

APPENDIX J
RELEVANT SECTIONS OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA, WITH RESPECT TO PROTECTION OF
THE NORTHWEST WELLFIELD

Under the Code of Miami-Dade County, Florida, the following section includes regulations that pertain to possible rockmining activities in the vicinity of the Northwest Wellfield. The following language is repeated from Chapter 24, Environmental Protection, Article III. Water and Soil Quality, Division 2. Wellfield Protection, Domestic Well Systems and Potable Water Standards.

Sec. 24-43. Protection of public potable water supply wells.

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

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

(2) *Short title; applicability; construction.* This section shall be known as the "Potable Water Supply Well Protection Ordinance." The provisions of this section shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effect the purposes set forth herein.

(3) *Maps of cones of influence, the Northwest Wellfield protection area, the West Wellfield Interim protection area, and the South Miami Heights Wellfield Complex protection area.* The Director or the Director's designee, shall maintain maps of cones of influence of public utility potable water supply wells, map(s) of the Northwest Wellfield protection area, map(s) of the West Wellfield Interim protection area, and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005. The cone of influence maps dated December 30, 1980, as may be amended from time to time, prepared by the Department are incorporated herein by reference hereto. Any changes, additions or deletions to said maps shall be approved by the Board of County Commissioners by ordinance. The cone of influence maps of the Northwest Wellfield dated December 30, 1980, as amended effective May 31, 1985, shall hereinafter be referred to as the Northwest Wellfield protection area map(s). The Northwest Wellfield protection area map(s) dated May 31, 1985, the West Wellfield Interim protection area map(s) dated February 28, 1989 and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005, as all

of same may be amended from time to time, prepared by the Department, are incorporated herein by reference hereto. Any changes, additions or deletions to said Northwest Wellfield protection area map(s), West Wellfield Interim protection area map(s) or South Miami Heights Wellfield Complex wellfield protection area map(s) shall be approved by the Board of County Commissioners by ordinance. The Director, or the Director's designee, shall maintain the DERM Technical Report: "Development of a Groundwater Model to Determine Wellfield Protection Zones for the Miami-Dade County, Florida, South Miami Heights Wellfield Complex". The wellfield protection zones of the South Miami Heights Wellfield Complex have been established using the procedures and input parameters set forth in the aforesaid Technical Report dated, November, 2005. The aforesaid Technical Report dated, November, 2005, a copy of which is attached hereto, is hereby incorporated by reference, as same may be amended from time to time. Any changes, additions or deletions to the aforesaid Technical Report dated November, 2005 shall be approved by the Board of County Commissioners by ordinance.

(4) Septic tanks, sanitary sewers, storm water disposal, liquid waste storage, disposal or treatment and violations of this chapter within wellfield protection area. Notwithstanding any provisions of this Code, no County or municipal officer, agent, employee or board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by a septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director or the Director's designee. Furthermore, not withstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use served or to be served by septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the person has obtained the prior written approval of the Director or the Director's designee. The Director or the Director's designee shall issue the Director's or the Director's designee's written approval only if the Director or the Director's designee finds that all septic tanks, septic tank drain fields, storm water disposal methods and liquid waste storage, disposal or treatment methods will be installed upon the property as far away as is reasonably possible from all potable water supply wells, and:

(a) *Septic tanks.* That the septic tank sewage loadings will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Tables A-1, A-2, A-3 and A-4, except that neither the Director nor the Director's designee shall issue the Director's or the Director's designee's written approval for any land use served or to be served by a septic tank within the Northwest Wellfield protection area unless the septic tank was installed prior to September 30, 1983, or within the West Wellfield Interim protection area unless the septic tank was installed prior to the effective date of this ordinance [Ordinance No. 89-80], or that the land use served or to be served by a septic tank within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is west of the Urban Development Boundary of the Comprehensive Development Master Plan as may be amended from time to time, is residential or is an ancillary rockmining use necessary for extracting and processing subsurface materials and which residential or ancillary rockmining use shall not exceed a maximum sewage loading of seventy (70) gallons per day per acre and which septic tanks shall be located within an area of twenty-one thousand seven hundred eighty (21,780) square feet of unsubmerged land, or that the property served or to be served by septic tanks is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-43.1, or that the owner of the property served or to be served by septic tanks is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area obtained prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area obtained prior to the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, obtained prior to December 12, 1986, which permit has been valid and continuously in full force and effective since its issuance, or that the owner of the property is applying for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by a septic tank installed prior to March 13, 1981 for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area installed prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area installed prior to the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, and Southwest Wellfield, installed prior to

February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which uses a public water supply and which is in compliance with Section 24-43.1.

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

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

(i) Notwithstanding the provisions of Section 24-43(4)(b), all sanitary sewers installed within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, after June 13, 1986, shall comply with the following standards:

- *Residential land use* --No gravity sanitary sewer shall have an exfiltration rate greater than fifty (50) gallons per inch pipe diameter per mile per day. Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.
- *Nonresidential land use* --No gravity sanitary sewer shall have an exfiltration rate greater than twenty (20) gallons per inch pipe diameter per mile per day. Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.
- *Sanitary sewer force mains* --All sanitary sewer force mains installed within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, shall be constructed of either ductile iron or reinforced concrete pressure sewer pipe. No such ductile iron sanitary sewer force main shall, exfiltrate at a rate greater than the allowable leakage rate specified in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch. No such reinforced concrete pressure sanitary sewer force main shall exfiltrate at a rate greater than one-half (1/2) the allowable leakage rate specified for ductile iron pipe in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch.

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

A registered professional engineer shall provide written certification of the exfiltration rate for all manhole/gravity sewer pipe systems installed, in equivalent gallons per inch pipe diameter per mile of pipe per day (twenty-four (24) hours), and the exfiltration rate for all sanitary sewer force mains in gallons per hour per one thousand (1,000) feet of sanitary sewer force main installed. Existing gravity sanitary sewers with pipe diameters of eight (8) inches or more shall be visually inspected by television every five (5) years by the responsible utility or property owner to ensure both structural and pipe joint integrity. Existing manholes shall be visually inspected for both structural and incoming pipe connection integrity every five (5) years.

Certified test and inspection results and repair logs shall be submitted to the Department within thirty (30) days after completion of the particular test, inspection, or repair.

(c) *Storm water disposal methods.* That the storm water disposal methods utilized or to be utilized will be limited as set forth in Table C-1.

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

(d) *Liquid waste storage, disposal or treatment methods other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers.* That liquid waste storage, disposal or treatment methods (other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers); shall be prohibited within the Northwest Wellfield protection area, the West Wellfield Interim protection area, the outer wellfield protection zone of the South Miami Heights Wellfield Complex, the average day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, and the basic wellfield protection area of any public utility potable water supply well unless, in the case of property within the Northwest Wellfield protection area, said liquid waste storage, disposal or treatment method was installed prior to September 30, 1983, or, unless, in the case of property within the West Wellfield Interim protection area, said liquid waste storage, disposal or treatment method was installed prior to the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights wellfield complex installed prior to the effective date of this ordinance, or, unless, in the case of property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, said liquid waste storage, disposal or treatment method was installed prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the average day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, said liquid waste, storage, disposal or treatment method was installed prior to December 12, 1986, unless in the case of property within the basic wellfield protection area of any public utility potable water supply well, said liquid waste storage, disposal or treatment method was installed prior to June 13, 1986.

(e) *Violations of this chapter.* That the septic tank, sanitary sewer, storm water disposal method or liquid waste storage, disposal or treatment method utilized or to be utilized will serve an existing land use within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the

maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well and which is required by the Director or the Director's designee to correct violation(s) of this chapter. Notwithstanding the foregoing, the Director or the Director's designee shall not issue the Director's or the Director's designee's written approval unless the Director or the Director's designee determines that the land use will comply with all the provisions of this chapter and that the following water pollution prevention and abatement measures and practices shall be provided:

- (i) Monitoring and detection of water pollution caused by hazardous materials, and
- (ii) Secondary containment of water pollution caused by hazardous materials, and
- (iii) Inventory control and record keeping of hazardous materials, and
- (iv) Storm water management of water pollution caused by hazardous materials, and
- (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

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

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use, other than a bona fide agricultural land use, a public sewer facilities use, or a public water supply facilities use, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex,

or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, and which uses, generates, handles, disposes of, discharges or stores hazardous materials, until the person has obtained the prior written approval of the Director or the Director's designee.

Pursuant to the foregoing, the Director or the Director's designee shall issue his written approval only if the Director or the Director's designee determines that all potential sources of pollution will be installed upon the property as far away as is reasonably possible from all potable water supply wells; hazardous materials will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and hazardous wastes will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the average day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield.

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

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

(a) The owner of the property has submitted to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami- Dade County which provides that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and that hazardous wastes shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield,

Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex.

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

- (i) Monitoring and detection of water pollution caused by hazardous materials, and
- (ii) Secondary containment of water pollution caused by hazardous materials, and
- (iii) Inventory control and record keeping of hazardous materials, and
- (iv) Storm water management of water pollution caused by hazardous materials, and
- (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

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

Furthermore, the aforesaid covenant shall provide that use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption determined by the Director or the Director's designee to be hazardous materials shall not be prohibited, provided, however, that:

- (vi) The use, handling or storage of said factory prepackaged products occurs only within a building, and
- (vii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption, and
- (viii) The nonresidential land use is sewed or is to be served by public water and public sanitary sewers, and
- (ix) Said building is located more than thirty (30) days' travel time from any public utility potable water supply well.

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

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

(c) If the Director or the Director's designee determines:

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

(ii) That the proposed replacement, modification or limited expansion of the existing facility will substantially reduce the existing risk of pollution from the hazardous materials to the closest public utility potable water supply well. In determining whether there will be a substantial reduction of the existing risk of

pollution as aforesaid, the Director or the Director's designee shall consider the following factors and shall render written findings as to the Director's or the Director's designee's assessment of each:

1. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased monitoring and detection of pollution which may be or which has been caused by the hazardous materials on the property.
2. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased secondary containment of pollution which may be or which has been caused by the hazardous materials on the property.
3. Whether the proposed replacement, modification or limited expansion will provide adequate and increased inventory control and record keeping of hazardous materials on the property.
4. Whether the proposed replacement, modification or limited expansion will provide adequate and increased storm water management of pollution which may be or which has been caused by the hazardous materials on the property.
5. Whether the proposed replacement, modification or limited expansion will provide adequate and increased protection and security of the facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials on the property.

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

(iii) That the owner of the property has submitted to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the hazardous materials to be used, generated, handled, disposed of, discharged or stored on the property after the proposed replacement, modification or limited expansion is approved by the Director or the Director's designee, pursuant to this section, shall not be more hazardous than the hazardous materials used, generated, handled, disposed of, discharged or stored on the property at the time of the aforesaid approval and which furthermore shall require written notice by the owner of the property to the Department of any change in the kind of hazardous materials on the property after the aforesaid approval. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property.

(6) *Applicability of travel time ranges within wellfield protection areas.* The Director or the Director's designee shall utilize the following procedures when making a determination under Tables A-1, A-2, A-3, A-4 or B-1:

(a) Property wholly located within one (1) travel time range having restrictions shall be governed by the restrictions under that travel time range.

(b) Property within two (2) or more travel time ranges having restrictions shall be governed by the total sewage loading for the property. The total sewage loading shall be derived by adding the sewage loading within each travel time range and dividing the resultant amount by the gross acreage for the property.

(c) Property within both restricted and unrestricted travel time ranges shall be governed in accordance with Section 24-43(6)(b) herein except that portion of the property outside of the restricted travel time ranges shall be excluded from averaging the applicable restrictions as aforesaid. However, all septic tanks, septic tank drainfields, storm water disposal methods and liquid waste storage, disposal and treatment methods shall be installed upon the property as far away as is reasonably possible from all potable water supply wells.

(7) *Excavations.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, or issue any permit, of any kind whatsoever, certificate of completion, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or the basic wellfield protection area of any public utility potable water supply well, or within one-quarter (1/4) of a mile of the perimeter of the Miami-Dade County 58th Street landfill, United Sanitation landfill, or the resources recovery facility until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director or the Director's designee.

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

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

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

Furthermore, the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not

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

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

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

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

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

(8) Pipelines for hazardous materials. Notwithstanding any provisions of the Code, no County or municipal officer, agent, employee or Board, after July 13, 1984 shall approve, grant or issue any permit of any kind whatsoever for the installation, modification, or expansion of that portion of any pipeline used or to be used for the transmission or storage of any hazardous materials and which portion is within the Northwest Wellfield protection area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well or, in the case of that portion of any pipeline not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, after

December 12, 1986, or, in the case of that portion of any pipeline within the West Wellfield Interim protection area, after the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after the effective date of this ordinance.

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the Northwest Wellfield Protection Area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well, after July 13, 1984, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before July 13, 1984, or, in the case of the West Wellfield Interim protection area, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80] or, in the case of that portion of any pipeline within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after the effective date of this ordinance unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior to the effective date of this ordinance, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior to the effective date of this ordinance [Ordinance No. 89-80].

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

(9) *Water conservation restrictions for the protection of the Northwest Wellfield.* The Director or the Director's designee shall evaluate the data from a groundwater elevation monitoring program and a groundwater quality monitoring program for the Northwest Wellfield which programs shall be conducted by the Department or a contractor designated by the County. If the Director or the Director's designee, after evaluating the aforesaid monitoring data, determines that a reduction in wellfield pumpage is necessary to prevent contamination of the Northwest Wellfield, the Director or the Director's designee shall impose water conservation restrictions in the unincorporated

and incorporated areas of Miami-Dade County. These water conservation restrictions shall consist of one (1) of, or any combination of, the following:

- (a) Ordering public utilities owning or operating public water systems to reduce water system pressure.
- (b) Mandatory water conservation restrictions similar to the applicable water use restrictions set forth in the rules of the South Florida Water Management District, Chapter 40E-21, Florida Administrative Code, as may be amended from time to time.

The duration of these water conservation restrictions shall be determined by the Director or the Director's designee after periodic evaluation of wellfield pumpage data and pertinent monitoring program data. The water conservation restrictions in effect may be subsequently changed or rescinded by the Director or the Director's designee after such periodic evaluation.

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

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

- (a) The Director or the Director's designee determines that the property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area and the existing land use(s) for the property or the land use(s) requested for the property is one (1) or more of the land uses set forth in Table E-1 and the land use(s) is not a land use found exclusively in the following Miami-Dade County zoning classifications or that the zoning classification requested is not one (1) or more of the following Miami- Dade County zoning classifications:
 - (i) BU-3 (excluding those land uses permitted by BU-1, BU-1A or BU-2),
 - (ii) IU-1,
 - (iii) IU-2,
 - (iv) IU-3,
 - (v) IU-C, or

(b) The Director or the Director's designee determines that the land use is not listed in Table E-1, the land use(s) is not set forth as a permitted use, special exception, unusual use or conditional use in Chapter 33 of this Code, the land use(s) is not a land use(s) found exclusively in the zoning classifications listed in Sections 24-43(10)(a)(i), (ii), (iii), (iv), (v), above the land use(s) is comparable to a land use(s) set forth in Table E-1, and the land use(s) will not have an adverse environmental impact on groundwater quality in the North Wellfield protection area and within the West Wellfield protection area. Notwithstanding the foregoing, the Director or the Director's designee shall not determine that the land use is comparable to land use(s) set forth in Table E-1 if the land use is permitted in one (1) or more of the following Miami-Dade County zoning classifications and if the land use is not permitted in one (1) or more Miami-Dade County zoning classifications which are less restrictive than the following BU-3; IU-1; IU-2; IU-3; and IU-C.

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

1. The materials used, handled and stored, and the products and wastes produced;
2. The activities, processes and methods which are employed and utilized;
3. The machinery and other facilities utilized and maintenance requirements of said machinery and facilities;
4. Uses commonly attendant to or associated with the primary use.

(ii) In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality in the Northwest Wellfield protection area or within the West Wellfield protection area, the Director or the Director's designee shall consider the following factors:

1. The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of water pollution within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;
2. The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;
3. The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored within the Northwest Wellfield protection area or within the West Wellfield Interim protection area shall be domestic sewage discharged to a public sanitary sewer or septic tank;

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

(c) The Director or the Director's designee, determines that: The property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to December 12, 1986, in the case of the Northwest Wellfield protection area, or August 6, 1989, in the case of the West Wellfield Interim protection area, which permit has been valid and continuously in full force and effect since its issuance; the property is served or will be served by a public water main and public sanitary sewer no later than the date that the original certificate of use and occupancy or original municipal occupational license is issued; and the property is in compliance with Sections 24-43(4), (5) and (6) of this Code and was in compliance with Sections 24-43(4), (5) and (6) of this Code no later than the date of issuance of the aforesaid valid building permit.

TABLE E-1

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

Land Use

Abstract title

Accounts, bookkeeping

Actuaries

Advertising office only; no printing Agricultural use

Alcoholic beverage district, sales

Amusement, game room

Animals, birds, and tropical fish, retail only

Antique shops

Apparel sales, rentals

Apartment house

Appliance and fixture sales (no service)

Appraisers (no merchandise)

Archery range

Art gallery

Art goods and bric-a-brac shops

Artist studios

Auction sales (no hazardous materials)

Auditoriums

Bait and tackle shop

Bakeries, retail

Bakeries, wholesale

Banks

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

Barbershop

Bars

Baseball field

Bath and massage parlors

Bathing beaches

Bicycle sales (no service)

Billiard parlor/pool hall

Bindery (books, publications, etc.)

Bingo Boat piers, docks

Book store (new and used)

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

Bowling alleys

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

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

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

Camps

Card club/public

Card shops

Carpet sales

Caterers

Churches

Cigar making and sales

Cigarette vending

Clubs (private)

Coin laundries (no dry cleaning machines)

Coin shop

Cold storage warehouses and pre-cooling plants

Colleges (no hazardous materials)

Computer service

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

Confectionery (and ice cream stores)

Conservatories

Convent

Convention halls

Costuming shops

Curio stores

Dance halls, schools, academies

Day camp

Day care, nursery

Department store

Dependent children (home for)

Drive shop

Docks, piers--Boat

Dog obedience training, training tracks, schools

Dormitories

Drapery stores, drapery making

Dressed poultry and sea food stores

Drive-through banks and restaurants

Drug store

Dry cleaning (no cleaning on premises)

Dynamite storage

Electric substations

Electrolysis office (removal of hair by electrolytic process)

Employment agencies

Entrance gates

Escort service

Farms

Fire station (no hazardous materials)

Fishing camps

Fish houses, market, smoking

Fish, tropical, aquariums (retail sales only)

Flea market

Florist shops

Flower importers

Food distribution (no on-site vehicle maintenance)

Food sales

Foster home

Fraternities

Fruit packing, fruit stores, fruit stands

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

Furriers (sales and storage)

Garment manufacturing (no dyeing)

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

Gift stores

Glass blowing

Golf course, clubhouse

Golf driving range

Grocery store

Gun shop

Haberdashery

Hall for hire

Handball court

Health spa

Homes for dependent children

Hotels, motels

Houses of worship

Ice cream stores

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

Import-export office

Insurance office

Interior decorators office, showroom

Jai alai

Jewelry sales (no manufacturing)

Judo and karate instructions

Key shop

Kindergartens, day care

Lake excavation

Laundries (all types, no dry cleaning)

Leather goods stores (retail)

Libraries (public)

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

Liquefied petroleum (LP) gas

Liquor package stores

Livery stable

Lodges (private)

Lounges

Luggage sales

Lunches (packaging, catering)

Mail order office

Massage parlor

Meat market

Men's store

Messenger office

Milk store (drive-in)

Miniature golf course

Mission

Mobile homes

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

Monastery

Motel

Modeling (agencies, schools)

Motion picture studio (no film developing)

Motion picture theatre, indoor and outdoor

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

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

Municipal recreation building

Museums, public

Music stores, teaching

Newsstand

Night club

Notions sales

Office building

Office, professional

Open air theaters

Optical stores

Package stores

Palmistry

Paneling (wall/retail sales)

Paper salvage

Park or playground, public or private

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

Passenger stations (railroad, bus)

Pawn shops (swap shops)

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

Pharmaceuticals (retail)

Photographic studio (no developing, no printing)

Pillow renovating

Plant sales (no propagation)

Plaster products

Plasterers, storage area

Police station

Pool rooms

Post office

Pottery (retail sales only/no manufacturing)

Private clubs

Produce or fruit market

Professional and semiprofessional offices (no medical laboratory or clinic)

Public art galleries, museums

Racquet ball clubs

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

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

Real estate office

Recording studios

Recreational facilities

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

Residential uses

Restaurants, including outdoor patios and service

Retirement villages

Rifle, pistol range

Rock and sand yards

Rock yards (crushing)

Saloons and bars

Savings and loan associations

Schools (no hazardous materials)

Seafood stores

Secondhand stores (inside only)

Shoe store (no manufacturing)

Shooting gallery

Shooting range, trap and skeet

Shopping center (no hazardous materials)

Showrooms, salesrooms (no hazardous materials)

Skating rink

Sororities

Souvenir stores

Sporting goods store

Stationery stores

Storage warehouse (no hazardous materials)

Swap shops

Swimming pools

Synagogues

Tailor shops

Tattoo parlor

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

Telephone answering service

Telephone exchange

Television (broadcasting studio)

Tennis courts

Textile sales

Theaters

Tile sales (no manufacturing)

Tourist attractions (no hazardous materials)

Trading post

Trailer park

Travel agency

Upholstery shop

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

Vegetable stands

Wall paper, paneling (retail sales)

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

Watchman's quarters

Water tanks or towers

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

Wearing apparel stores (sales, rentals)

Wholesale salesrooms and attendant storage rooms (no hazardous materials)

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

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

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

Notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any resources recovery and management facility within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to the effective date of this ordinance [Ordinance No. 89-80] and obtained a valid operating permit pursuant to this chapter, no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80].

TABLE A-1 Residential Property Served by Septic Tank and Using Public Water Supply

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days but not exceeding 210 days	850	As allowed by Section 24-43.1
More than 30 days but not exceeding 100 days	600	850
More than 10 days but not exceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drainfield	600 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 100 feet but not exceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drainfield	350 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE A-2 Residential Property Served by Septic Tank and Not Using Public Water Supply

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days	750 with minimum of 24 inches of Class II silica sand under drainfield	750 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 30 days but not exceeding 100 days	600 with minimum of 24 inches of Class II silica sand under drainfield	750 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 10 days but not exceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drainfield	600 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 100 feet but not exceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drainfield	350 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE A-3 Nonresidential Property Served by Septic Tank, Using Public Water Supply, and Not Using, Generating, Handling, Disposing, Discharging or Storing Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days but not exceeding 210 days	850	1,500
More than 30 days but not exceeding 100 days	600	850
More than 10 days but not exceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drainfield	600 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 100 feet but not exceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drainfield	350 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE A-4 Nonresidential Property Served by Septic Tank, Not Using Public Water Supply, and Not Using, Generating, Handling, Storing, Disposing or Discharging Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days	750 with minimum of 24 inches of Class II silica sand under drainfield	750 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 30 days but not exceeding 100 days	600 with minimum of 24 inches of Class II silica sand under drainfield	750 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 10 days but not exceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drainfield	600 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 100 feet but not exceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drainfield	350 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE B-1 Residential Property Served by Sanitary Sewers; Nonresidential Property Served by Sanitary Sewers and Not Using, Generating, Handling, Disposing, Discharging or Storing Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 30 days	No additional restrictions	No additional restrictions
More than 10 days but not exceeding 30 days	1,600	No additional restrictions
More than 100 feet but not exceeding 10 days	850	1,600
100 feet or less	0	0

TABLE C-1 Allowable Storm Water Disposal Methods for Residential and Nonresidential Property

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Allowable Methods for Storm Water Disposal</i>
More than 30 days but not exceeding 210 days	Infiltration or seepage or overflow outfalls only
More than 10 days but not exceeding 30 days	Infiltration or seepage or only
More than 100 feet but not exceeding 10 days	Infiltration only
100 feet or less	None

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 06-125, § 3, 9-12-06; Ord. No. 08-55, § 2, 5-6-08)