



SUNSHINE WATER CONTROL DISTRICT

PERMIT CRITERIA MANUAL

PREPARED FOR:

**Board of Supervisors
Sunshine Water Control District
2300 Glades Road, Suite 410W
Boca Raton, Florida 33431**

PREPARED BY:

**Craig A. Smith & Associates, Inc.
7777 Glades Road, Suite 410
Boca Raton, Florida 33434**

Table of Contents

INTRODUCTION 1

POLICY OF THE DISTRICT IN CONSIDERING AND ISSUING PERMITS 2

PERMITS 3

 TEMPORARY PERMIT 3

 EMERGENCY PERMIT 3

 MODIFICATION OR RELOCATIONS OF WORKS UNDER PERMIT 3

 TRANSFER OF A PERMIT..... 4

 OBLIGATION OF PERMITTEE 4

 APPLICATION FOR PERMIT 5

 INSTRUCTIONS FOR APPLICATION 6

 PREPARATION OF THE DRAWING OR PLANS 6

 STANDARD CONDITIONS..... 7

PERMIT REQUIREMENTS – RIGHT-OF-WAY PERMITS 10

 A. Bridge Crossing 10

 B. Culvert Connections..... 10

 C. Drainage Pump Connections..... 11

 D. Right-of-Way Beautification/Grading..... 11

 E. Utility Crossing 11

 1. Overhead Crossings..... 11

 2. Overwater Crossings 11

 3. Subaqueous Crossings..... 11

 F. Seawalls, Bulkheads 12

 G. Fences..... 12

 H. Irrigation Withdrawal Facilities 14

 I. Canal Demucking & Bank Restoration 14

Tables

Table 1 – Bridge Crossing Criteria 15

Table 2 – SFWMD Master Permit Data 15

Exhibits

EXHIBIT 1- APPLICATION FOR PERMIT & FEE SCHEDULE..... 16

EXHIBIT 2 - REQUEST FOR FENCE ROW ENCROACHMENT DETERMINATION 18

EXHIBIT 3 – MIN CANAL/LAKE CROSS SECTION 19

EXHIBIT 4 – SWCD BOUNDARY MAP 20

UPDATE HISTORY

JUNE 1985

UPDATED AUGUST, 1986

UPDATED SEPTEMBER, 1988

UPDATED AUGUST, 1997

UPDATED FEBRUARY, 2005

UPDATED FEBRUARY, 2010

UPDATED MAY, 2014

UPDATED JUNE, 2017

UPDATED AUGUST, 2017

UPDATED SEPTEMBER, 2017

UPDATED APRIL, 2019

INTRODUCTION

The purpose of this document is to set forth the information, procedure and requirements of preparing an application and obtaining permits granting permission to connect to, place structures in or across or make use of lands of the Sunshine Water Control District (hereinafter referred to as "District").

All permit applications are reviewed by the District Engineer and must be approved by the Board of Supervisors of the District. The approval is granted in the form of a permit with applicable special conditions.

The District may issue a Permit to authorize work within District rights-of-way or easements. See Exhibit 1 for Application for Permit.

Issuance of a District permit does not relieve the Permittee from any obligation to obtain appropriate Federal, State, Regional and Local approvals/permits. Environmental Resource Permits (ERP) are required and are issued by the South Florida Water Management District (SFWMD) and shall be in accordance with, as a minimum, the criteria of the District Master Permit originally issued by SFWMD. The District reserves the right to review the ERP and to require the use of more stringent criteria when the permitted activity has the potential to adversely impact the District Works. A District permit does not convey any property rights or privileges other than those specified in the permit; it does not authorize any injury to private property or invasion of private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the consent of the District as it concerns the public's interest and protection under the Drainage and Water Control Laws of Florida, set forth in Florida Statutes Chapter 298.

POLICY OF THE DISTRICT IN CONSIDERING AND ISSUING PERMITS

1. No Right-of-Way (R/W) permits will be granted for any use of the District's Works that will adversely affect such Works; or interfere with or impose hardships upon the District's operations, maintenance or construction activities; or degrade the quality of District waters.
2. No R/W permit will be granted for any use of the District's Works when granting such use would be inconsistent with the Water Control Plan of the District.
 - a. The District reserves the right to amend or change any of its policies, practices, procedures or regulations, and such action shall not constitute any claim for damages nor become the basis of a legal suit by any Permittee.
3. "Works" is defined to include (but not limited to) all District water management facilities, lakes, canals, outfall structures, pump stations, District right-of-way and canal interconnect piping.

PERMITS

A Permit, as issued by the District, is an acknowledgement and consent that the proposed, specific use of District land or Works, as requested by the Permit Applicant (the "Permittee"), is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit.

The issuance of permits can be facilitated when contact with the District is made prior to the submission of a formal application. The design water surface elevations and other pertinent data (if available) will be furnished upon request for any desired location.

TEMPORARY PERMIT

Temporary permits may be issued for a limited use of District property to accomplish a specific task or as a preliminary measure in conjunction with a future permanent permit application.

Temporary permits will be issued only upon specific approval of the Board of Supervisors of the District. Temporary permits may also be issued to access or utilize District property for a limited time duration. The terms of all temporary permits will be specifically drafted to meet the situation involved for the type of installation for which said permit is requested. Permit cancellation shall be governed by the terms of said permit.

Temporary permits become effective upon the date of approval by the District and are valid for the period of time stated on the permit, unless cancelled sooner by the District. A temporary permit may be cancelled upon 30 days written notice to the Permittee.

EMERGENCY PERMIT

A letter of authorization for emergency use of the District's facilities can be obtained prior to the issuance of a permit if the Permittee demonstrates and the District concurs that delay due to normal permit procedure would cause public health or safety issues or endanger lives or property. All emergency authorizations must be ratified by the District's Board of Supervisors at the next regular meeting of the Board following the authorization, and may be subject to denial or revocation by the Board.

MODIFICATION OR RELOCATIONS OF WORKS UNDER PERMIT

Modifications to existing Works under permit can be made after submitting to the District a letter of request to amend the existing permit, in triplicate, accompanied by adequate drawings, also in triplicate. Approval or denial of the requested change will be granted in the form of a Letter of Acceptance. Additional permit and/or cost recovery fees may be required and will be determined at initial District review.

TRANSFER OF A PERMIT

By separate agreement, the holder of a District permit, may allow a third party the use of the permitted facility, but such agreement should be made known to the District. A valid permit, upon request, can be transferred from one owner to a new owner, but the request for transfer must be made in letter form by the new owner with the consent of the previous owner shown therein. Permits are not assignable without the specific prior consent of the District.

OBLIGATION OF PERMITTEE

1. To abide by the terms and conditions of the permit.
2. To maintain any Works or structures, title to which remain with the Permittee, in a good and safe condition.
3. To indemnify and hold harmless the District, District Manager, District employees, District Consultants and its successors from any and all losses, damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of the work or structure involved in the permit.
4. To allow inspection at any time by the District of any Works or structure established upon permit.
5. To prevent the discharge of debris and/or growth of aquatic weeds such as hyacinths and naiad from entering into any District Works via a permitted facility.
6. To maintain the water quality of all waters discharging into District Works by following all state and local required and recommended Best Management Practices (BMP's).
7. To conform with any alterations of or amendments to this manual that may be deemed necessary by the District.
8. To make any immediate changes or repairs as requested by District personnel to ensure the safe operation of the District's waterways during storm events.
9. Upon completion of the construction specified in a Permit, the District requires three (3) sets of "as-built" plans and electronic media when requested for the referenced project embossed with the following statement, signed and sealed by an engineer registered in Florida:

"I, _____, a Florida-Registered Engineer, whose License Number is _____, certify that I have reviewed the As-built plans which accompany this certification and that the As-built plans are in conformance with the plans which had been originally submitted to the District for approval for which the PERMIT was issued.

The changes or modifications to the plans as originally approved are as follows:

_____ (If no changes or modifications, state NONE)."

CRITERIA APPLICABLE FOR ALL PERMITS

In the event that the requirements or interests of the District indicate that the removal or alteration of any structure or Works installed by a Permittee is necessary, 60 days written notice will be given. Should the Permittee fail or refuse to alter, repair or remove the structure or work when so notified, the District may alter, repair or remove the structure or work and the costs incident thereto will be charged to the Permittee. Notification by the District does not necessarily constitute a cancellation of the permit but simply advises the Permittee of the required alterations to or relocation of Works or structures under District permit.

The 60-day notice of removal or alteration of structures or Works which the District may give a Permittee, are further subject to immediate cancellation, removal or alteration by the District in emergency situations where the continued exercise of a permit might endanger lives or property. In such emergency situations, the District will notify Permittees (if possible) of the action required. Failure of Permittees to carry out such emergency action will be considered cause for immediate cancellation of permit, or removal or alterations to structures or Works for which the permit was issued.

Environmental Resource Permits (ERP's) issued by SFWMD are required to be obtained by a Permittee for projects within the District, The District reserves the right to review and provide comments on all plans and calculations pertaining to the water management components of each project for compliance with regulations and to evaluate impact to the Works of the District.

APPLICATION FOR PERMIT

Requests for Permit Application forms (See Exhibit 1) can be made in person, online at www.sunshinewcd.net, by email (info@sunshinewcd.net), by letter, or by telephone directly to:

SUNSHINE WATER CONTROL DISTRICT

**WRATHELL, HUNT & ASSOCIATES, LLC
2300 GLADES ROAD, SUITE 410W
BOCA RATON, FL 33431
(561) 571-0010**

Please include the following:

INITIAL SUBMITTAL

One (1) hardcopy set of Plans and one (1) electronic set of plans are required, including survey, calculations, geotechnical engineering reports, studies and any other supporting documentation.

Permit application fees shall be in accordance with the current District fee schedule for projects requiring District approval. In addition, the cost of outside consulting services (including but not limited to engineering services, accounting services and legal services) at the rates charged by such consultants and any other costs and expenses incurred by the District in order to review applications shall be paid by the Permittee in the form of a cost recovery fee. Additional cost recovery fees may be required for District services during construction, as necessary, depending on the nature of each project

FINAL SUBMITTAL

Three (3) hardcopy sets of plans and one (1) electronic set of plans are required, including all other supporting documents

All plans and calculations shall be signed and sealed by a Florida licensed Professional Engineer.

INSTRUCTIONS FOR APPLICATION

Instructions for preparing an application are as follows:

Item (1) – Simply state what use is intended, i.e., bridge crossing, culvert connection, beautification of right-of-way, surface water management system construction, etc.

Item (2) – Self-explanatory (information can be obtained from your deed or tax notice).

Item (3) – Refers to work involved (i.e., District Canal name).

Item (4) – The person or entity responsible for maintenance of facilities after construction is completed.

Item (5) – The applicant may be an agent of the owner (i.e., contractor or engineer) to which correspondence will be directed during the application process. A letter of authorization from the owner may be required by the District.

Item (6) – Of minor importance when not affecting water control. If a bridge is to provide access to owner's property – so state. This information must be completed for culvert and/or pump installations giving capacities as well as acreage being drained or irrigated.

PREPARATION OF THE DRAWING OR PLANS

Drawings shall be to scale and properly dimensioned. To be acceptable, a drawing or sketch will show a location plan, a plan view and profile view. Drawings for a drainage outfall connection should consist of complete paving and drainage plans that depict use of District Works.

The location plan should locate the installation or construction by referencing it to a section line, a road, or some obvious and permanent landmark.

For activities within the District rights-of-way or easements, the plan and cross-section or elevation should clearly portray the construction in its relationship to the channel and/or right-of-way. Certain elevations must be designated to facilitate processing of the application. These are: canal bottom elevation, water surface elevation and ground elevation expressed in North Geodetic Vertical Datum (NGVD) or other identified vertical datum such as American Vertical Datum (NAVD). The elevation of the low member of a bridge span must be shown. For overhead wire crossings and in the case of water or gas lines, low member elevation must be indicated on the drawings.

STANDARD CONDITIONS

(All permits issued will contain the following standard conditions.)

1. If this Permit involves the use of a right-of-way which is owned by the District, then, the Permittee acknowledges that the District title to the right-of-way which is the subject matter of this Permit is superior in right, title or dignity to the permit granted to the Permittee, and the Permittee's successors and assigns shall attorn their interest under this Permit to the district's title to this right-of-way. This Permit is subject to the right of condemnation of the right-of-way held by the District by any other authorized governmental agency; is further subject to the right of reversion held by the grantors of the right-of-way; and is subject to the continued existence of the District.
2. This Permit is not an exclusive permit and no leasehold or exclusive right is granted to the Permittee hereunder. To the extent that the permitted activity touches or affects a District's right-of-way, then the Permittee acknowledges that this Permit may be subject to the rights of other Permittee's to utilize the right-of-way. It is the obligation of the Permittee to conduct any and all surveys, title examinations, examinations of public records, to ascertain the whereabouts of any other improvements located in the right-of-way before commencing any construction in the right-of-way.
3. Should Permittee violate the terms of this Permit it may be revoked at the option of the District without notice or waiting period.
4. Should this Permit involve the use of a District right-of-way, it is limited solely to the area depicted in the permit documents and does not extend to any other landowner used by the District.
5. Except as specifically permitted herein by the permit documents, no other improvements not included in the permit shall be constructed.
6. In the event the improvements authorized by this Permit are defectively constructed or are improperly maintained or negligently operated so as to endanger or damage adjacent property owners' improvements, or damage or endanger the Works of the District, or the Permittee discharges any hazardous materials or otherwise impedes or degrades the physical condition and functioning of the water control operations of the District, the District may, at its option, revoke this Permit.
7. The District shall have the right to employ engineers or other consultant's to determine the necessary costs of cleaning up any pollutants, hazardous materials or other materials which may impede or degrade the District's waterways, to determine the necessary repairs to any Works of the District, or to correct the operating procedures of the Permittee in order to restore the District's Works. The Permittee shall be responsible to pay for any cleanup costs or repairs, together with any engineering or other consultant's costs, or any legal or other costs incurred by the District. Should the Permittee decline to perform any required cleanup work or repairs or enact new operating procedures, the District may have said cleanup work accomplished, or said repairs made at the cost of the Permittee. Upon the completion of said cleanup or repairs, the District shall provide the Permittee with a notice detailing the cost incurred by the District, including any and all necessary engineering, consultant or legal costs in connection therewith to that date. The Permittee shall have thirty days from the date of the notice to reimburse the District. In the event that the Permittee does not reimburse

the District within said thirty day period, the District shall have the right to assess the permittee to recover all of said costs incurred by it, including any engineering and consultant costs, or any attorney's fees or legal costs incurred.

8. This Permit may be revoked in the event that the Permittee does not submit to the District a Construction Completion/Construction Certificate on forms approved by the District, executed by its engineer supervising the construction called for by this Permit within **180 days** from date hereof certifying that the work and construction contemplated by this Permit has been completed according to the attached specifications and the requirements and minimum standard of construction referred to above, together with an "AS-BUILT" plan, signed by the Permittee's engineer or architect. The Board of Supervisors may extend the time for completion of said construction and the delivery of the aforementioned certificate.
9. In the event the improvement being constructed pursuant to this Permit is an improvement of a type which will be dedicated to the public, such as a bridge, roadway over a culvert, or other type of improvement dedicated to the public, the District shall have the right to require the Permittee upon completion of said improvement and dedication of the same to the public to assign this Permit to the governmental body having jurisdiction over the improvement dedicated. It will also be the responsibility of the Permittee to secure the acceptance of said assignment by the appropriate governmental body indicating their agreement to accept the assignment of this Permit and to further agree to abide by the rules and regulations of the District, the conditions of this Permit and to maintain the structure, or structures, so assigned to said governmental body of no cost to the District.
10. Permittee will not do or permit any act or thing to be done which will subject the District, its employees, its supervisors, engineers or consultants to any liability or responsibility for injury or damage to persons or property or subject the District to responsibility for a violation of laws. Permittee will exercise control over its construction or the area of its permit so as to fully protect the District, its employees, its supervisors, engineers and consultants from such liability. Permittee will defend, indemnify and save the District, its employees, and supervisors, engineers and consultants harmless against any and all liabilities, suits, obligations, fines, damages, judgments, assessments, penalties, claims, costs, charges, expenses, including without limitation, court costs, deposition fees, investigative fees, expert fees and attorney's fees, which the District, its employees and its supervisors, engineers and consultants may incur as a result of any claims, lawsuits, administrative proceedings, governmental prosecution or legislative claim's bills arising out of the Permittee's use of this Permit whether at trial or upon appeal. This obligation to indemnify and hold harmless shall exist whether the acts complained of were caused by Permittee, its agents, servants, employees, independent contractors or other third parties. Additionally, Permittee shall permit no liens to be filed against any District real property or right-of-way, and shall at its own cost and expense, bond off the same and indemnify and hold the District harmless from any and all liability, suits, obligations, damages claims, costs, charges and expenses, including without limitation, court costs, investigative fees, deposition fees, engineer's fees, architect's fees, attorney's fees incurred by the District in defending such a claim, whether the same be before trial, at trial or at an appellate level.
11. Should this Permit involve a right-of-way of the District, Permittee accepts the right-of-way that is the subject of this Permit, to the extent this involves use of a right-of-way, in

an “as-is” “where-is” condition, and acknowledges that no representations, statements, warranties, or affirmations concerning these lands or their suitability have been given by the District to Permittee and that Permittee has made its own independent analysis of the suitability of accepting this Permit and utilizing any right-of-way that is the subject matter of this Permit.

12. Notwithstanding the requirement for indemnification as contained herein, nothing shall enlarge the governmental immunity granted unto the District by the laws of the State of Florida. Notwithstanding the District’s governmental immunity, the indemnity provisions contained in this Agreement shall also provide for, under the same terms, indemnity in the event of any claims or proceeding in front of the Legislature of the State of Florida, and Permittee shall be obligated in accordance with its indemnity agreement to indemnify and hold harmless the District for any claim’s bill proceeding brought in the State of Florida and for any claim’s bill imposed against the District in such a proceeding.
13. This Permit shall be governed in accordance with the laws of the State of Florida and venue shall be in Broward County.
14. This Permit shall not be recorded in the Public Records of Broward County, Florida. In the event that it is recorded in the Public Records of Broward County, Florida by Permittee, then Permittee shall pay all costs and fees incurred in removing the permit from the Public Records of Broward County, Florida, and shall agree to execute any and all documents necessary to remove the same. If anybody not party to this Permit, records this Permit in the Public Records, the Permittee shall execute the documents necessary to remove the permit from the Public Records.
15. This Permit shall not convey to Permittee any property rights nor any rights or privileges, nor relieve the Permittee from complying with any state, federal or other applicable law, regulation or requirement. All structures and works installed by Permittee hereunder shall remain the property of the Permittee unless otherwise provided immediately below.
16. In the event the District wishes to obtain the ingress or egress to its property, easement or right-of-way affected by this Permit, for any lawful District purpose, including but not limited to maintenance of any lake, canal or other Works of the District, any removal, demolition or reconstruction of the proposed work or structure permitted hereunder shall be at the sole expense of the owner or the owner’s successors or assigns.
17. Permittee agrees that during the course of construction of the permitted activity, no debris will be placed into the waterways of the District.

For this purpose Permittee has submitted a check for a Trash Bond in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) which Permittee agrees to forfeit if debris is found to have been placed into the District’s waterways or damage has occurred to the District Works. Said determination to be at the sole discretion of the District and is acknowledged by Permittee to represent both actual and punitive damages for violating the provisions of this Permit and, further, the provisions of Chapter 298, Florida Statutes. If the \$2,500.00 has been forfeited due to debris or damage and, if construction of the facilities called for in this Permit has not been completed within 180 days, an additional Two Thousand Five Hundred Dollars (\$2,500.00) will be submitted by Permittee to cover possible future occurrences of discharging debris into the District’s

waterways. Upon final completion of the project and acceptance by the District, the unused portion of the Trash Bond will be returned to the Permittee.

18. District permits are revocable for Permittee's failure to comply with the terms and conditions of the Permit, or the District's Policies and Procedures. If the Permittee fails to take any action required by the terms and conditions of the permit, after due notice to the Permittee, the District may take the required action and assess the Permittee for the full cost of such action.

PERMIT REQUIREMENTS – RIGHT-OF-WAY PERMITS

A. Bridge Crossing

Bridges constructed over District Works require crossings to have a low member elevation a minimum of 6 ft. above the Basin Control Elevation or 1 ft. above the 100 Yr-3 Day storm elevation (see Table 1), whichever is greater .

Bents and bridge piers are required to be located so that they will not interfere with the normal flow of water or create adverse flow conditions. Pilings shall be placed parallel to the major axis of the canal and protected in order that future maintenance of the canal section can be accomplished. The piling system shall be designed with the assumption that the future channel bottom will be at elevation (-) 4.0 NGVD and that the channel width will be maximized within the District Right-Of-Way or Easement. Details may vary and will be site specific depending on canal right-of-way, soil conditions and other factors.

B. Culvert Connections

The connection of pumps or channels to District canals or levees is usually accomplished by means of culverts.

Culvert size, diameter and type vary with the requirements for each connection. However, in every instance a maintenance road or berm of not less than 15-feet top width must be provided with a side slope no steeper than 10:1(H;V) to be followed with a lake/canal bank having a slope no steeper than 4:1 (H:V). The diameter of the culvert must be such that the purpose of the installation will be adequately and properly served under maximum conditions. The culvert crown shall be 2-feet below basin control elevation (See Table 2) wherever possible, but in all cases no less than 1-foot minimum.

Installation made through or under District levees shall be of approved design and installations made under major levees shall have slope protection at each end.

Any installation above water shall include necessary erosion control measures such as slope walls. Four-inch slope paving is the preferred method of erosion protection. Slope paving will be required in all cases where the installation is in a sandy soil condition. Should any connections prove inadequate to serve the needs of the installation with resulting washout or shoaling, said damages to the District work will be repaired promptly by the Permittee at no cost to the District.

All trenches within the District right-of-way shall be backfilled and compacted to a density of 100% as determined by AASHTO T-99.

Silt screens or turbidity curtains shall be installed upstream and downstream of the proposed construction. Screens or curtains shall remain in place at all times until construction is complete.

Open channel connections to District canals are prohibited.

C. Drainage Pump Connections

Since no permanent pumping stations are allowed on District rights-of-way, a culvert connection is the usual means by which a pump connection is made. The standards applicable to culvert connections are the criteria used in such installations.

The settling basin or forebay also should be located clear of District rights-of-way.

Under no circumstances will the discharging of aquatic weeds (such as hyacinths or naiads) or any debris be permitted. Every installation must incorporate adequate erosion and anti-shoaling measures in the design and construction.

D. Right-of-Way Beautification/Grading

Any landscaping or other improvements made within the District's right-of-way are made at the risk and peril of the Permittee and are subject to prompt removal by Permittee at its expense upon notification by the District. Upon failure of the Permittee to remove such improvements, when so requested, the District may remove or otherwise destroy the same without liability or responsibility, and the Permittee will be charged or assessed for the cost of such work.

E. Utility Crossing

1. Overhead Crossings

Overhead power and telephone line crossings must have a minimum vertical clearance of forty (40) feet between low wire elevation and elevation of the berm or natural ground, whichever is greater.

When such installations cross District levees, a minimum clearance of 25 feet between low wire elevation and top of the levee will be required.

2. Overwater Crossings

When such construction is supported on pilings, the required clearance (both horizontal and vertical) for bridge crossings are in effect. (See Section A)

Should installation be made adjacent to an existing bridge, any new piling will be aligned with the bridge piling, so that a minimum of obstruction to the flow of water by accumulation of debris is assured.

3. Subaqueous Crossings

Subaqueous crossings of any nature such as, cables, water or fuel (gas) lines, etc., shall be laid to a pre-determined depth and cross-section that will provide for ten (10) foot cover below the design bottom elevation. This depth and section will be furnished by the District if available.

F. Seawalls, Bulkheads

Construction of seawalls or bulkheads, not detrimental to the water control program, may be authorized under permit. Each application will be judged on its merits and must meet the requirements of the specific location.

The Permittee should contact the District prior to permit application for the local requirements in the area. SFWMD Environmental Resource Permit Information Manual should be consulted in order that the drawings submitted with the application will show all pertinent data required for processing.

G. Fences

Fencing on District rights-of-way that would prohibit continuous access is not allowed; except under certain conditions fencing along the right-of-way and parallel to it may be permitted consistent with the policy and procedures set forth below. The District should be contacted prior to the planning of any fencing adjacent to its rights-of-way.

Right-of-Way Fence Encroachment Policy and Procedures

On July 17, 2013, the Coral Springs City Commission passed Ordinance No. 2013-108, Amending Section 250128 of the Land Development Code entitled "Fences, Walls and Hedges", to allow for fences to be placed in a Special District right-of-way with District permission and under certain conditions. Permittee shall file the form – Request for Fence Right-of-Way Encroachment Determination in Exhibit 2, along with all supporting documentation. The District's Board of Supervisors recognizes that, under certain conditions, it may be in the public interest to consider fence installation applications within District right-of-ways under the following conditions:

- 1) The subject right-of-way space is wide enough to conduct District operation and maintenance functions along with adequate space to erect a proposed fence. A fence application on District property will only be considered where the aggregate usable right-of-way is thirty-five (35) feet or greater from the top of canal bank to the Permittee/owner property line. The maximum space then allotted for an approved fence encroachment in the District right-of-way will be limited to ten (10) feet from the landowner's property line.

If future improvements to the District canal system requires widening or reshaping of the canal and there is less than thirty-five (35) feet from the right-of-way to the top of bank, the District will notify the owner that they must permanently remove the fence to achieve the minimum required distance.

- 2) The landowner is required to initially submit a Request for Fence Encroachment Determination form (www.sunshinewcd.net) from Sunshine to confirm if the canal right-of-way is both wide enough and free of obstructions to allow for a proposed fence encroachment. The request for determination should be submitted to the SWCD District Manager. (See Exhibit 2)
- 3) Upon review of the Request for Fence Encroachment Determination, a written response will be provided to the landowner with one of following findings:
 - a. The canal right-of-way is not wide enough to allow a proposed fence encroachment and the request is denied.

- b. The canal right-of-way is wide enough to allow a proposed fence encroachment but has existing obstructions (ex: vegetation, structures, trees) that must be removed or relocated by Owner, or by District at Owner's expense, before proceeding with fence application.
 - c. The canal right-of-way is wide enough to allow a proposed fence encroachment and is clear and free of any obstructions.
- 4) For those Permittees receiving conditional approval above, a Right-of-Way Permit Application (www.sunshinewcd.net) along with the Sunshine Permit fee of \$350.00 must be submitted to the office of the District Manager. A Fence Encroachment Agreement between the District and the Property Owner will be required to be signed by Permittee containing the terms and conditions of the fence encroachment and right-of-way maintenance responsibilities.
- 5) Upon receipt of Right-of-Way Permit Application, a check in the amount of the permit fee made payable to Sunshine Water Control District and a signed Fence Encroachment Agreement, the District will issue a Letter of No Objection to the Fence Encroachment. The Permittee can then proceed with the necessary City of Coral Springs Fence Permit requirements appending the Sunshine District Letter of No Objection.
- 6) **Sunshine Water Control District's conditional approval does not guarantee that the City will issue a Fence Permit. A City of Coral Springs Fence Permit must be obtained prior to the construction of a fence. Sunshine Water Control District is not responsible for any actions by the City.**
- 7) All City fence code requirements pertaining to type of fence composition and construction, landscaping buffer and fence maintenance will have to be met as specified in the current Land Development Code, Section 250128.
- 8) The District requires the following fence construction and legal documentation conditions be satisfied prior to the issuance of a Sunshine Right-of-Way Permit:
 - a. Plans for the proposed fence construction must include separate independent posts being placed on Landowner property corners to facilitate removal of the fence, if necessary, from the SWCD right-of-way and minimize potential damage to the remaining fence on private property.
 - b. An access gate must be included in the construction plans to allow landowner access to maintain the entire abutting SWCD right-of-way as required by City ordinance.
 - c. If a fence landscape buffer is required under Section 250128, the City Fence Code requires landscape plantings be placed behind fence construction in a space of 3.5 feet. This would dictate that an approved fence could only be constructed at a point of 6.5 feet from the landowner's property line to remain within the 10 foot allotment as set forth in paragraph H (1) above.
 - d. The Right-of-Way Fence Encroachment Agreement must be recorded in the Public Records of Broward County, Florida.

- e. The landowner shall notify Sunshine Water Control District at least 48 hours in advance of construction so the proposed fence layout can be confirmed in the field.

Letter of No Objection (“LONO”) for Non Right-of-Way Fence Requests

For fence requests not involving a right-of-way encroachment approval (i.e. fence request for installation on or within the private property line), the following conditions are required to be met in order to obtain a LONO:

- 1) A complete, current and accurate survey, that clearly reflects where all portions of the fence (as well as gates) will be placed, must be provided.
- 2) Any and all obstructions, including but not limited to vegetation, stepping stones, pavers/bricks, concrete pads, tables, chairs, gazebos, tiki huts, statues, monuments, playground equipment, structures of any type or size, etc., must be removed from the District’s right-of-way prior to a LONO being issued.
- 3) If an Option 2 agreement is selected to have the District perform the obstruction removal at the cost of the District for this single, one-time only removal, there must be enough money available in the budget to pay for the cost of the obstruction removal.

H. Irrigation Withdrawal Facilities

Non-single family home irrigation systems must apply for a Consumptive Water Use permit from the SFWMD under FAC Chapter 40E-2, Florida Administrative Code prior to any water withdrawals.

Installation of supply lines within District rights-of-way for withdrawal of water from District canals for irrigation purposes may be authorized under a consumptive water use permit from SFWMD. Supply lines shall be installed at a maximum elevation of 0.5 foot below the Basin Control Elevation. Permittees may be notified at any time that withdrawals must be curtailed immediately for any reason and shall not resume until further notification from the District.

Pumps are not allowed to be located on District rights-of-way.

I. Canal Demucking & Bank Restoration

The District reserves the right to require the Permittee to demuck the canal right-of-way of intended use. Extent of demucking depth is typically limited to the canal hard bottom or elevation 0.0’ NGVD, whichever comes first. Extent of bank restoration is limited to the adjacent canal length.

Table 1 – Bridge Crossing Criteria

Bridge Crossing Criteria			
Basin	Basin Control Elevation (ft-NGVD)	100-Year Flood Elevation (ft-NGVD)	Minimum Low Chord Elevation (ft-NGVD)
East	7.5	12.5	13.5
West	7.5	11.5	13.5
Notes:			
1. All elevations referenced above are in North Geodetic Vertical Datum (1929) (NGVD)			
2. To obtain North American Vertical Datum ('88) subtract 1.50 ft from NGVD as per Broward County			
3. Basin water levels will vary seasonably.			

Table 2 – SFWMD Master Permit Data

South Florida Water Management District Master Permit Data for SWCD					
Basin	Basin Control Elevation (ft-NGVD)	10-Year Flood Elevation (ft-NGVD)	100-Year Flood Elevation (ft-NGVD)	Required Minimum Storage @ 10-yr Elevation (ac-ft/ac)	Required Minimum Storage @ 100-yr Elevation (ac-ft/ac)
East	7.5	11.1	12.5	0.02	0.68
West	7.5	11.0	11.5	0.53	1.05
Notes:					
1. All elevations referenced above are in North Geodetic Vertical Datum (1929) (NGVD)					
2. To obtain North American Vertical Datum ('88) subtract 1.50 ft from NGVD as per Broward County					
3. (ac-ft/ac) = Acre-feet per acre. Storage required per acre of Project Area. Information provided as guidance only. Permittee & Engineer of Record are responsible for complying with the SFWMD Master Permit requirements.					



EXHIBIT 1 - APPLICATION FOR PERMIT & FEE SCHEDULE

**TO: BOARD OF SUPERVISORS
 SUNSHINE WATER CONTROL DISTRICT
 2300 Glades Road, Suite 410W
 Boca Raton, FL 33431
 (561) 571-0010**

1. PROPOSED USE OF DISTRICT FACILITY: _____

2. LOCATION OF WORK: _____

_____ _____ _____
 Subdivision Lot No. Block No.

Section: _____ Township: _____ Range: _____

3. DISTRICT WORKS INVOLVED IN PROPOSED CONSTRUCTION OR USE: _____

4. NAME, ADDRESS, PHONE AND FAX OF OWNER OF PROPOSED WORK OR STRUCTURE: _____

5. NAME, ADDRESS, PHONE AND FAX OF APPLICANT OTHER THAN OWNER (if any): _____

6. AREA PROPOSED TO BE SERVED: (Give property description sufficient for identification, including size in acres, and **attaching survey or property sketch**).

7. This application, including sketches, drawings or plans and specifications attached, contains a full and complete description of the work proposed or use desired of the above described facilities of the District and for which permit is herewith applied. It shall be part of any permit that may be issued. It is agreed that all work or the use of the District's facilities involved will be in accordance with the permit to be granted and with the Permit Criteria Manual heretofore adopted by the District, which have been examined and are understood by the applicant and as the same may be hereafter from time to time amended, changed or revised and which (it is further understood) shall be incorporated in reference as a part of any permit which may be granted.

District Permit Fee Schedule

	<u>Permit</u>		
	Surface Water Management	Right-of-Way	Trash Bond Required
SWCD	N/A	\$350.00	\$2,500.00

Note:

The Right-of-Way permit fee amount noted above is the minimum fee and represents the fee for the initial permit application review by the District, not to exceed two (2) hours. Additional fees for review by District engineering, legal, accounting or other consultants, at the consultant's standard rates, as well as other costs and expenses incurred by the District in order to review the application, shall also be paid by the permit applicant.



EXHIBIT 2 - REQUEST FOR FENCE ROW ENCROACHMENT DETERMINATION

Request for Fence Right-of-Way Encroachment Determination

Homeowner's name(s) _____

Address _____

Home Phone # _____ Cell # _____

I have read the Fence Encroachment requirements shown in the Permit Criterial Manual, Permit Requirements – Right-of-Way Permits, Subsection G found at www.sunshinewcd.net. I request District review of the right-of-way adjacent to my property for the purpose of a fence installation that encroaches on District property.

Signature(s): _____
Property Owner

Property Owner

Date

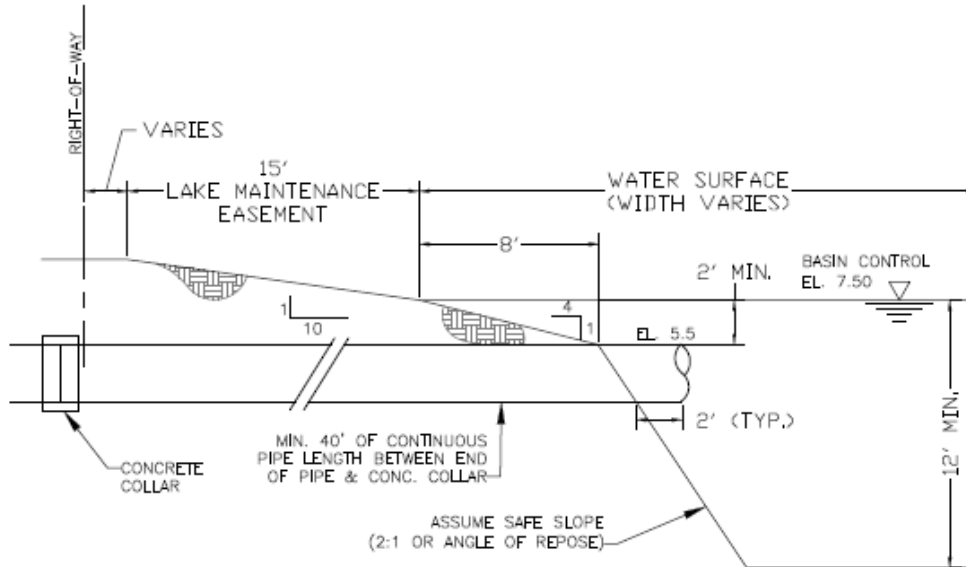
Submit form by:

Fax: (561) 571-0013

Email: info@sunshinewcd.net

Mail: Wrathell, Hunt and Associates
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

EXHIBIT 3



- LAST SECTION OF PIPE AT OUTFALL MUST BE A FULL LENGTH SECTION OF PIPE
- ELEVATIONS SHOWN ARE REFERENCED TO NGVD
- SLOPE STABILIZATION SHALL BE PROVIDED AS REQUIRED
- OUTFALL PIPE SHALL BE DESIGNED TO RESIST FLOTATION
- 6" THICK CONCRETE COLLAR (MIN. 4000 PSI) ALL AROUND & 18" TO EACH SIDE.
- BITUMINOUS COATING REQUIRED FOR CAP/CMP.

TYPICAL MINIMUM CANAL/
LAKE CROSS SECTION



P:\Projects\Sanline-Water-Control\CAS\GMP\Exhibits\EXHIBIT 3.dwg, 6/29/2017 5:25:05 PM, redlined, 1:1

EXHIBIT 3 – MIN CANAL/LAKE CROSS SECTION

SUNSHINE WATER CONTROL DISTRICT BOUNDARY MAP

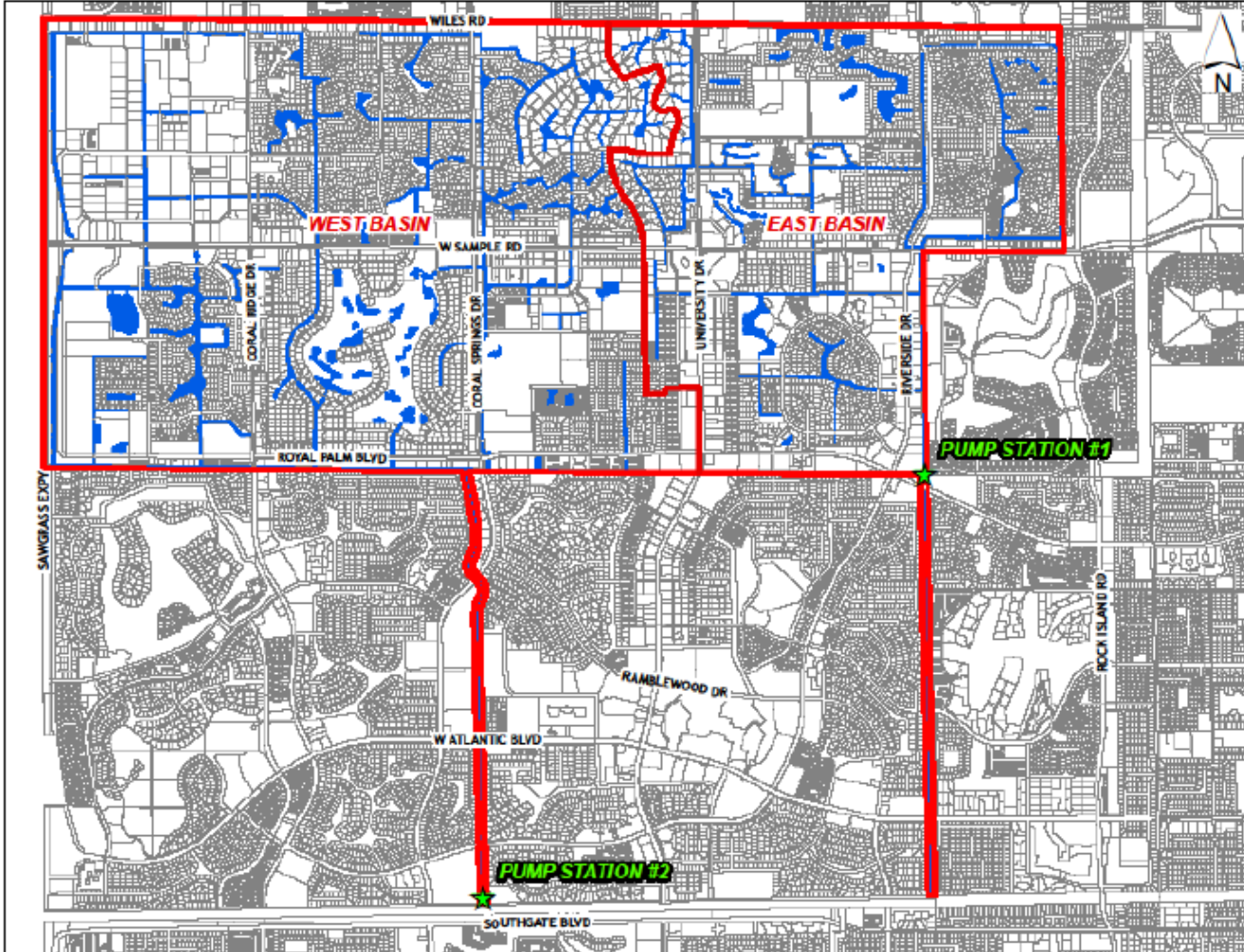


EXHIBIT 4 – SWCD BOUNDARY MAP