

**SECTION 4**  
**PLAN SUBMITTAL, REVIEW AND APPROVAL PROCESS**

4.1 GENERAL

The District Board of Supervisors meets the last Thursday of each month unless that day falls on a holiday, other conflicts occur or as otherwise advertised. All regular Board meetings begin at 9:30 A.M. Anyone desiring information can contact the District Director at (954) 680-3337.

All questions regarding criteria and plan approval shall be directed to the District Director. The District Director may then arrange a meeting with the District Engineer or District Attorney as appropriate.

4.2 PLAN SUBMITTAL

The applicant is referred to the checklist for plan submittal which is outlined in **Exhibit 1, Checklist for Developments within the South Broward Drainage District**. All submittals made without the required backup information as outlined in the checklist will be returned to the applicant without review at the discretion of the District Director. All submittals shall be forwarded directly to the District Director. The applicant is encouraged to arrange a pre-submittal conference with the District Engineer. The District Director and the District Engineer will review, comment and make recommendations on the applicant's submittal. The applicant shall address all review comments and provide a re-submittal, if necessary. All paving and drainage plan submittals shall contain the Standard Detail Sheet of the South Broward Drainage District as contained in **Exhibit 19, Standard Detail Sheet**. Copies of approvals and permits issued by other governmental agencies shall be submitted with the application (or applications to other governmental agencies where the permits have not been obtained). All paving, drainage and lake excavation plans submitted to the District for review shall be prepared by and sealed by a Florida Registered Professional Engineer. Where a project is less than 1½ acres, the District Director may waive the requirement of having a Professional Engineer prepare and seal the plans.

Two (2) sets of plans, with calculations, an application, proof of ownership and agent authorization shall be submitted to the District Headquarters for review. Plan submittals shall include one set of water and sewer plans. Homeowner documents must be submitted if applicable. The submittal package shall be accompanied with the appropriate fees. The applicant should refer to **Section 13** for fee schedule. An AutoCad compact disc or 3 ½ inch disc of the paving and drainage plans shall be submitted upon approval of the plans and prior to issuance of the permit.

Upon review of the plan submittal by the District, one (1) set of plans may be returned to the applicant with written comments and/or recommended revisions if necessary. All re-submittals shall include a response letter to the District and the marked up set of plans, if applicable, and two (2) additional sets of plans and calculations with revisions clearly identified. All paving and drainage plans shall be submitted on 24 inch x 36 inch sheets and shall include appropriate construction details and notes. **No construction shall commence until plans are approved, a permit is issued by the District and a preconstruction conference is held.**

#### 4.3 PLAN APPROVAL

The District will review all applications for conformance to the requirements of the District and generally accepted engineering standards. Applications that do not meet the requirements of the District shall be rejected, and the applicant should resubmit with appropriate compliance to the District requirements. Upon receipt of a complete submittal package, the District shall review and issue a permit for the project within an appropriate period of time.

All approvals for projects are in effect for eighteen (18) months unless an extension is granted by the District Director. Work shall commence on a project within one-hundred eighty (180) days of permit issuance. At the discretion of the District Director, an additional fee may be collected by the District for a permit extension.

## 4.4 VARIANCES AND APPEALS

### (A) GENERAL

1. The Board of Commissioners, at their discretion and as herein provided, may grant a variance to the Regulations, Standards, Procedures and Criteria of the District.
2. Any person seeking a variance must file a written request for a variance with the District Director, complete a Variance Application Information Form (Exhibit 27) and pay a \$125 .00 Variance Request Application Fee and a \$750.00 deposit for legal fees and costs.
3. Prior to being scheduled on the SBDD Board agenda, the applicant must attend a Variance Review Committee (VRC) meeting at the District offices. The purpose of the VRC meeting will be to evaluate the proposed variance request and determine if there are any alternatives that can minimize the nonconformance or can eliminate the need for a variance.
4. The applicant shall demonstrate that the following prerequisites for the granting of a variance have been met:
  - a. The existing conditions and circumstances are not the result of the actions of the applicant or his/her agents.
  - b. Special conditions and circumstances affecting the land, building or structure for which the variance is being sought.
  - c. Strict application of the provisions of the District's Criteria would deprive the applicant of reasonable use of said land, building or structure and that a genuine hardship exists. However, previously granted variances shall not be considered grounds for issuance of a variance.
  - d. The proposed variance is in harmony with the general purposes of the District's Charter and is not contrary to the public interest, health, safety, or welfare, taking into account the drainage characteristics of the surrounding properties.

- e. The proposed variance is the minimum variance that will make possible the reasonable use of the land, building or structure with no adverse impacts on the District's ability to perform its duties under its Charter.
  - f. The proposed variance will not hinder or otherwise alter the ability of SBDD to maintain and/or operate SBDD facilities.
5. The submittal of a Variance Application and required back-up documentation does not guarantee approval of the Variance Application by the SBDD Board, regardless of the recommendation(s) of the VRC. The SBDD Board reserves the right to deny or approve any Variance Application based on the individual merits of each application.

#### (B) VARIANCE

1. The Board of Commissioners shall not grant any variances or make any decisions, findings and determinations unless it first determines that:
  - a. The variance granted is the minimum variance that will accomplish the purposes of this section, and that the alleged hardship is not self-created by any person having an interest in the property nor is it the result of a disregard for or ignorance of the District's Regulations, Standards, Procedures and Criteria.
  - b. Its decision and action is in harmony with the general purposes of the District's Charter and is not contrary to the public interest, health, safety, or welfare, taking into account the drainage characteristics of the surrounding properties.
  
2. The applicant shall submit eleven (11) copies of the following documents with their written request for a variance:
  - a. A signed & sealed survey of the property dated within 30 days of submittal that includes a sketch & legal description and shows all easements, and rights-of-way. If the property fronts a water body, the survey shall clearly

- show the location and dimensions of the top of bank and edge of water at the time of the survey. If the encroaching structure is existing, it shall be denoted as such on the survey, and shall include dimensions and/or ties to the property lines and easement lines. The survey shall also depict the location of the basin control elevation line on the lake and/or canal.
- b. A sketch or drawing of the encroaching structure (existing or proposed), if applicable. Said sketch shall show the amount of encroachment and adequate details, cross-sections, etc. depicting the method of construction.
  - c. Photos of the property that depict the area in question and the potential impacts of the variance request.
  - d. Letter of authorization from the Home Owners Association (HOA) in which the property is located, if applicable.
  - e. Other information as may be requested or required by the District Director or by the Board of Commissioners to properly evaluate the request.
3. If the variance request is granted, the applicant, his successors, and assigns, shall enter into an Indemnification and Hold Harmless Agreement which indemnifies and holds harmless the District of and from any and all damages which occur as a result of the variance request being granted.
  4. The applicant shall be required to pay the cost of all legal fees and costs associated with the variance request, including, but not limited to, the preparation and recording of the Indemnification and Hold Harmless Agreement. This includes any additional legal fees and costs above and beyond the deposit for legal fees.
  5. Upon approval of the variance, the applicant shall:
    - a. Apply for a permit, if applicable.
    - b. Execute the Indemnification and Hold Harmless Agreement.
    - c. Pay all fees associated with the variance, including legal fees, permit fees and recording fees.

## (C) APPEAL

Appeal of the District Engineer's interpretation of District Criteria or permit application, shall be submitted in writing to the District Director in the form of a Variance Application to be heard before the Board.

### 4.5 WORK WITHOUT PERMITS/INJUNCTIONS

If work is started on a project prior to the issuance of a permit by the District, the District will issue a notice that the construction or use of the premises is in violation of one or more of the District's Design Criteria Manual Regulations, Standards or Procedures.

If construction does not immediately cease, the District will secure an injunction from the Broward County Circuit Court to halt said construction. The cost of filing for said injunction and all attorney fees and other costs incurred by the District shall be paid for by the property owner. If not paid within seven (7) days of receipt of invoice for same, the District shall be authorized to file a lien against the affected property for the full amount of all costs.

A request for injunction by the District may be based on a certificate of the District Engineer or District Director stating the legal description of the property, the current record title holder and a statement that the property owner is in violation of one or more of the requirements of the District Design Criteria Manual regulations, standards or procedures. This affidavit shall be prima facie evidence of non-compliance of the property owner with the District Design Criteria Manual Regulations, Standards or Procedures.

In the event the District incurs attorney fees or other costs including those associated with requesting a court injunction, the property owner will be required to reimburse the District for all expenses incurred which must be paid prior to the District commencing review of the property owner's application for development of property owner's property.

At such time the property owner complies with the District's criteria as stated, the District will file a voluntary dismissal without prejudice of the lawsuit filed by the District.

#### 4.6 ENGINEER CERTIFICATE

All plans shall be certified to the District by the project professional engineer (if property is 1 ½ acres or less in size, certificate signed by registered architect or surveyor will be accepted) and the following certification shall be added to or accompany all paving, drainage and lake excavation plans submitted for approval by the District:

I, \_\_\_\_\_, a Florida registered Engineer, whose Florida Professional License Number is \_\_\_\_\_, certify that I have reviewed the plans which accompany this certification and that the design of this project as shown on these plans meets or exceeds the requirements of the South Broward Drainage District Criteria Manual dated \_\_\_\_\_.