Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER

Name: Mark A. Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)03-03-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES," TO PROVIDE FOR THE USE OF YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-33, ENTITLED "GENERAL REGULATIONS," (W) "OUTDOOR ACTIVITIES RESTRICTED," TO ALLOW FOR OUTDOOR SALE AND STORAGE FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-34, ENTITLED "DETAILED USE REGULATIONS," BY CREATING SUBSECTION (EE) "YACHT MANUFACTURING AND REPAIR," TO ESTABLISH REGULATIONS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-83, ENTITLED "COMMERCIAL CONSERVATION STANDARDS," TABLE 12-83 "CONVENTIONAL NONRESIDENTIAL STANDARDS," TO PROVIDE STANDARDS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," TO ESTABLISH PARKING REQUIREMENTS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS," TO PROVIDE DEFINITIONS FOR YACHT AND MARINA; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie annexed three (3) parcels of land adjacent to the North New River Canal in 1984 as part of the Hacienda Village annexation. Two of these parcel are used as marinas including repair and storage of watercraft, specifically yachts. One parcel is vacant with plans by the owner to develop a state-of-the-art yacht manufacturing and repair facility. The land development code does not address yacht manufacturing and repair, which is the existing and future uses of these parcels. Currently the Town regulates these parcels under the Hacienda Village Ordinance from 1974 and the current Broward County Code. Available records indicate the Town is not required by annexation agreement to retain this zoning, and may rezone the property to one or more appropriate Town zoning designations.

The proposed amendment will enable the referenced marina parcels to be rezoned to the Town M-2 District, thus eliminating an area of remnant Hacienda Village zoning, while potentially facilitating the final expansion of Rosciolli Marine on the vacant parcel to the west. Development Services Staff have identified as a priority the rezoning of properties with "Old Code" and Broward County zoning designations to current Town zoning designations. Town staff has worked with both marinas, Rosciolli and Bradford, to ensure that the proposed regulations are consistent with their current and future operating needs.

The proposed changes would allow marinas to contain both wet and dry storage facilities and allow for the manufacturing of yachts in the medium industrial zoning (M-2) classification. The current zoning classification would stay in effect until such time as the three parcels requested a rezoning to the Medium Industrial (M-2) classification.

PREVIOUS ACTIONS: The Planning and Zoning Board recommended approval of ZB(TXT 03-03-00 at its April 12, 2000 meeting (motion carried 4-0, Chairman Greb absent).

CONCURRENCES: Rosciolli Marine and Bradford Marine have concurred with the proposed code language.

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance with memo.

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM
PZ 02-27-00

TO: Robert C. Middaugh, Town Administrator

THRU: Mark Kutney, Development Services Director

THRU: Jeff Katims, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, AICP, Planner II

DATE: April 12, 2000

RE: Ordinance amending the Land Development Code

BACKGROUND

The Town of Davie annexed three (3) parcels of land adjacent to the North New River Canal in 1984 as part of the Hacienda Village annexation. Two of these parcel are used as marinas including repair and storage of watercraft, specifically yachts up to 180' in length. One parcel is vacant with plans by the owner to develop a state-of the-art yacht manufacturing and repair facility. This proposed code amendment would allow the existing businesses to operate as legal conforming uses within the Town and provide land development regulations for yacht manufacturing and repair. The land development code does not address yacht manufacturing and repair, which is the existing and proposed use of these parcels. Currently the Town regulates these parcels under the Hacienda Village Ordinance from 1974 and the current Broward County Code. Available records indicate the Town is not required by annexation agreement to retain this zoning, and may rezone to the appropriate Town zoning designation.

The proposed amendment would provide for regulations under the Town of Davie Code of Ordinances, and would enable the rezoning of the properties to the Town's Medium Industrial (M-2) District, thus eliminating an area of remnant Hacienda Village zoning, while potentially facilitating the final expansion of Rosciolli Marine on the vacant parcel to the west. The rezoning of parcels with "Old Code" and Broward County zoning designations is identified as a Town priority in the Development Services Department's proposed work plan scheduled for Town Council agenda on April 18, 2000. Town staff has worked with both marinas, Rosciolli and Bradford, to ensure that the proposed regulations are consistent with their current and future operating needs.

The proposed changes would allow marinas to contain both wet and dry storage facilities and allow for the manufacturing of yachts in the medium industrial zoning (M-2) classification. The current zoning classification would stay in effect until such time as the three parcels requested a rezoning to the Medium Industrial (M-2) classification. The following sections of the Land Development Code are proposed to be amended:

(1) Section 12-32, *Table of Permitted Uses*, to allow for yacht manufacturing and repair in the Town of Davie.

(2) Section 12-33, *General Regulations*, to allow for yacht manufacturing and repair and marinas to store watercraft outside. The Town of Davie land development code does not allow for any outside storage except in specific circumstances, such as automobile parking lots, nonresidential agricultural uses, outdoor seating and commercial recreation activities. This change would allow the marinas to continue to store and repair yachts outside.

(3) Section 12-34, *Detailed Use Regulations*, to provide specific regulations regarding the maximum size of yachts (180'), accessory uses, maximum building heights, and hours of operation. The existing County regulations provide for an increase over the Town code in the allowable height of structures, but limit the length of a yacht to 100' and does not limit the hours of operation. The section of the County code that stated this number has not been amended since 1974. New technology has greatly increased the length of yachts and the ease of maneuvering these large watercraft, such that marinas currently repair yachts up to 150' and 170' feet in length.

(4) Section 12-83, *Conventional Nonresidential Development Standards*, to explicitly state the maximum allowable building heights and the required setbacks. Realizing yachts up to 180' in length have tall central towers or masts essential to the operation of these vessels, staff has proposed allowing the maximum height for yacht manufacturing and repair, and marinas to be 55' feet in height, consistent with the needs of Bradford Marine and Rosciolli Marine. Under the County code, the maximum height is 100'.

(5) Section 12-208, *Requirements for off-street parking*, to provide for a parking ratio for yacht manufacturing and repair, and marinas, as one is currently not in the land development code. The proposed standard is 1 space for each 1,300 square feet of solid roofed area acknowledging that the use generates vehicular parking conditions unique within the Town. This standard was arrived at by accounting for all the current employees, the existing square footage of buildings, the proposed square footage, and the proposed additional employees. This standard is similar to other municipalities with yacht manufacturing and repair, and marinas.

(6) Section 12-503, *Definitions*, provides definitions for "yacht manufacturing and repair," and "marinas. "

RECOMMENDATION

Staff recommends Council adopt the proposed Land Development Code changes.

ORDINANCE _____

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)03-03-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES," TO PROVIDE FOR THE USE OF YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-33, ENTITLED "GENERAL REGULATIONS," (W) "OUTDOOR ACTIVITIES RESTRICTED," TO ALLOW FOR OUTDOOR SALE AND STORAGE FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-34, ENTITLED "DETAILED USE REGULATIONS," BY CREATING SUBSECTION (EE) "YACHT MANUFACTURING AND REPAIR," TO ESTABLISH REGULATIONS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-83, ENTITLED "COMMERCIAL CONSERVATION STANDARDS," TABLE 12-83 "CONVENTIONAL NONRESIDENTIAL STANDARDS," TO PROVIDE STANDARDS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," TO ESTABLISH PARKING REQUIREMENTS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS," TO PROVIDE DEFINITIONS FOR YACHT AND MARINA; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide for land development regulations for yacht manufacturing and repair, and marinas; and

WHEREAS, the Town Council of the Town of Davie held two (2) advertised public hearings, in accordance with State law, to solicit input from the public on ZB(TXT) 03-03-00.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-32, Table of Permitted Uses, of the Town Code is amended to read as follows:

(A) *Business Park and Industrial* Districts

General Use	BP	M-1	M-2	M-3

Marina, ~~Dry Storage~~	N	N	*	*
Yacht Manufacturing and Repair	N	N	*	N

SECTION 2. That Section 12-33, General Regulations, of the Town Code is amended to read as follows:

(W) *Outdoor Activities Restricted.*

(1) All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building, except as follows:

a., b., c., d.,

e. Boats for sale and storage associated with yacht manufacturing and repair and marinas are permitted.

SECTION 3. That Section 12-34, Detailed Use Regulations, of the Town Code is amended to read as follows:

(EE) Yacht manufacturing and repair: shall include the construction, customizing, outfitting, repair and storage of large boats not to exceed 130' in length. Yacht manufacturing and repair of boats larger than 130' and no greater than 180' in length shall require special permit approval. In addition, accessory uses that are directly associated with the manufacturing of yachts are permitted. Examples include: offices, engine sales, yacht brokerage, cleaning and detailing, etc. (1) Height. The maximum height of all yacht manufacturing and repair structures shall not exceed 55'. All other structures for related uses shall not exceed 40' in height.

(2) Open Space and Natural Resource Protection.

(a) Based on the use always being adjacent to the water, open water may be used to satisfy the open space requirements.

(b) Article IV. District Performance Standards and Capacity Analysis requirements do not apply to this use, based on the jurisdictional requirements of the Department of Planning and Environmental Protection (DPEP) and the Army Corps of Engineers regulating development along the North New River Canal. All

manufacturing and repair work shall follow the "Best Management Practices for Marine Facilities" published by Broward County.

(3) Hours of Operation. Yacht manufacturing and repair shall be conducted after 6:00 AM and before 8:00 PM, Monday through Sunday.

SECTION 4. That Section 12-83, Conventional Nonresidential Development Standards, of the Town Code is amended to read as follows:

District	Area	Frontage	Depth	Front	Side	Rear	Height	Coverage	Separation	O.S.
M-2	35,000	100	-	f	f	f	35' ***	40%	-	20%

f Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; one hundred twenty-five (125) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, excluding yacht manufacturing and repair.

*** The maximum height of all yacht manufacturing and repair, and marina structures shall not exceed 55'. All other structures for related yacht manufacturing and repair, and marina uses shall not exceed 40' in height.

SECTION 5. That Section 12-208, Requirements for off-street parking, of the Town Code is amended to read as follows:

(39) Yacht Manufacturing and Repair, and Marinas. One (1) space for 1,300 square feet of solid roofed area.

SECTION 6. That Section 12-503, Definitions, of the Town Code is amended to read as follows:

Marina. A water-oriented commercial facility with boat dockage, supplies, dry storage and related sales and services for recreational and/or commercial watercraft. ~~A small harbor with boat dockage~~

Yacht. A recreational watercraft, usually motor driven and used for pleasure cruising.

SECTION 7. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this

Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 9. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 2000

PASSED ON SECOND READING THIS_____DAY OF_____, 2000

_____

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2000

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM
PZ 04-44-00

TO:
Robert C. Middaugh, Town Administrator

THRU: Mark Kutney, Development Services Director

THRU: Jeff Katims, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, AICP, Planner II

DATE: April 26, 2000

RE: Requested information regarding the Ordinance amending the Land Development Code (ZB(TXT) 03-03-00)

The attached information is provided at the request of the Town Council during the April 18, 2000 Town Council meeting regarding the proposed land development code change to provide regulations for yacht manufacturing and repair under the Town of Davie land development regulations.

The most current Broward County Department of Planning and Environmental Protection (DPEP) 'Best Management Practices for Marine Facilities' is provided. The Town was inadvertently provided outdated information. The most current date for 'Best Management Practices' is August, 1, 1999. Accordingly, staff has eliminated the reference to the date of publication of the Best Management Practices from the proposed ordinance.

In addition, staff is working with the Broward County Department of Planning and Environmental Protection to provide a representative from that County Agency at the Council meeting on May 3, 2000. Since Broward County is the lead agency in regard to environmental protection, this will enable Council to ask environmental protection questions to the appropriate regulatory agency.

Also included, for your information, is the Wetland Mitigation Plan provided by Roscioli Marina to the South Florida Water Management District, Broward County Department of Planning and Environmental Protection and the Army Corps of Engineers. Please be advised that this is not the final plan, but a draft plan that will be very similar to the one finally approved by the SFWMD. The final plan will require more mitigation, not less.

ROSCIOLI STONE HARBOR INC.

MITIGATION - MAINTENANCE AND MONITORING PLAN

I. INTRODUCTION

This report summarizes the proposed plans for on site mitigation for the Stone Harbor project located south of New River Canal and north of State Road 84, Section 19, Township 50 South, Range 42 East, Town of Davie, Broward County, Florida and for the Pond Apple Slough mitigation site located on the south side of State Road 84, Parcels 1 and 1A along the south side of the South Fork of the New River, all are also Section 19, Township 50 South, Range 42 East, Town of Davie, Broward County, Florida. A plan for success monitoring, reporting, and maintenance is provided.

II. MITIGATION

The current development plan proposes construction of a boat manufacturing and restoration facility. The mitigation plan will provide 1.42 acres of high quality mitigation on site, comprising of 1.03 ac. of wetland enhancement and preservation and 0.39 ac. of upland enhancement and preservation. In addition 10.54 ac. of exotic infested wetlands will be enhanced within Pond Apple Slough by the removal of exotic vegetation. Approximately 0.87 ac. of wetlands in Parcel 1A will be restored and 3.22 ac. of wetlands along the South Fork of the New River (Parcel 1) will be enhanced by exotic removal. Mitigation will be established concurrent with permitted project construction. The following summarizes the mitigation proposal.

A. Wetland Enhancement and Preservation (1.03 ac.)

The 1.03 ac. wetlands on the western edge of the Stone Harbor property will be enhanced by the removal of exotic vegetation, increased hydrology from the discharge of treated stormwater collected from the building rooftops, and planting of cypress in areas where exotics are removed. These wetlands will be preserved through a conservation easement.

B. Upland Enhancement and Preservation (0.39 ac.)

Uplands along the New River Canal will be enhanced by the removal of exotic vegetation and the planting of native upland species. These uplands will be preserved through a conservation easement.

C. Pond Apple Slough Site Enhancement (10.54 ac.)

The Pond Apple Slough will be enhanced by removal of exotic vegetation such as Melaleuca, Australian pine, Brazilian pepper, and shoebutton ardisia. Mature trees will be treated and left in place to decompose. Other exotic vegetation will be removed by hand and stumps treated with herbicide to prevent regrowth.

D. Parcel 1A Restoration (0.87 ac.)

Parcel 1A will be restored by scraping down Australian pine dominated uplands to adjacent wetland elevations and planting with pond apple, leather fern, and swamp lily.

E. Parcel 1 Enhancement (3.22 ac.)

Parcel 1 will be enhanced by removal of exotic vegetation such as Brazilian pepper, melaleuca, shoebutton ardisia, and Australian pine within the wetlands. Exotics will be removed by hand and stumps treated with herbicide to prevent growth.

III. SUGGESTED SPECIES SELECTION

The following plants have been selected for installation:

Upland Enhancement

Tree species			Spacing
Cabbage palm	*Sabal palmetto*	15'	10 ft. centers
Gumbo limbo	*Bursera simaruba*	10g	10 ft. centers
Pigeon plum	*Coccoloba diversifolia*	7g	10 ft. centers

Shrub species			Spacing
Cocoplum	*Chrysobalanus icaco*	3g	5 ft. centers
Myrsine	*Myrsine guianensis*	3g	5 ft. centers

Herbaceous species			Spacing
Fakahatchee grass	*Tripsicum dactyloides*	3g	3 ft. centers

Wetland Preserve

			Spacing
Bald cypress	*Taxodium distichum*	3g	5 ft. centers

Wetland Restoration

			Spacing	#
Pond apple	Annona glabra	1g	5 ft. centers	1000
Leather fern	Acrostichum danaefolium	1g	5 ft. centers	1000
Swamp lily	Crinum americanum	4"	3 ft. centers	3000

The number of plants cannot be determined prior to the removal of exotic vegetation from the upland berm and wetland preserve. Existing native vegetation in good health will be left in place and the species listed above will be interspersed to reflect a natural system.

Staking may be necessary for single stalk plants which shows a tendency to lean. Staking and wrapping shall not bind, cut, or tear plants. No pruning will be done to plants unless damage or breakage occurs during transporting or installation.

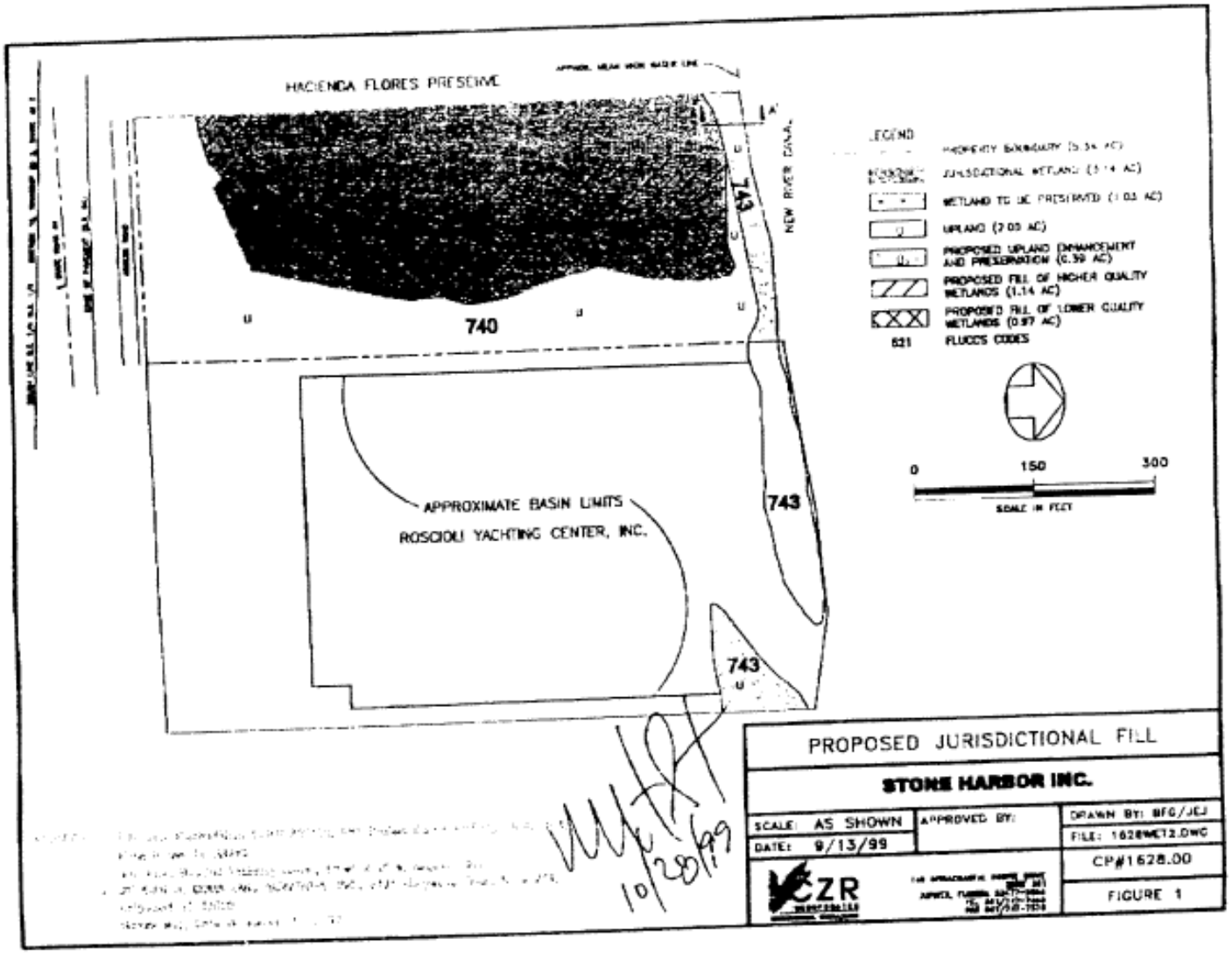
With proper placement and planting, native vegetation will require little or no maintenance such as watering, supplementing of minerals and nutrients (fertilizing), or application of pesticides. Both the natural recruitment and the planted mitigation methodologies will meet an 80 percent survival (or equivalent) ratio. The natural recruitment ratio will be based on percent cover and required plantings will be based on both numbers of individuals and percent cover.

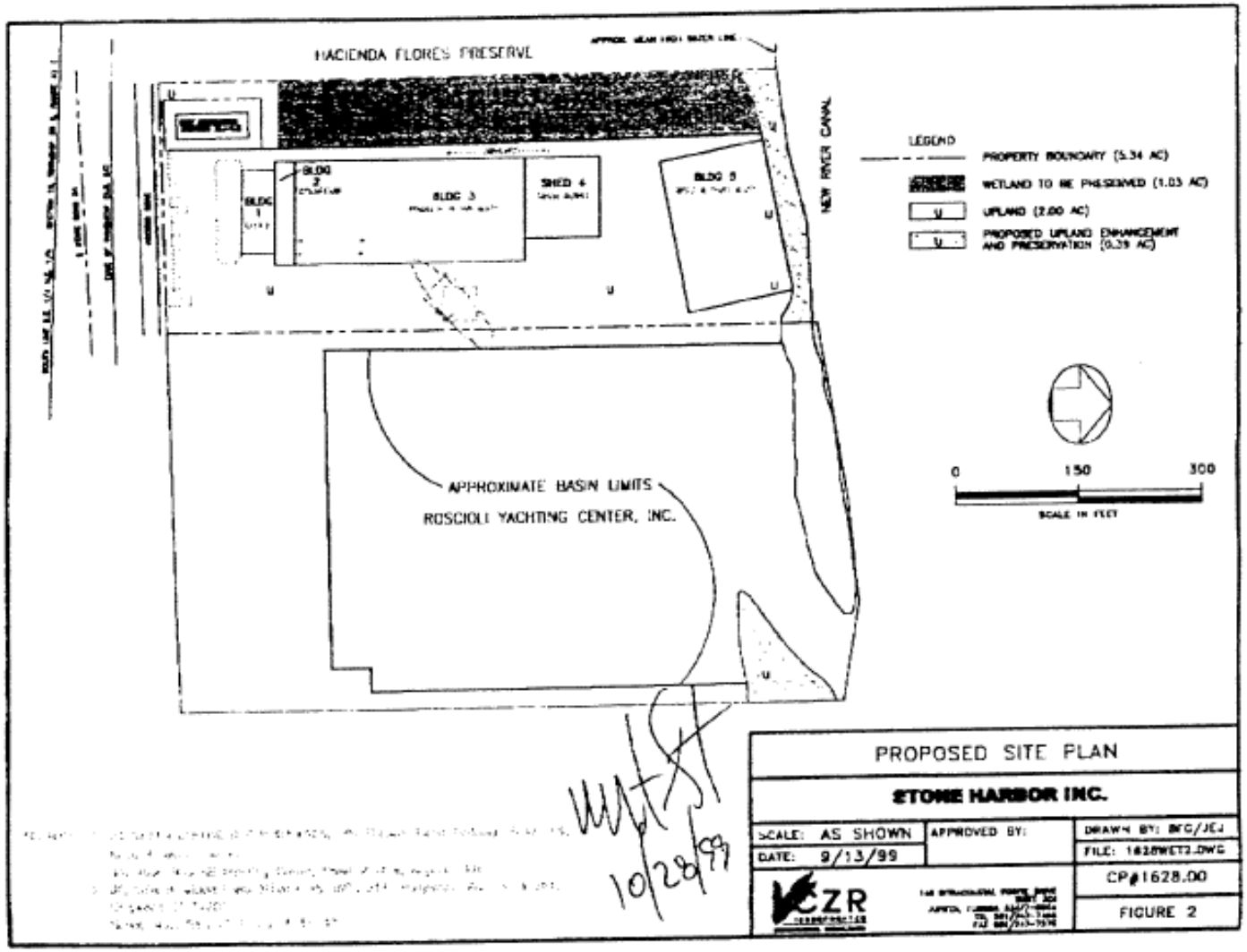
IV. POST-CONSTRUCTION PROCEDURES

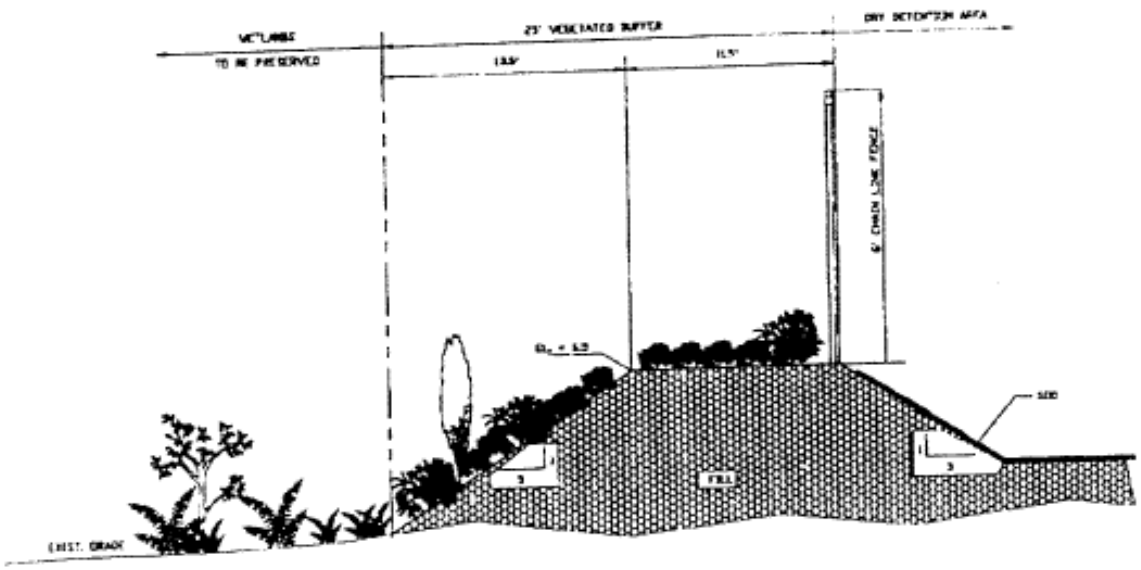
Although low maintenance is a feature of native plants, the following are post-construction techniques which will aid their establishment and survival.

Construction barricades will be placed in areas where plant disturbance by heavy equipment or pedestrians should be controlled. Precaution will be taken to control and reduce construction-oriented pollution to the existing on-site wetlands. Land treatment chemicals and soil sterilizers will not be used in or around wetlands. Close coordination with the contractor will be accomplished to ensure that the preserved wetland and upland areas are protected. All construction debris piles will be located away from wetlands and upland preserves and ultimately removed from the site.

Signs will be permanently affixed in visible areas and shall indicate that the wetland is a preservation/mitigation area.


HACIENDA FLORES PRESERVE
740
743
743
743
NEW RIVER CANAL
APPROXIMATE BASIN LIMITS
ROSCIOLI YACHTING CENTER, INC.
LEGEND
PROPERTY BOUNDARY (5.34 AC)
JURISDICTIONAL WETLAND (3.14 AC)
WETLAND TO BE PRESERVED (1.03 AC)
UPLAND (2.03 AC)
PROPOSED UPLAND ENHANCEMENT AND PRESERVATION (0.39 AC)
PROPOSED FILL OF HIGHER QUALITY WETLANDS (1.14 AC)
PROPOSED FILL OF LOWER QUALITY WETLANDS (0.97 AC)
621 FLUCCS CODES
0
150
300
SCALE IN FEET
10/20/99
PROPOSED JURISDICTIONAL FILL
STONE HARBOR INC.
SCALE: AS SHOWN
DATE: 9/13/99
APPROVED BY:
DRAWN BY: BFG/JEJ
FILE: 1628WET2.DWG
CP#1628.00
FIGURE 1
CZR

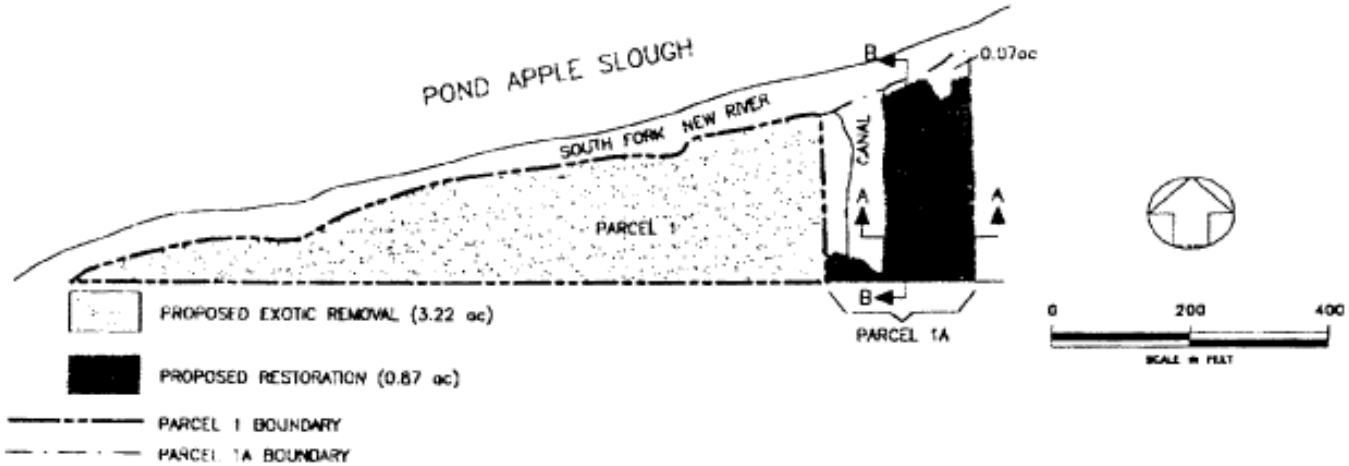

HACIENDA FLORES PRESERVE
NEW RIVER CANAL
BLDG 1
BLDG 2
BLDG 3
SHED 4
BLDG 5
APPROXIMATE BASIN LIMITS
ROSCIOLI YACHTING CENTER, INC.
LEGEND
PROPERTY BOUNDARY (5.34 AC)
WETLAND TO BE PRESERVED (1.03 AC)
UPLAND (2.00 AC)
PROPOSED UPLAND ENHANCEMENT AND PRESERVATION (0.29 AC)
0
150
300
SCALE IN FEET
PROPOSED SITE PLAN
STONE HARBOR INC.
SCALE: AS SHOWN
DATE: 9/13/99
APPROVED BY:
DRAWN BY: BFG/JEJ
FILE: 1628WET2.DWG
CP#1628.00
FIGURE 2
CZR
10/28/99

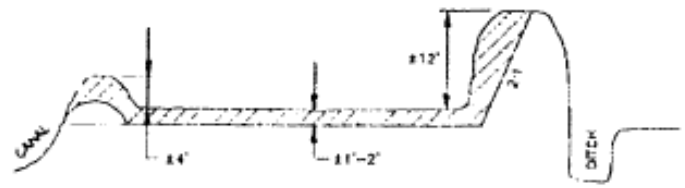


SECTION B-B
N.T.S.

10/28/99

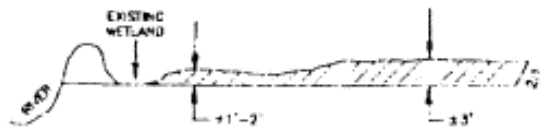
SECTION B-B SECTION THROUGH DRY DETENTION AREA		
STONE HARBOR INC.		
SCALE: NOT TO SCALE	APPROVED BY:	DRAWN BY: MJG
DATE: 10/21/99		
CZR		CP#1628.00





SECTION A-A

NOTE: TYPICAL SECTIONS NOT TO SCALE. SHOWN FOR INFORMATION PURPOSES. NO TOPOGRAPHIC SURVEY HAS BEEN CONDUCTED.



SECTION B-B

TO BE SCRAPED DOWN TO EXISTING WETLAND ELEVATIONS

10/20/99

PARCEL 1A MITIGATION		
STONE HARBOR		
SCALE: AS SHOWN	APPROVED BY:	DRAWN BY: FKP/BFG
DATE: 10/18/99		FILE: 1628-PARC1-A
CZR INCORPORATED		CP#1628
		FIGURE 1

140 MIDDLEFIELD FIRST DRIVE
SUITE 301
JUPITER, FLORIDA 33477-9654
TEL. 561/747-7484
FAX 561/747-7874

TOTAL P.02

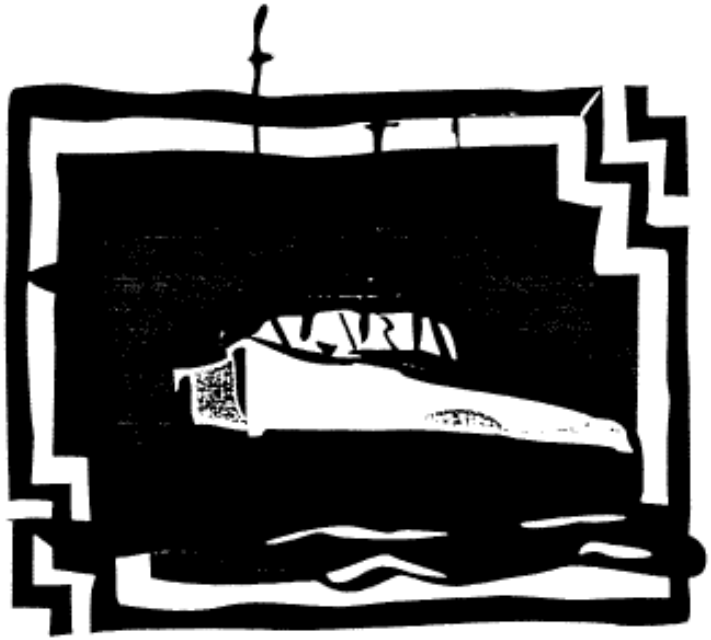
BrowarD CountY

DepartmenT of

PlanninG &

E : v : r o n m e n t a L

ProtectioN's



BesT

ManagemenT PracticeS FoR

MarinE FacilitieS

TABLE OF CONTENTS

INTRODUCTION 1

001 Discharge of Sewage from Vessels 3
002 Bilge Water 3
003 Pumpout Facility 3
004 Petroleum and Related Products Storage and Handling 4
A. Used Oil 4
B. New Oil 4
C. Anti-Freeze Engine Coolant 4
D. Waste Gasoline 5
E. Paints, and Waste Diesel, Kerosene, Mineral Spirits 5
F. Underground Storage Tanks 5
005 Spills 5
A. Oil spills on land 5
B. Fuel spills on land 6
C. Spills on water 6
D. Grease 6
E. Oil or fuel filters 6
006 Fueling Operations 6
A. Stationary Operations 6
B. Mobile Fueling Operations 7
007 Used Lead-Acid Batteries 7
008 Washing by Hand Above Water Line 7

009 Steam Cleaning 7
010 Pressure Cleaning 8
011 Bottom Paint Removal 8
A. Wet 8
B. Dry 9
012 Sanding Hull or Topsides 9
013 Spray Painting 10
014 Engine and Parts Storage 11
015 Engine Parts Washing 11
016 Disposal of Solid Waste 11
017 U.S. Coast Guard MARPOL 11
018 Manatee Protection 11
019 Hurricane Preparedness Plan 12
020 Tenant Notification by Facility Owner 12

INTRODUCTION

The goal of this document is to provide best management practices (BMPs) for marine facilities operating in Broward County to facilitate compliance with applicable environmental regulations, minimize wastes, and foster a pollution prevention attitude within the marine industry. Historically, boat repair and maintenance activities at marine facilities in Broward County have been conducted outdoors on the waterfront. These practices have contributed to the discharge of wastes and contaminants to the surface waters, soil, and groundwater of Broward County and have resulted in subsequent environmental impacts. Wastes generated by boatyard activities typically include such items as: abrasive grits, spent solvents, waste oils, washwater, paint overspray, cleaning fluids, anti-corrosive compounds, paint chips, and scrap metal.

In 1991, the Broward County Department of Natural Resource Protection (the predecessor agency to the Department of Planning and Environmental Protection) initiated a cooperative effort with the marine industry to develop best management practices to be used by Broward County's marine facilities. The purpose of the best management practices was to eliminate the introduction of pollutants into the waterways, soil, and groundwater, to streamline the environmental licensing process for the marine industry, and to consolidate local environmental regulations into an understandable and workable document. The result was the creation of "Best Management Practices for Marine Facilities."

In 1998, a task force was formed by the Marine Industries Association of South Florida to review and update the BMP document. The task force was chaired by Susan Engle of Envirocare Solutions International and included representatives from the marine industry, Broward Sheriff's Office, City of Fort Lauderdale, Florida Department of Environmental Protection, and Broward County Department of Planning and Environmental Protection. The document was updated to incorporate revised environmental rules and policies and to provide consistency in the regulation of marine facilities in Broward County.

This document is intended to apply to the environmental requirements of marine facilities. Marine facility owners and operators should be aware that in addition to the environmental regulations and best management practices listed in this document, there are also various safety requirements with which they must comply, such as OSHA, NFPA, and local Fire Marshall regulations.

The Best Management Practices which follow shall apply to all "marine facilities" defined as:

1. All recreational boat docking facilities with ten or more boat slips;

2. All boat storage facilities with ten or more storage spaces;

3. All commercial boat docking facilities.

4. All facilities where repairs or maintenance (painting, sanding etc.) of boats occur.

(excludes "Gray" water), see B.M.P. #002: Marine facility operator shall advise all tenants of the following:

A. It is illegal to discharge raw or untreated sewage into the waters of Broward County and such acts are punishable by fines of up to $15,000 per day; and

B. The location of the nearest public sewage pumpout facilities; and

C. All permanently installed sewage systems on vessels must be either approved Type I or II Marine Sanitation Devices or must be locked off while the vessel is docked.

Marine facility operators shall require all tenants to certify their knowledge and acceptance of these provisions in writing before providing dockage and shall further disallow dockage to any vessel which the marine facility operator knows or has reason to know is discharging sewage in violation of this section.

Bilge water and "gray" water that are not contaminated by oil, fuel or other regulated contaminants may be discharged into surface waters or on land. Federal, state and local regulations prohibit the discharge of bilge water and "gray" water that are contaminated by oil, fuel or other regulated contaminants. Boat owners shall be liable for complying with these regulations and marine facilities shall inform facility users of these regulations. Marine facilities shall have supplies and equipment accessible to remove oil and fuel from bilge water so that it may be disposed of legally. These shall include petroleum absorbents and a written action plan to deal with significant quantities of oil, fuel or other regulated contaminants. "Gray" water shall mean waste water from galley operations (dish washing) and from hand basins and showers.

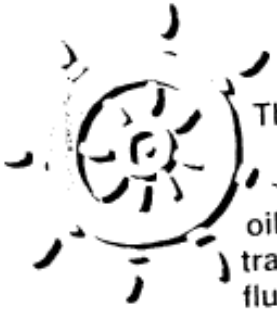
All marine facilities which have live-aboard vessels shall:

1) have a fixed or portable sewage pumpout system facility approved by DPEP which shall be maintained in operating condition and shall have appropriate signage; or

2) maintain an agreement with a mobile waste hauler who is obligated to remove sewage from all live aboard vessels on a regular basis; or

3) be located within one-half mile of a municipal pumpout facility or private pumpout facility which is obligated to provide pumpout services to tenants of the marine facility and about which the tenants of the marine facility have been notified. For purposes of this section, "live aboard" shall be defined as any vessel stored in the water and used primarily as a residence. This term shall not encompass those vessels which accommodate persons for 72 hours or less.

Petroleum products shall not be discharged into a storm drain, sanitary sewer or onto the open ground or surface waters. Care must be taken in handling these products and spills cleaned up promptly at the time detected. All marine facilities shall maintain a supply of petroleum absorbent material and "spill-dry" in a readily accessible location. In addition, all marine facilities must have a written Spill Prevention and Contingency Plan to deal with petroleum product spills. All spills greater than 10 gallons or 80 pounds shall be reported to Broward County Department of Planning & Environmental Protection. All storage containers must be surrounded by secondary containment, preferably covered and isolated from weather elements, which consists of an impermeable membrane or structure in which tanks or containers are placed. All materials in secondary containment shall be compatible. [Broward County Code Chapter 27-356]



A. Used Oil: This includes used engine oil, transmission fluid, hydraulic oil, gear oil. Used oil must be stored in a non-leaking container clearly marked "used oil" on an impermeable surface, and covered in a manner that will prevent rain water from entering the container. Oil spills must be prevented from leaving the area by means of a berm or retaining structure. Used oil must be removed from the site by a waste transporter permitted to handle this waste product and records must be retained for inspection. [Broward County Code Chapter 27-356]

B. New Oil: This includes new engine oil, transmission fluid, hydraulic oil, gear oil. These petroleum products must be kept in non-leaking containers on an impermeable surface and covered in a manner that will prevent rain water from entering the container. Leaking containers must be emptied promptly upon detection, either by transferring the product to a non-leaking container or by disposing of it in the "waste oil" container. [Broward County Code Chapter 27-356]

C. Anti-Freeze Engine Coolant: Anti-freeze engine coolant, when drained from an engine, must be stored in a clearly marked container on an impervious surface, under cover. It cannot be disposed of down a storm drain or in a septic system. Disposal to a sewer must be permitted by the sewage system owner. Or, it must be removed from the site by a waste transporter permitted to handle this waste product and records must be retained for inspection. [Broward County Code Chapter 27-356]

D. Waste Gasoline: Must be stored in a non-leaking container, on an impermeable surface and covered to prevent rain water from entering the container. The container must be clearly labeled "waste gasoline" and the storage location must conform to local Fire Codes. Whenever possible,

waste gasoline shall be filtered and used as a fuel. Waste gasoline shall not be discharged to the ground, storm sewers or to surface waters of Broward County. Waste gasoline must be removed from the site by a waste transporter permitted to handle this waste product and records must be retained for inspection. [Broward County Code Chapter 27-356]

E. Paints, and Waste Diesel, Kerosene, Mineral Spirits: These products must be stored in non-leaking containers on an impermeable surface, and covered to prevent rain water from entering the container. Each container must be clearly labeled with its contents. The storage locations shall conform to local Fire Codes and to Chapter 27 of Broward County Regulations. The disposal of waste products must be by a waste transporter permitted to handle such wastes, and records must be retained for inspection. Waste petroleum products or paints shall not be discharged to the ground, storm sewers, septic systems, sewage systems or to the surface waters of Broward County. [Broward County Code Chapter 27-356]

F. Underground Storage Tanks: Storage tanks are regulated by Broward County Code Chapter 27 and may require a separate storage tank license. Information can be obtained from the DPEP Storage Tank Section.

Spills of hazardous materials greater than 10 gallons or 80 pounds shall be reported to Broward County Department of Planning & Environmental Protection at (954)519-1499. Remediation of contaminated areas may require a license from DPEP in accordance with the requirements of Broward County Code Chapter 27-356.

A. Oil spills on land: Oil spills shall be collected and put into the waste container. Oil residues may be absorbed with "spill-dry" or a

similar product and shall be disposed of by a waste transporter permitted to handle such wastes and records must be retained for inspection. For all spills on land that impose an immediate threat, contact National Response Center (800-424-8802) and Florida State Warning Point (800-320-0519).

B. Fuel spills on land: Spilled diesel fuel shall be collected and placed in a waste drum. Uncollectible residual amounts may be absorbed using "spill-dry" or other petroleum absorbent materials and shall be disposed of by a waste transporter permitted to handle such wastes, and records must be retained for inspection. All affected materials including soils must be drummed. For spills of 25 gallons or more, a discharge notification form must be completed and filed with DPEP.

Spilled gasoline shall be collected and placed in the waste container. Residues remaining on the ground may be absorbed with "spill dry" or absorbent pads, but the absorbent material must be thoroughly aerated before disposing with the regular trash to remove gasoline vapors.

C. Spills on water: There shall be kept on hand a floating containment boom large enough to enclose the area of surface water where a spill may reasonably be expected to occur, but with a minimum length of forty (40) feet. Petroleum absorbent materials shall also be kept available to absorb spills on the surface water. Reporting requirements for fuel spills shall be followed as per Coast Guard (954-927-1611), DPEP (954-519-1499) and Florida Marine Patrol (800- DIAL FMP) regulations. Staff at fueling facilities shall have proper training in the deployment of fuel spill equipment and materials.

D. Grease. Spilled or waste grease shall be collected and put into the waste oil container. Residues remaining on the ground may be absorbed with "spill-dry" or a similar

product and disposed of with the regular trash.

E. Oil or fuel filters: Oil or fuel filters must be crushed and drained before disposal by placing the filter in a funnel over the appropriate waste collection container to allow the excess petroleum product to drain into the container. Drained filters must be collected and recycled.

It is the responsibility of the marine facility to properly supervise the fueling operations.

A. Stationary Operations: Fuel nozzles must have automatic back pressure shut-offs and must not have a holding clip to keep the nozzle open (i.e., the nozzle shall only be held open by hand). In the immediate vicinity of the dispenser, there must be petroleum absorbent pads readily accessible in the event of a small spill. If fuel accidentally spills in the water or onto the ground, the person fueling the boat shall use the absorbent pads to remove the fuel from the water surface or from the ground. These absorbent pads shall be dried in the open air under sunlight and may then be disposed of per B.M.P.#005. In cases of larger spills, an appropriate environmental contractor shall be hired, and all affected material shall be drummed and disposed of by the contractor.

B. Mobile Fueling Operations: Mobile fueling operations at any facility shall be the joint responsibility of the marine facility, the tank truck operator and the vessel owner. Extreme caution must be taken to prevent spills from occurring.

These must be stored on an impervious surface, under cover, and sent to or picked up by an approved recycler. Records must be retained for inspection.

Detergents and cleaning compounds used for washing

boats shall be biodegradable and amounts shall be kept to a minimum. The waste water generated by low pressure boat washing, including initial rinse off of boats kept primarily in dry storage, which contains no bottom paint, shall not be considered an industrial discharge or "hazardous waste" as defined in Chapter 27-352 of the Broward County Code.

[illegible] Must be done on an impervious area designed to collect and contain the cleaning effluent. Discharges to surface waters are prohibited.

A. If detergents or solvents are not used, the steam cleaning effluent shall be directed to a properly sized grease trap/oil-water separator connected to a sanitary sewer. The grease trap/oil-water separator must provide adequate treatment to allow the effluent to meet sewer standards.

B. If detergents or solvents are used, the oil and grease are emulsified and a grease trap would no longer function properly. In these cases, treatment or recycling systems must be used. This water shall be considered industrial waste water and discharge to septic systems is prohibited. If sanitary sewers are not available, waste water must be hauled by a DPEP licensed hauler.

C. No domestic waste water, industrial waste water, or other waste water shall be discharged into any sewer designated to carry storm water, nor shall storm water be discharged into a sewer designed to carry domestic waste water. No industrial waste water shall be discharged to sewers without prior approval from the sewage system owner and/or governing municipality.

The use of high pressure water cleaning equipment for the initial rinse-off of a vessel hauled from the water is acceptable.

This process shall be restricted to an area with an impermeable surface (such as sealed asphalt or sealed concrete) and with a berm or pitch which allows the waste water to be contained and collected. Waste water from pressure cleaning may not be discharged to septic tank or surface waters. Waste water may be disposed by sanitary sewer provided the waste water meets the standards for sanitary sewer disposal (see B.M.B.#009). Tanks used to collect waste water and remove solids shall be considered process tanks. Paint solids constituents classified as hazardous must be removed by a licensed hauler. [Broward County Code Chapter 27-356]

The use of this equipment to remove bottom paint from hulls is governed by B.M.P. #011.

011 Bottom Paint Removal: Boat bottom paints contain metal compounds that are toxic to marine life and the removal of these paints from the bottom of a boat produces a waste product which degrades the environment. Discharge to surface waters is prohibited.

Paints containing tin compounds are regulated by the EPA and these paints may be applied or removed only by persons or organizations licensed by the EPA. The EPA regulations regarding storage, application, disposal of paint containers and paint residues, sanding dust, etc. are incorporated herein by reference.

Care must be undertaken to minimize grinding/sanding debris from becoming airborne and adversely impacting neighboring businesses and residences. Broward County's air quality regulation specifically prohibits the emission of fugitive particulate matter without taking reasonable precautions to minimize such emissions. Reasonable precautions can include the erection of a barrier, e.g. tarp, which would serve to restrict the flow of airborne particulates, or by conducting sanding and grinding

operations within a confined area such as a partially enclosed tent or hangar. The DPEP responds to citizen complaints regarding fugitive particulate emissions resulting from sanding, sand blasting, and grinding operations.

Bottom paint shall be removed as follows:

A. Wet: Removing bottom paint by high pressure water or with a low pressure hose and a scrubber or scraper produces an "industrial waste water" as defined in Chapter 27 of the Broward County Code. As a result, this activity must be conducted over an impermeable surface such as sealed asphalt or cement (not over open ground) with a retaining berm so that the waste water can be contained. This waste water may be recycled or disposed of, but prior to disposal, it must be treated so as to reduce the levels of heavy metals (principally copper) and meet the standards for disposal in sanitary sewers, as defined in Chapter 27 of the Broward County Code. Refer to B.M.P. #009 for conditions of discharge to sanitary sewer systems. Paint solids shall be collected and disposed of properly.

B. Dry: Removing bottom paint by dry sanding (either by hand or with power tools) produces a sanding dust containing potentially hazardous metals (principally copper). This sanding must be done over an impervious surface such as asphalt, cement, or a material such as canvas, plastic, etc. (not over open ground) and there must be a berm or retaining wall surrounding the area so that the sanding dust can be swept or vacuumed and disposed of properly. The use of dustless sanders is recommended to capture paint dust and reduce fugitive emissions.

C. Paint chips, sanding debris and other solids may be hazardous waste if they contain lead and/or chromium. Waste determinations must be made to determine if paint

solids are hazardous waste. Waste determinations can be made by 1) product knowledge (Material Safety Data Sheet) or 2) waste analysis. If the origin is unknown, the generator must make a waste analysis to check if the paints contain hazardous metals. Generator can accumulate chips in a secure, closed container until they have adequate amount for testing. Paint chips, sanding debris, and other solids which are determined to be hazardous waste must be removed by a licensed waste hauler.

012 Sanding Hull or Topsides:

The sanding dust generated by this activity shall be collected and disposed of properly and may not be intentionally discharged into a storm drain or onto surface waters. Wet sand blasting shall be subject to the same provisions as other wet paint removal operations.

A. Where sanding is conducted on land, reasonable precautions shall include laying drop cloths beneath the area being sanded and collecting the debris for proper disposal. The use of dustless sanders is recommended for this operation.

B. Where sanding is conducted in the water, every effort must be made to keep sanding dust from falling into the water. Plastic sheeting should be taped to the hull beneath the area being sanded and should be draped over floating rafts to collect falling sanding dust. The area must also be boomed such that sanding dust that accidentally reaches the water may be immediately collected and removed via skimming or other effective methods.

Care must be undertaken to minimize grinding/sanding debris from becoming airborne and adversely impacting neighboring businesses and residences. Broward County's air quality regulations specifically prohibits the emission of fugitive particulate matter without taking

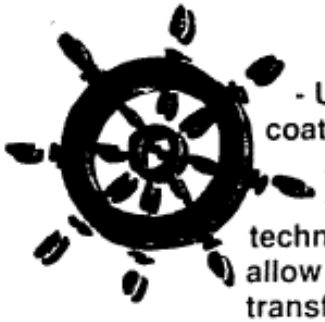
reasonable precautions to minimize such emissions. Reasonable precautions can include the erection of a barrier, e.g. tarp, which would serve to restrict the flow of airborne particulates, or by conducting sanding and grinding operations within a confined area such as a partially enclosed tent or hangar. The DPEP responds to citizen complaints regarding fugitive particulate emissions resulting from sanding, sand blasting, and grinding operations.

013 Spray Painting

Care must be undertaken to minimize paint overspray from adversely impacting neighboring businesses and residences. Broward County's air quality regulations specifically prohibits the emission of fugitive particulate matter without taking reasonable precautions to minimize such emissions. Reasonable precautions can include the erection of a barrier, e.g. tarp, which would serve to restrict the flow of paint overspray, or by painting within a confined area such as a spray booth or a partially enclosed tent or hangar. The DPEP responds to citizen complaints regarding overspray resulting from surface coating (paint spray) operations.

Surface coating operations shall be performed in compliance with Broward County 's air quality regulations which serve to minimize objectionable odor and volatile organic compound (VOC) emissions. This can best be accomplished as follows:

- Store waste paint and solvent only in covered containers to prevent evaporation to the atmosphere;
- Direct solvent from cleaning spray equipment into containers to prevent evaporation to the atmosphere;
- Whenever possible use solvents with low volatility and coatings with low VOC content; and



- Use coatings applicati on technique to allow for high transfer efficiency.

In addition, to prevent spray painting operations from adversely affecting adjacent soils and surface waters, the spray painting should be done as follows:

A. Spray painting on land must occur over an impermeable surface and in such a manner that overspray does not fall on open ground or surface waters. A boom must be available to contain any overspray on surface waters. Overspray on water must be removed immediately from the surface of the water.

B. If spray painting over water is performed, every effort must be made to keep paint from falling in the water. Plastic sheeting should be taped to the hull beneath the area being spray painted and should be draped over floating rafts to collect overspray. The area must also be boomed such that overspray which accidentally reaches the water may be immediately collected and removed via skimming or other effective methods.

014 Engine and Parts Storage: Outdoor disassembly of engines and parts is not permitted unless drip pans, secondary containment, or other steps are taken to prevent any release of engine fluids. Outside storage of disassembled parts is prohibited unless empty and stored with the fluid cavities open for inspection and in a manner which prevents direct contact with rainwater. Engines and engine parts must be stored on a covered, impervious surface such as sealed asphalt or cement.

015 Engine Parts Washing: Parts washing may not be done over open ground. Parts washing must be done in a container or parts washer. The parts must be rinsed or air dried over the parts cleaning container. The dirty parts washing fluid must be recycled or

disposed of by a licensed waste hauler.

016 [illegible] Waste: All facilities shall provide an adequate number of leak proof containers for the disposal of solid waste and garbage. All marine facilities shall post a minimum of two (2) signs prominently placed to educate the public to keep trash from entering the water. It is recommended the facility provide marked recycle bins for customers.

017 [illegible] MA[illegible] Regul[illegible]: These regulations can be obtained by contacting the U.S. Coast Guard at (305)536-5693.

[illegible] Protection: All marine facilities shall post a minimum of two(2) "Manatee Caution" signs within their facility. Said signs shall be visible to vessels as they enter and exit the facility. In addition, all facilities shall provide vessel owners written manatee information every November.

[illegible]: All marine facilities shall prepare a written hurricane preparedness plan for their facility and provide a copy to all vessel owners using the facility during hurricane season.

[illegible]: All marine facilities shall make their tenants aware of the applicable requirements set out by these Best Management Practices and tenant's responsibility for tenant's infractions. Except as otherwise noted in these Practices, this notification may take the form of a sign, easily readable and posted at a conspicuous common area of the facility, which contains the following information:

The facility owners and operators are committed to the preservation of the local water, land and air quality and comply with the requirements of the Broward County Best Management Practices for Marine Facilities.

Sound environmental practices require that all Tenants obey the following rules:

1. No raw sewage or oil-contaminated bilge water may be discharged into the water.

2. All hazardous chemicals, including used oil, engine coolant, hydraulic fluid, gasoline, diesel, paint, mineral spirits may only be disposed of in the marked barrels/containers located _____.

3. All spills of gas, diesel, oil or other hazardous materials must be reported immediately to the facility operator.

4. Boats may only be washed with biodegradable soaps and the amount of soap used must be kept to a minimum.

5. Removed paint chips and sanding debris must be captured and taken to the marked barrels located ____. This debris may not be allowed to enter the water or the ground and may not be left where it might be exposed to rainwater.

Violations of state and county environmental rules should be reported to the Broward County Department of Planning & Environmental Protection (DPEP) at (954)519-1499. Violators may be subject to enforcement action.