

# **1. GENERAL**

## **1.01 SCOPE**

The provisions of these regulations and criteria shall apply to all existing and future development, construction, or reconstruction within the boundaries of the Central Broward Water Control District (District or CBWCD). District boundaries are shown in the Exhibits. For the purpose of these regulations and criteria development, construction or reconstruction shall be defined as any work which would affect the flow or level of water, whether surface or subterranean in origin; the alteration of ground elevations and/or dredging or filling activities.

## **1.02 PURPOSE**

The purpose of these regulations and criteria are to promote the general health, safety, welfare, convenience, and economic well-being of the citizens within the Central Broward Water Control District by minimizing flooding and ensuring proper water management.

These regulations and criteria have been developed to provide engineers, surveyors and mappers, architects, and land planners with requirements for the design of all projects within the District.

## **1.03 AUTHORITY**

These regulations and criteria have been prepared under the authority of the Central Broward Water Control District (District) as provided by an act of the State Legislature in 1982 describing the District boundary and authority, and additionally that authority vested and granted by the Water Resources Act, Chapter 61-1969, Laws of Florida and Chapter 2009-257, Laws of Florida, as amended.

## **1.04 REQUIREMENTS**

All projects within the regulatory area of the District shall require that a Licensed Professional Engineer submit to the District a permit application for approval of the paving, grading, drainage and storm water management and discharge into the District's Waterway. The project information, documentation details, standard, and engineering analysis shall conform in content to the requirements stipulated in these regulations and criteria.

The permit holder shall be responsible for ensuring the constructed project meets the District's design criteria at the time of permit approval. The applicant shall submit sufficient details and avoid errors and omissions in the plans and supporting documentation to ensure the project is constructed in accordance with District criteria. The permit holder shall correct any deviations from District criteria in the constructed project unless specifically exempted by a variance.

Submittal of a permit application and permitting by the District shall in no way eliminate the applicant's responsibility to conform to the Florida Building Code, Florida Building Code - Accessibility, Florida Fire Prevention Code, and the rules, regulations, policies or permitting requirements of other regulatory agencies such as: U.S. Army Corps of Engineers (USACE), Florida Department of Environmental Protection (FDEP), Florida Department of Transportation (FDOT), South Florida Water Management District (SFWMD), Broward County Environmental Protection and Growth Management Department (EPGMD), and the Applicable Unit of Local Government.

If the permitted plans include work that is outside of the project property limits, then the applicant must acquire written permission from the affected property owner(s) to perform such work and shall provide proper documentation (agreements, easements, approvals, etc.) to the District to work outside the limits of the applicant's property. Final acceptance of record drawings and release of bonds shall be contingent upon receiving no objections from affected property owner(s) within 30 days of initial Board action.

The criteria herein set forth by the District are the minimum criteria which must be met by an applicant in order to seek approval of the commission. Nothing herein shall prevent the District's Commission from imposing more stringent requirements than set forth by the criteria as circumstances may warrant on a case-by-case basis to protect the health, safety, and welfare of the residents of the District.

#### 1.04.1 EXISTING ROADWAYS

Projects that abut a public road or street where there is no existing drainage, shall address this problem for the prevention of standing water.

#### 1.04.2 EXISTING CANALS

Projects with property having a common border with a District canal that is adjacent to a roadway must provide guardrail along the canal for the length of the affected property boundary. This also applies when the property abuts a roadway and the District canal is located on the opposite side of the road.

#### 1.04.3 CANAL RIGHTS-OF-WAY

Where the District requires canal Rights-of-Way, the Developer shall dedicate such right-of-way, and in addition shall dedicate a minimum twenty-foot (20') strip of land from the top of bank of the canal for a maintenance easement.

#### 1.04.4 DRAINAGE EASEMENTS

All projects within the District, shall dedicate to the District, drainage easements as the District deems necessary for the project; to provide for adjacent property and for conformance with the District's Water Control Plan.

#### 1.04.5 IMPROVEMENTS AND DISTRICT EASEMENTS

Except as provided for herein and in Section 2.14 of this criteria, all canal rights-of-way, canal easements, canal maintenance easements, drainage, flowage and storage easements, lake maintenance easements, and drainage easements shall be kept free and clear of all improvements, trees, plants, or encroachments.

The following improvements are allowed within a drainage, drainage, flowage and storage, lake maintenance, and ingress/egress easement to be dedicated to the District subject to providing adequate access: asphalt/concrete/paver pavement; curbing; sidewalks and hardscape; chain link fencing; and guardrail.

Ingress/egress easements that are coincident with a private road or entrance from the public right-of-way are allowed improvements within the easement limits provided the improvements do not block vehicular access to other easements to be dedicated to the District. The ingress/egress easement shall provide for a minimum 12-foot clear vehicular access path from the public right-of-way to other easements to be dedicated to the District.

Ingress/egress easements not coincident with a private road or entrance from the public right-of-way must be kept free and clear of all improvements, trees, plants, or encroachments, except as provided above. No utilities shall be placed in any District easement or right-of-way without approval by the District, and the utility system owner entering into a hold harmless and indemnification agreement with the District.

### 1.05 MAINTENANCE

Unless otherwise provided, all drainage easements dedicated to the District shall be maintained by the property owner or a property owners' association.

1.05.1 Drainage within the Rights-of-Way of public streets is the maintenance responsibility of the unit of local government responsible for the maintenance of the street.

1.05.2 Maintenance of lakes/ponds and water bodies is the responsibility of the property owner abutting, or a property owners association.

1.05.3 Notwithstanding the above, the District retains the right to enter into and perform such maintenance as it feels necessary to protect the District's drainage system.

In the event the District performs such maintenance, it will assess the property owner(s) for the costs involved and will lien the property as necessary.

## **1.06 RENEWALS**

District Operating permits shall be valid for a period not to exceed five (5) years from the date that project as-built drawings are approved. Renewal applications shall be submitted to the District 60 days prior to permit expiration.

Paving and drainage plans and maintenance agreements approved by the District prior to renewal requirements shall submit renewal applications within 120 days of receiving notification by the District. Such surface water management works shall comply with all conditions and requirements at the time of District approval.

Each renewal application shall be accompanied by the applicable fee, a log of the operation and maintenance schedules for all the components of the stormwater management system, and a stormwater certification report (Exhibit V) signed and sealed by a Licensed Professional Engineer certifying that the components of the stormwater management system are functioning as permitted. Refer to Exhibit V, *Stormwater Certification Report*, for minimum list of stormwater management system components that must be certified with each renewal cycle. If required, the property owner shall upgrade the drainage system to ensure proper operation for water quality and drainage as required and in place at the time of the original approval.

## **1.07 EXISTING DEVELOPMENT**

All water management works for which permits, approved paving and drainage plans, and/or maintenance agreements have been issued by the District shall continue to comply with all conditions and requirements at the time of District approval. If such water management works are determined to have caused, are causing, or will cause an immediate adverse impact on the public, the property owner shall be required to modify the portion of the water management works which is causing or will cause the adverse impact.

Existing development and water management works constructed prior to the requirement for permits and District approved paving and drainage plans, shall be exempt from the requirements of these regulations and criteria. If it is

determined that the existing works (or lack of water management works) have caused, are causing, or are predicted to cause an immediate adverse impact on the public, the property owner shall be required to modify the portion of the water management work which is causing or will cause the adverse impact to meet the District's current criteria to the extent practical and in the discretion of the District.