] >>rockplowing<< or other agricultural site alterations as described in Section 24-48.2(I)(A)[[~~(22)~~]]>>(17)<< and [[~~(23)~~]]>>(21)<< are exempt from submitting plans prepared by an architect or engineer only if said rockplowing or agricultural site alteration does not involve the construction of any roads built at elevations higher than natural surface elevations, fill pads, culverts, or structures of any type; excavation of any borrow pits, ditches or canals; or the construction of any other drainage facilities or drainage structures. Short form applications for rockplowing or other agricultural site alteration which meet the requirements of this provision may

substitute sketches or plans of the proposed work. Said sketches or plans shall be in sufficient detail to identify the type of the proposed work, location of the proposed work and whether or not the proposed work complies with all applicable development criteria and management practices. Work limited exclusively to the trimming or cutting of a mangrove tree(s) is exempt from this requirement.

(b) A check in the amount of the required application fee payable to Miami-Dade County.

(c) Evidence of ownership or a lease of the upland and submerged land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department, an affidavit of ownership executed by the owner of the property. For proposed work on submerged lands owned by a federal, state, county, municipal, or other governmental entity, evidence of ownership or a lease of the upland and a.) the written consent of the federal, state, county, municipal, or other government entity owning the submerged lands upon which the work is proposed or, b.) lease from the federal, state, county, municipal, or other governmental entity owning the submerged lands upon which the work is proposed, shall be required. Written consent shall be in a form prescribed by the Director or the Director's designee. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the owner or lessee of the submerged lands and the written consent of the owner or lessee of the upland who possesses riparian rights to the area of the proposed work shall be deemed to satisfy the requirements of this paragraph. The written consent shall be in a form prescribed by the Director or the Director's designee.

(d) If the proposed work is within an incorporated area, a substantiating letter >>or plan approval<< shall be submitted, as part of the permit application, from the zoning [[~~department~~]]>>authority<< of the incorporated area. If the proposed work is within an unincorporated area, a substantiating letter >>or plan approval<< from Miami-Dade County Department of Planning and Zoning shall be submitted as part of the permit application. Said substantiating letter shall state that the proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work. >>Applications by the Federal Government, the Florida Department of Transportation, Department of Environmental Protection or the South Florida Water Management District or a municipality or the County within its own jurisdiction, shall not be required to submit the above described substantiating

letter or plan approval from the local zoning authority. For Class V projects and work limited exclusively to the trimming, cutting or alteration of mangrove tree(s), a substantiating letter or plan approval shall not be required.<<

(e) If the work is limited exclusively to the trimming [[~~or cutting~~]] >> , or alteration<< of a mangrove tree(s), a sketch shall be prepared by a licensed landscape architect which delineates the property lines of the upland owner, the location and size of all existing mangrove tree(s) on the site and the nature, degree, and methodology of the proposed trimming or cutting. If the proposed work involves trimming or cutting of less than five (5) mangrove tree(s) or involves the trimming of mangrove tree(s) for a property line survey, the sketch may be prepared by [[~~the applicant~~]] >>a person other than a licensed landscape architect<< [[~~or agent~~]].

(f) For all proposed work involving the placement of clean fill within the Bird Drive Everglades Wetland Basin or the North Trail Basin, a maintenance plan shall be submitted which shall include:

(i) A description of how the stormwater management system shall be maintained in a functional condition,

(ii) Treatment and control techniques as well as a management schedule to ensure that all of the stormwater management areas will be maintained free from exotic plant species, and

(iii) A description of how the stormwater management system shall be kept free of solid waste.

(g) For all proposed work which involves the placement of more than four (4) inches of fill above the seasonal high water table in the area(s) of the subject property designated as the stormwater management area(s), a report prepared by an engineer [[~~registered~~]] >>licensed<< in the State of Florida shall be submitted. Said report shall demonstrate the consistency of the site plan with the goals and requirements of either the North Trail Basin Fill Enforcement and Water Management Criteria (for properties located within the North Trail Basin), or with the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria (for properties located within the Bird Drive Everglades Wetland Basin).

(h) In lieu of constructing an on-site stormwater management system to satisfy the North Trail Basin Fill Encroachment and Water Management Criteria, the [[~~Board~~]] >>Bird<< Drive Everglades Basin Fill Encroachment and Water Management Criteria or the Basin B Fill Encroachment and Water Management Criteria, persons who own parcels which parcels have been continuously four and one half (4.5) acres or less in size in any of the aforesaid basins since September 30, 1997 are eligible to contribute a to the Miami-Dade County Stormwater Compensation Trust Fund. The amount of the contribution shall be in accordance with an

administrative order of the County Manager as approved by the Board of County Commissioners.

(i) Evidence that a public notice of filing of a class I permit application in a form approved by the Director or the Director's designee which describes the nature and location of the proposed work has been published in a newspaper of general circulation in Miami-Dade County is required for class I permit applications submitted by federal, state, county, municipal, or other governmental entity for dredging projects to improve drainage in tidal waters of canals and rivers, when the work proposed will be performed only on submerged lands owned by the governmental entity submitting the class I permit application, and when [[~~the application is not verified by~~]] >>the written consent of<<the upland property owner who possesses riparian rights to the area of the proposed work [[~~or by the lessee of said upland property~~]] >>has not been obtained<<.

(2) In addition, the following supplemental information may, at the discretion of the Department of Environmental Resources Management, be required to be submitted with a short form permit application:

(a) [[~~Certification~~]] >>A written statement signed and sealed<< by an engineer [[~~registered~~]] >>licensed<< in the State of Florida, who is qualified by education and experience in the area of >>engineering design and inspection<< [[~~construction~~]], that:

(i) To the best of the engineer's knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions of the Code of Miami-Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design [[~~process for~~]] >>of<< the proposed work; and in the opinion of the engineer, based upon his knowledge and belief, the following will not occur:

1. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

2. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits.)

3. Material injury to adjacent property.

4. Harmful effect upon the water quality within the receiving water body of the emergency overflow from a stormwater retention system. (Applicable to class II permits only.)

5. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV

permits only.)

(ii) The engineer has been retained by the applicant to provide inspections throughout the construction period and >>to<< [[~~shall~~]] prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, >>certified surveys<< drawings and other data furnished by the contractor to the engineer.

(b) A covenant running with the land in favor of Miami-Dade County executed by the [[~~landowner(s).~~]]>>owner(s) of the property. The covenant shall be in a form approved by the Director. All covenants submitted pursuant to this provision shall be executed by the owner(s) of the property, accepted by the Director or Director's designee, and recorded in the Official Records of Miami-Dade County at the expense of the owner(s) of the property.<< Said covenant [[~~shall be subject to the approval of the Board of County Commissioners and~~]] shall not be [[~~revoked~~]] >>released<< or modified without the >>written<<consent of the [[~~Board of County Commissioners~~]]>>Director<<. Said covenant shall restrict development or alteration of the property to a designated portion of the property and may include conditions for the environmental protection and environmental management of designated portions of the property.

(c) A comprehensive environmental impact statement, if required pursuant to Section 24-7(25).

(d) If, in the opinion of the Director, inadequate information has been provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study or groundwater study. Said studies shall be a part of the permit application.

(e) For all proposed work within the North Trail Basin or the Bird Drive Everglades Wetland Basin, a covenant running with the land in favor of Miami-Dade County, in a form approved by the Board of County Commissioners, shall be executed. Said covenant may only be [[~~revoked~~]] >>released<< or modified by action of the Board of County Commissioners and shall provide for the protection and maintenance of the stormwater management area of the subject property.

(II) *Standard Form Permit Application:*

(A) A standard form permit application shall be required for [[~~any~~]] >>the following types of<< work [[~~requiring a class I or class IV permit not specifically described under Section 24-48.2(I)~~]]. A standard form permit application shall also be required for all short form permit applications for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1). [[~~A class I permit application shall~~

~~be verified by~~]]

>>(1) Any non-maintenance dredging of submerged lands exceeding 100 square feet in area not specifically described under Sections 24-48(1) or 24-48.2(I).

(2) Construction or the placement of a fixed or floating dock, davit, boat lift, mooring or fender pile protruding more than twenty five (25) percent into the width of the waterway.

(3) Filling within tidal waters or wetlands supporting halophytic vegetation not specifically described under Sections 24-28(1) or 24-48.2(I).

(4) Construction or the placement of fixed or floating docks, piers, davits, boat lifts, mooring piles and fender piles in order to create fifty (50) or more boat slips at a new or existing boat docking facility.

(5) Any non-exempt trimming or cutting or any alteration of a mangrove tree(s) which is a part of a coastal band community.

(6) Clearing, farming, filling, dredging, plowing or any other work within wetlands requiring a class IV permit where cumulative area upon which work will be performed exceeds:

(a) One (1) acre of wetlands in areas designated as "Environmental Protection" on the current Miami-Dade County Comprehensive Development Master Plan Map, or

(b) Forty (40) acres of wetlands in areas designated as "Open Land" or "Agriculture" on the current Miami-Dade County Comprehensive Development Master Plan Map unless otherwise noted herein.

(7) The installation of new bridges over tidal waters.

(8) Applications for variances of prohibited floating structures and prohibited fixed structures as required by Section 24-48.25.<<

>>(B) The applicant or the applicant's agent shall submit to the Department an application in such form as prescribed by the Department. Written consent of<< the upland property owner who possesses riparian rights to the area of the proposed work [[~~or the lessee of said upland property~~]] >>shall be submitted with the standard form application for a class I permit<<. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the upland property owner who possesses riparian rights to the area of the proposed work or the written consent of the lessee who possesses riparian rights to the area of the proposed work shall be [[~~the equivalent of the aforesaid verification of the application~~]] >>required<<. In such case, the local project sponsor shall be deemed and shall be the applicant for the purposes of this Article. Written consent shall be in a form prescribed by the Director or the Director's designee. [[~~Verification by~~]] >>Written consent of<< the upland property owner who possesses riparian rights to the area of the proposed work or by the lessee of said upland property shall not be required for a class I permit

application submitted by a federal, state, county, municipal, or other governmental entity for dredging projects to improve drainage in tidal waters of canals and rivers, provided, that the proposed work shall be performed only on submerged lands owned by the governmental entity submitting the class I permit application. >>Written consent of the owner of the property upon which the work is proposed shall be submitted with the standard form application for a class IV permit.<< [[~~A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application.~~]] All permit applications shall be submitted to the Department in such form as prescribed by the Department. A standard form permit application shall include, but not be limited to, the following:

(1) Evidence of ownership or a lease of the upland and submerged land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department, an affidavit of ownership executed by the owner of the property. For proposed work on submerged lands owned by a federal, state, county, municipal, or other governmental entity, evidence of ownership or a lease of the upland and a.) the written consent of the federal, state, county, municipal, or other government entity owning the submerged lands upon which the work is proposed or, b.) lease from the federal, state, county, municipal, or other governmental entity owning the submerged lands upon which the work is proposed, shall be required. Written consent shall be in a form prescribed by the Director or the Director's designee. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the owner or lessee of the submerged lands and the written consent of the owner or lessee of the upland who possesses riparian rights to the area of the proposed work shall be deemed to satisfy the requirements of this paragraph. The written consent shall be in a form prescribed by the Director or the Director's designee.

(2) Three (3) copies of a plan or sketch of the proposed structure or work. For class I permits this shall include the locations of the mean high water line, mean low water line, the property lines of the upland owner, and soundings made in the surrounding water areas, corrected to mean low water datum. For work which involves the trimming or cutting of a mangrove tree(s), the sketch or plan shall delineate the location and size of all existing mangrove tree(s) on the site and the nature, degree and methodology of the proposed trimming or cutting.

(3) A written statement signed by the permit applicant or the applicant's authorized agent stating that, if approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer

[[~~registered~~]] >>licensed<< in the State of Florida in accordance with the minimum requirements of this chapter. Said plans and calculations shall be subject to the review and approval of the Department [[~~of Environmental Resources Management~~]]. Said written statement shall state that the applicant will secure the services of a [[~~registered~~]] >>licensed<< engineer to conduct inspections throughout the construction period, and that said engineer shall prepare all required drawings of record. This statement shall also provide that for work which involves cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and that the applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

(4) [[~~Certification~~]]>>A written statement signed and sealed<< by an engineer [[~~registered~~]] >>licensed<< in the State of Florida, who is qualified by education and experience in the area of >>engineering design and inspection<< [[~~construction~~]], that:

(a) To the best of the engineer's knowledge and belief, the proposed work does not violate any laws, rules or regulations of the State of Florida or any provisions of the Code of Miami-Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design [[~~process for~~]]>>of<< the proposed work; and in the opinion of the engineer, based upon his knowledge and belief, the following will not occur:

(i) Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

(ii) Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits.)

(iii) Material injury to adjacent property.

(iv) Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only.)

(b) The engineer has been retained by the applicant to provide inspections throughout the construction period and [[~~shall~~]]>>to<< prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, >>certified surveys,<< drawings, and other data furnished by the contractor to the engineer. Work limited exclusively to the cutting or trimming of a mangrove tree(s) is exempt from the requirements of Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(4)(a) and (b).

(5) Names and addresses from the [[~~latest~~]]>>most current<< County tax rolls of owners of all riparian or wetland property within three hundred (300) feet of the proposed work.

(6) A check in the amount of the required application fee payable to Miami-Dade County.

(7) If the proposed work is within an incorporated area, a substantiating letter >>or plan approval<< shall be submitted, as part of the permit application, from the >>applicable<< zoning [[~~department~~]] >>authority<< of the incorporated area. If the proposed work is within an unincorporated area, a substantiating letter >>or plan approval<< from Miami-Dade County Department of Planning and Zoning shall be submitted as part of the permit application. Said substantiating letter shall state that the proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work. Applicants for class I permits shall have the option of submitting the above described substantiating letter >>or plan approval<< from the applicable zoning authority after obtaining approval from the Board of County Commissioners but prior to permit issuance. Applications for class I or class IV permits by the >>State of << Florida Department[[s]] of Transportation and [[~~Natural Resources~~]] >>the Federal Government, the State of Florida Department of Environmental Protection or the South Florida Water Management District or a municipality or the County within its own jurisdiction<< shall not be required to submit the above described substantiating letter from the local zoning authority.

(8) For all proposed work involving the placement of clean fill within the Bird Drive Everglades Wetland Basin or the North Trail Basin, a maintenance plan shall be submitted which shall include:

(a) A description of how the stormwater management system shall be maintained in a functional condition,

(b) Treatment and control techniques as well as a management schedule to ensure that all of the stormwater management areas will be maintained free from exotic plant species, and

(c) A description of how the stormwater management system shall be kept free of solid waste.

(9) For all proposed work which involves the placement of more than four (4) inches of fill above the seasonal high water table in the area(s) of the subject property designated as the stormwater management area(s), a report prepared by an engineer [[~~registered~~]] >>licensed<< in the State of Florida shall be submitted. Said report shall demonstrate the consistency of the site plan with the goals and requirements of either the North Trail Basin Fill Encroachment and Water Management Criteria (for properties located within the North Trail Basin), or with the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria (for properties located within the Bird Drive Everglades Wetland Basin).

(10) In addition, the following supplemental information may, at the discretion of the Department, be required to be submitted with a standard form permit application:

(a) If, in the opinion of the Director, inadequate information has been

provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study. Said studies shall be a part of the permit application.

(b) If requested by the Director, a coastal resources management line shall be determined for the property upon which work requiring a class I permit is proposed. Said line shall be determined according to scientifically recognized ecological techniques and said line shall be subject to approval by the Department. Said line shall identify those areas where detrital cycles contribute to the ecological productivity of coastal waters.

(c) A covenant running with the land in favor of Miami-Dade County executed by the [[~~landowner(s)~~]] >>owner(s) of the property<<. Said covenant shall be subject to the approval of the Board of County Commissioners and shall not be [[~~revoked~~]]>>released<< or modified without the consent of the Board of County Commissioners. Said covenant shall restrict development or alteration of the property to a designated portion of the property and may include conditions for the environmental protection and environmental management of designated portions of the property.

(d) A comprehensive environmental impact statement, if required pursuant to Section 24-7(25).

(11) The applicant, in his or her discretion, may provide evidence of public interest or public economic values relating to the proposed work.

(12) For all proposed work within the North Trail Basin or the Bird Drive Everglades Wetland Basin, a covenant running with the land in favor of Miami-Dade County, in a form approved by the Board of County Commissioners, shall be executed. Said covenant may only be [[~~revoked~~]]>>released<< or modified by action of the Board of County Commissioners and shall provide for the protection and maintenance of the stormwater management area of the property.

[[~~(B)~~]]>>(C)<<Obtaining approval from the Board of County Commissioners:

* * *

(3) At the request of a permit applicant, a conclusive list of permit conditions, limitations, and restrictions, which may not be amended or modified by the Department of Environmental Resources Management except as provided in Section 24-48.2(II)[[~~(B)~~]]>>(C)<<(3)(b), below, shall be prepared prior to the public hearing and shall be submitted to the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 as part of the Director's recommendation of approval, provided that the permit application includes the following:

* * *

Sec. 24-48.3. Factors for evaluation of permit applications; incomplete permit applications.

(1) The Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, upon the following evaluation factors, when applicable:

(a) The potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, navigation, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and faunal values, rare, threatened and endangered species, natural flood damage protection, wetland values, land use classification, recreation, and any other environmental values, affecting the public interest.

* * *

(d) Conformance with all applicable federal, state and local laws and regulations. Conformance with the Rules of the South Florida Water Management District set forth in Chapter 40E-40, Florida Administrative Code (F.A.C.), as same may be amended from time to time, pertaining to general surface water management permits within Miami-Dade County, and with the provisions contained in the "Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District," dated [[~~March 10, 1994~~]] >>September 11, 2008,<< as same may be amended from time to time.

* * *

(h) The relationship of the proposed work to a coastal resources management line established pursuant to the provisions of Section 24-48.2(II) [[~~(A)~~]]>>(B)<<(10)(b).

* * *

(3) In addition to the applicable evaluation factors found in Section 24-48.3(1)(a) through (i) above, boat slips created by the construction or placement of fixed or floating docks, piers, piles and other structures requiring a permit under this article and located in tidal waters within the geographical boundaries of Miami-Dade County, Florida shall have a minimum water depth of four feet N.O.A.A. mean low water datum. It shall be unlawful to moor or store vessels at fixed and floating docks, piers, piles and any structure requiring a permit under this article in tidal waters within the geographical boundaries of Miami-Dade County in areas with less than four feet of depth N.O.A.A. mean low water datum except for those existing structures which were constructed or placed in accordance with all of the requirements of the Code of Miami-Dade County, Florida prior to October 11, 1985. The foregoing requirements in this subsection (3) shall not apply to:

(a) Fixed or floating docks or piers in tidal waters which are utilized exclusively for fishing, viewing Biscayne Bay, or swimming and which do not have one or more slips or mooring or fender piles present or proposed at or adjacent to the dock or pier, or

* * *

>>(f) Installation of boat lifts, davits and mooring piles, in slips at existing permitted docks and piers.

(g) Repair or reconstruction of existing legal docks provided there is a minimum water depth of three feet N.O.A.A. mean low water datum.<<

* * *

(7) In addition to the applicable evaluation factors contained within Section 24-48.3(1)(a) through (i) above, the following requirements shall apply to all work requiring a Class II Permit:

(a) Wet retention shall not be utilized without prior pretreatment by means of dry detention or retention of the first inch of runoff from the proposed project's drainage area.

(b) An on-site retention system of applicable design shall be utilized as the first priority for the disposal of stormwater runoff at any location in Miami-Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Miami-Dade County's cut and fill criteria.

The on-site retention systems required by this section shall include the following:

(i) Surface infiltration through grassed swales, or

(ii) Underground disposal through exfiltration, or

(iii) Disposal by drainage wells, or

(iv) Disposal through dry retention ponds, or

>>(v) Surface storage in on-site wetlands following pretreatment, or<<

[[~~(v)~~]]>>(vi)<< Any combination of any of the foregoing as approved by the Director or the Director's designee.

* * *

(8) In addition to the applicable evaluation factors contained within Section 24-48.3(1)(a) through (i) above, the following requirements shall apply to all work requiring a class VI permit:

(a) Drainage systems [[~~for all non-residential projects~~]] shall be designed and built to comply with the following standards:

* * *

(9) An incomplete permit application shall become deactivated >>thirty-six (36) months from the date the permit application was filed. Permit applications are deemed filed with the Department on the date the application is stamped received by the Department.<< [[~~when the Miami-Dade County Department of Environmental Resources Management has notified the applicant by certified mail of the incomplete status of the application, and only if the applicant has failed to request continued activation of the permit application within ninety (90) days of receipt of the Department of Environmental Resources Management's notification. The applicant's request for continued activation~~

~~shall be made by certified mail to the Department of Environmental Resources Management~~]].

[[~~(a) Upon receipt by the Miami-Dade County Department of Environmental Resources Management of a certified mail request for continued activation, the permit application shall remain activated for one hundred twenty (120) days after the original deactivation date. If the application is not completed within said one-hundred-twenty-day period, the Department of Environmental Resources Management shall again notify the permit applicant of incomplete application status, pursuant to the provisions of Section 24-48.3(3). In no event shall an incomplete permit application be deemed activated more than three hundred thirty (330) days from the original deactivation date.~~]]

[[~~(b)~~]]>>(a)<< A new application shall be required for obtaining a permit for all work previously proposed under a permit application which has been deactivated.

[[~~(c)~~]]>>(b)<< The Department shall not process any permit application which has been deactivated.

Sec. 24-48.4. Mitigation plans for projects otherwise acceptable but having adverse environmental impact.

For any project that is otherwise acceptable under the evaluation factors contained herein and permittable under all applicable laws, but that nevertheless results in adverse environmental impact, the applicant shall be required to mitigate this impact. The purpose of mitigation is solely to compensate for unavoidable adverse environmental impacts. Mitigation should not be used to make an otherwise nonpermittable project permittable. Mitigation plans must maximize the preservation of existing natural resources. In determining mitigation procedures the term mitigation includes the following methods, in the order of priority in which they should be utilized:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

* * *

(5) Compensating for the impact by replacing or providing substitute resources or environments.

[[~~After-the Fact permits that require mitigation shall provide twice as much mitigation as would have been required if a class I, II, or III permit was obtained prior to the commencement of construction.~~]]

The Department of Environmental Resources Management shall adopt rules by ordinance to implement the foregoing evaluation factors.

Sec. 24-48.5. Permit issuance; waiver of bonding requirements.

(1) Issuance of a Department of Environmental Resources Management permit does not relieve the applicant from obtaining all required federal, State and local permits.

(2) Following approval >>of a standard form permit application<< by the Board of County

Commissioners or after submitting a short form application, a construction permit may be issued to the permit applicant and a contractor holding an applicable certificate of competency, provided:

(a) Construction plans, calculations and specifications are submitted which have been prepared by an engineer or architect or land surveyor where applicable [[~~registered~~]] >>licensed<< in the State of Florida and which comply with the requirements of this Chapter and other particular conditions, including, but not limited to, requirements for riprap, and monitoring programs.

(b) The permit fee has been paid.

(c) A performance bond and a mitigation bond, if applicable, is posted in an amount determined by the Director>>or the Director's designee<<. The maximum amount of said performance bond shall be one hundred (100) percent of the estimated cost of the work or one hundred thousand dollars ($100,000.00) whichever is less. [[~~The performance bond being to guarantee~~]] >>In the event the Director or the Director's designee determines that a performance bond is necessary, the performance bond shall seek to ensure<< compliance with terms of the permit and to protect the interest of the public and of landowners in the vicinity of the work. The Director or Director's designee may waive the performance bond if >>the<<Director or Director's designee determines that the proposed project is not expected to affect the interests of the public or landowners in the vicinity of the work and noncompliance with the terms of the permit will only affect the permit applicant. The Director or Director's designee may also waive performance bonds for work performed by utility companies, for work performed by governmental agencies pursuant to Section 24-48.8 of this chapter and for work approved under a short form permit application pursuant to Section 24-48.2(I)(A)(22) and (23).

A separate mitigation bond may be required by the [[~~DERM~~]]>>Director or the Director's designee<<to be posted in order to insure that environmental enhancement features associated with the project and required by the permit are completed in a satisfactory manner. These include, but are not limited to, the placement of riprap, the replanting of mangroves or seagrass, the installation of sewage pumpout stations, the construction of public piers or shoreline walkways and the construction of artificial reefs. The maximum amount of said mitigation bond shall be one hundred (100) percent of the cost of the environmental enhancement features of the project. The required performance and mitigation bonds may be required to remain in force for up to six (6) months after the approved completion date of the work covered by the bond.

(d) Evidence of ownership, a lease, >>or<< a consent of use >>is submitted<< or >>evidence of<< an easement >>is submitted by the applicant<< for the submerged lands upon which the proposed work in tidal waters will occur under a class I permit. For proposed work on submerged lands owned by a federal, state, county, municipal, or other governmental entity, evidence of ownership or a lease of the upland and a.) the written consent of the federal, state, county, municipal, or other government entity owning the submerged lands upon which the work is proposed or, b.) lease from the federal, state, county, municipal, or other governmental entity owning the submerged lands upon which the work is proposed, shall be required. Written consent shall be in a form prescribed by the

Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee.

[[~~(c) For all work to be performed in the North Trail Wetland Basin or the Bird Drive Everglades Wetland Basin within the Urban Development Boundary Line (as shown on the Land Use Plan Map of the Comprehensive Development Master Plan, as adopted December 6, 1988), a contribution as mitigation to compensate for all unavoidable adverse environmental impacts associated with the proposed work has been made to the Department. The amount of said contribution shall be set by administrative order approved by the Board of County Commissioners and shall provide for the acquisition, restoration, enhancement, management or monitoring of wetlands in Miami-Dade County.~~]]

(3) The Department may require inspections by a [[~~registered~~]] >>licensed<< engineer [[~~employed by the permittee~~]] as part of the permit procedure. The engineer may be required to furnish a report to the Department a minimum of every three (3) months on the progress of the work and will produce appropriate drawings of record or other type of documentation as required by the Director>>or the Director's designee<<.

(4) If the engineer who provided certification pursuant to Section 24-48.2(I)(B)(2) or pursuant to Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(4) is discharged [[~~by the property owner or his agent~~]]>>by the applicant<<, or if said engineer ceases to work on the proposed or approved work, the [[~~property owner~~]] >>applicant<< shall be required to obtain a new engineer who shall meet all the requirements of an engineer required by this article.

(5) If the engineer who provided certification pursuant to Section 24-48.2(I)(B)(2) or pursuant to Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(4) is discharged [[~~by the property owner or his agent~~]] >>by the applicant<<, or if said engineer ceases to work on work allowed under a permit, all work allowed by the permit shall immediately cease and shall not be resumed until a new engineer is obtained pursuant to the requirements of this article.

Sec. 24-48.6. Owner-builder permits in lieu of owner-contractor permits.

At the discretion of the Director or the Director's designee, owner-builder permits may be issued for the following types of work >>requiring a class I permit<<, and thereby waive the requirement that the permit be issued jointly to the owner and a [[~~certified~~]] contractor >>holding an applicable certificate of competency<<:

(1) Repair of seawalls: Repair of seawalls or bulkheads at the mean high water line or at their existing location (excluding pile-driving operations and/or panel installations).

(2) Placement of riprap: The placement of riprap in front of an existing or new seawall, bulkhead or shoreline, provided there is no adverse environmental impact associated with the project.

(3) Where the upland property is zoned as single-family residential:

(a) Repair, replacement or restoration of docks which are limited to or less than their original dimensions and which together with associated tie-up facilities, do not protrude into the water more than twenty-five (25) percent of the width of the waterway (excluding pile-driving operations and any associated dredging and filling).

(b) Installation of buoys, when it is determined that the proposed installation

will not present a hazard to navigation.

>>(4) Other work that is non-structural in nature.<<

* * *

Sec. 24-48.9. Time of completion of work; extension of completion time and new permits for incomplete work.

(1) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

Class I and Class IV short form permits . . . 2 years

Class I and Class IV short form permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 2 years

Class I and Class IV standard form permits . . . 3 years

Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s)
. . . 3 years

Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s), for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 3 years

Class I standard form permits for trimming, cutting or any other alteration of mangrove tree(s) . . . 3 years

Class IV short form permits for rockmining . . . 10 years

Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 10 years

Class IV standard form permits for rockmining . . . 10 years

Class II permits . . . [[1]]>>2<< year>>s<<

Class II permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . [[1]]]]>>3<< year>>s<<

Class III permits . . . [[1]]>>2<< year>>s<<

Class III permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . [[1]]>>3<< year>>s<<

Class V permits . . . 120 days

Class VI permits . . . [[1]] >>2<< year>>s<<

(2) Extensions of time for completion of work being performed pursuant to a permit issued pursuant to this article may be granted by the Director or the Director's designee provided that:

(a) The application for the extension of time is in a form prescribed by the Director of

the Department of Environmental Resources Management and is accompanied by the fee for such application.

(b) The application for the extension of time is filed in the form prescribed by the Director or the Director's designee with the Director or the Director's designee at least thirty (30) calendar days prior to the time of expiration of the time period set forth in the permit or in a prior extension of time.>>For Class V permits the application for the extension of time is filed in the form prescribed by the Director or the Director's designee with the Director or the Director's designee at least seven (7) calendar days prior to the time of expiration of the time period set forth in the permit or in a prior extension of time.<<

* * *

Sec. 24-48.12. Filing of statement of completion of permitted work; exemptions; release of bonds; forfeiture of bonds.

(1) Within thirty (30) days after completion of the work, the permittee or contractor shall file record drawings >>or as-built drawings<< certified by the engineer of record with the Department. Work exempt from submitting plans prepared by an engineer and an architect under this article shall also be exempt from the requirements of this provision. Work which has been determined by the Department, during its final inspection of the project, to be in compliance with the approved plans for the project with no significant deviation, as determined by the Director or the Director's designee, may be exempted by the Director or the Director's designee from the filing of record drawings >>or as-built drawings<< as required above. The Florida Departments of Transportation and Environmental Protection are exempt from the requirement to submit record drawings >>or as-built drawings<< for projects authorized by class I, class II, class III, class IV, class V, or class VI permits.

(2) At the discretion of the Director or the Director's designee the performance and mitigation bonds may be released upon completion of the final inspection by the Department and the submittal of the record drawings >>or as-built drawings<<, if required, or for a period up to six (6) months after the approved completion date of the work covered by the bond.

(3) If the Director or the Director's designee determines that work authorized by a class I, class II, class III, class IV, class V or class VI permit has not been performed in accordance with the approved plans upon which the permit was issued or has not complied with all of the conditions or special conditions of the permit, the Director or the Director's designee shall notify the permittee of such noncompliance and specify a period of time in which the permittee shall correct or otherwise bring the project into compliance with the permit. In the event that the permittee fails or is unable to comply with the requirements of the notice, the Director or the Director's designee may, in addition to available enforcement remedies, call the performance [[~~and/~~]] or mitigation bonds for the project. Funds from the forfeiture of [[~~said~~]] >>mitigation<<bonds >>with respect to class I, class II, or class VI permits,<< shall be [[~~placed~~]]>>deposited<< into the Biscayne Bay Environmental Enhancement Trust Fund for use in the general restoration and enhancement of Biscayne Bay. >>Monies received from the forfeiture of mitigation bonds with respect to class IV permits shall be deposited into the Wetlands Trust Fund pursuant to Section 24-37.<<

Sec. 24-48.13. Suspension, revocation, modification, change of permit; notice.

(1) If the Director or the Director's designee determines that the permittee [[~~and/~~]]or contractor is not performing the work in accordance with the provisions of the permit or the approved plans upon which the permit was issued, the Director or Director's designee may order suspension of the permit or the stopping of work until such time as the permittee [[~~and/~~]]or contractor has complied with the permit or plans. In such cases, the permittee [[~~and/~~]]or contractor shall take all necessary precautions to leave the work area in a safe and secure condition.

(2) Modification(s) to a permit issued for work hereunder >>and any associated covenant running with the land<<[[~~must~~]]>>shall<< be approved by the Department. If, in the opinion of the Director, the proposed modification(s) will result in a substantial change to the project, said modification(s) shall be subject to a public hearing before the Board of County Commissioners.

(3) A violation of the conditions, restrictions or limitations imposed by the Board of County Commissioners or the Department and made part of the permit, >> or authorization,<< or failure of the permittee [[~~and/~~]]or contractor to perform said work in accordance with the approved plans and specifications thereof, or any material false statement in the application may result in the revocation in whole or in part of a permit issued for work hereunder.

* * *

Sec. 24-48.15. Comprehensive environmental impact statement.

(1) Procedure.

(a) The Director shall determine which of the comprehensive environmental impact statement assessment points described in Section 24-5 shall be addressed by a particular comprehensive environmental impact statement. The Director's decision shall be based upon a preapplication conference held between a permit applicant and the Department and based upon any other relevant information submitted by the applicant or available to the Department.

* * *

(4) The Director may, in [[~~his~~]] >>the Director's<< discretion, exempt an applicant from the requirement of preparing a new comprehensive environmental impact statement for a permit application for proposed work which work has been previously the subject of a deactivated application by the same applicant.

Sec. 24-48.16. Prohibition of top pruning of mangrove trees.

It shall be unlawful for any person to top prune or authorize, allow, suffer or permit the top pruning of mangrove trees in a coastal band community>>, except for specified trimming activities exempt from permitting requirements pursuant to 403.9326, Florida Statutes as may be amended from time to time.<<. No class I permit shall be approved or issued for the top pruning of coastal band mangrove trees except for that top pruning which is necessary for the protection of overhead power lines.

Sec. 24-48.17. Registration, examination, and certification requirements for professional mangrove trimmers.

Pursuant to the authority granted by Section [[~~403.9324~~]]>>403.9326<<, Florida Statutes, >>and except for work that is not required to be performed by a Professional Mangrove Trimmer pursuant to Section 403.9326, Florida Statutes,<< it shall be unlawful for any person to perform mangrove trimming or to authorize, allow, suffer, permit, or supervise mangrove trimming anywhere in Miami-Dade County without first having registered with the Department and having paid the registration fee authorized by Section 403.9329, Florida Statutes, in an amount established by administrative order of the County Manager and approved by the Board of County Commissioners. Prior to undertaking to perform any trimming activities authorized under the exemption provided by Section>>s<< 403.9326(1) [[~~(a)~~]]>>(b) and 403.9326(c)<<, Florida Statutes, a registered professional mangrove trimmer shall:

(1) Provide written notice to the Department a minimum of ten (10) days prior to the commencement of trimming activities on each property. The notice shall include the location, the property owner's name, principal address and phone number, and the date of the proposed commencement of work>>. Notice shall be required prior to each separate trimming event<<; and

* * *

Sec. 24-48.18. Transfer of permits.

(1) The Director, or the Director's designee, is hereby authorized and empowered to transfer, in whole or in part, short form and standard form class I, class II, class III, class IV, class V or class VI permits issued pursuant to this Article from the person (transferor) who has obtained the issued permit to another person (transferee) and shall transfer same, provided:

* * *

(3) Requirements for transfer:

(a) The subject project shall be in compliance with all of the restrictions, limitations, and conditions of the issued Class I, Class II, Class III, Class IV, Class V or Class VI permit or permit approval and any related covenants running with the land at the time of submittal of the application for transfer, and continuously throughout the time period during which the application for transfer is being processed by the Department.

* * *

(k) The proposed transferee shall provide evidence of compliance with all of the following provisions of the Code of Miami-Dade County, Florida as part of the application for transfer:

(i) Section 24-48.2(I)(B)(1)

(ii) Section 24-48.2(I)(B)(2)

(iii) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(2)

(iv) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(3)

(v) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(4)

(vi) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(7)

(vii) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(8)

(viii) Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(9)

* * *

(6) No later than sixty (60) days after the approval by the Director, or the Director's designee, of the date of transfer of a class I, class II, class III, class IV, class V, or class VI permit or permit approval, the transferee shall provide to the Department the same evidence of fee simple ownership of the property by the transferee required pursuant to the provisions of Section 24-48.2(I)(B)(1)(c) or Section 24-48.2(II)[[~~(A)~~]]>>(B)<<(1) of the Code of Miami-Dade County, Florida if such evidence of fee simple ownership of the property by the transferee has not already been provided to the Department.

* * *

Section 6. 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 7. 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. 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.

Section 8. 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.

PASSED AND ADOPTED:

Approved by County Attorney as
To form and legal sufficiency. _____

Prepared by: _____