



## MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 8-2-11)  
June 7, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:**

Ordinance providing for an additional two-year extension of deadlines for certain previously extended development permits, agreements and reservations of concurrency capacity; amending Section 33G-10 of the Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson and Co-Sponsor Commissioner Rebeca Sosa.

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R. A. Cuevas, Jr.  
County Attorney

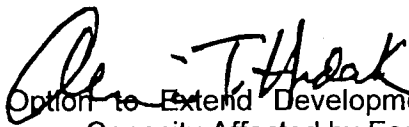
RAC/up

**Date:** August 2, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager

**Subject:** Ordinance Amending ~~Option to Extend~~ Development Permits, Agreements and Reservations of Concurrency Capacity Affected by Economic Crisis



## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the proposed ordinance amending Miami-Dade County Code Chapter 33G-10 to extend for an additional two year term from October 1, 2010 to September 30, 2012, certain development permits, agreements and reservations of concurrency capacity at a low fee, issued by the County within its corresponding service area jurisdictions.

## **Scope**

Impact of this agenda item is Countywide.

## **Fiscal Impact Analysis/Funding Source**

Participants of this program who opt for and whose permit, agreement, or reservation of concurrency capacity qualifies for this extension, upon departmental approval, would pay a \$79.00 extension fee or 10 percent of the initial permit fee, whichever is greater. Due to the current condition of the economy, and the inability to predict the number of holders who may avail themselves of this proposed option, it is challenging to estimate a fiscal impact to the County. This extension, if approved, impacts the Department of Planning and Zoning (DPZ), the Public Works Department (PWD), the Department of Environmental Resources Management (DERM), and the Water and Sewer Department (WASD) for projects located in these departments' service area jurisdictions.

## **Track Record/Monitor**

The individual departments such as DPZ, PWD, DERM, and WASD issuing and extending permits, agreements and reservations of concurrency capacity will track and monitor these extensions.

## **Background**

On February 2, 2010, the Board adopted Ordinance No. 10-14, codified as Code Chapter 33G-10, that created the option to extend development permits, agreements and reservations of concurrency capacity effective as of October 1, 2008 or issued or executed prior to October 1, 2010. The scope of this proposed ordinance extending this program is two-fold. It provides an additional two-year time extension option for permits previously extended under Ordinance No. 10-14 that are in good standing upon application and applicable fee payment, and it also provides an additional two-year time extension option for qualifying development permits not previously extended under the Ordinance and in good standing, if application is made by September 30, 2012 and applicable fee paid.

While it is difficult to predict the number of holders who may avail, the local development industry who requested extension of this program advised that they informally surveyed industry members and confirmed that this extension capability and incentive are critical for those existing holders who need it. If this proposed ordinance is adopted and extensions granted, an overall positive impact is expected for our community due to continued progress and spending on planned and permitted development activity

that may otherwise cease or continue to be substantially curtailed due to current economic times affecting the construction industry in Miami-Dade County.

Note that presently the permit, agreement and concurrency reservation types listed in Ordinance No. 10-14 have the ability to be extended beyond their initial issuance periods under regular process. Holders of such permits do apply, pay a regular fee as provided for, and receive varying time extensions when allowed. A request to participate in this program and take advantage of this lower fee two year extension is at the sole option of the development permit or agreement holder; and it would not eliminate any existing time extension capability under the regular process.

Some of the advantages of the proposed two (2) year extension are as follows.

- The holder, who receives the extension, will be given a full two year extension – more time than existing allowed extensions provide under the regular process.
- The request to the County Department Director would be a short, simple holder-written application request, per permit; and thus, little or no form to fill-out.
- The proposed extension fee is comparatively low.
- Most importantly, the extensive work earlier done by the holder and the County that resulted in a development permit, agreement, or concurrency reservation can carry forward for the planned and permitted project via this program, potentially improving our local economy.



Assistant County Manager



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Joe A. Martinez      **DATE:** August 2, 2011  
and Members, Board of County Commissioners

**FROM:** R. A. Cuevas, Jr.      **SUBJECT:** Agenda Item No. 7(D)  
County Attorney 

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(D)  
8-2-11

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PROVIDING FOR AN ADDITIONAL TWO-YEAR EXTENSION OF DEADLINES FOR CERTAIN PREVIOUSLY EXTENDED DEVELOPMENT PERMITS, AGREEMENTS AND RESERVATIONS OF CONCURRENCY CAPACITY; PROVIDING TWO-YEAR EXTENSION OF DEADLINES FOR CERTAIN DEVELOPMENT PERMITS, AGREEMENTS, AND RESERVATIONS OF CONCURRENCY OF CAPACITY NOT PREVIOUSLY EXTENDED; AMENDING SECTION 33G-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); PROVIDING FEES FOR SUCH EXTENSIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board wishes to accomplish the purposes described in the accompanying memorandum,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33G-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**CHAPTER 33G**

**SERVICE CONCURRENCY MANAGEMENT PROGRAM**

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec. 33G-10. Extension of permits and reservations of concurrency capacity.**

\* \* \*

>>(g) The expiration date of any development permit, agreement, or reservation of capacity that has been extended for two years pursuant to paragraphs (a) through (f) above shall be extended for one additional two-year period upon application and payment of the applicable fee. Approval of this additional extension shall be subject to a determination by the director of the responsible department that the requirements of paragraph (d) above have been met. Extensions granted pursuant to this paragraph may extend a reservation of capacity only up to, and not more than, five years after final plat approval. Any second extension of a permit, agreement, or reservation of capacity sought under state law, if granted, shall run concurrently with extensions granted pursuant to this paragraph.

(h) The expiration date of any development permit, agreement, or reservation of capacity that has not been previously extended for two years pursuant to paragraphs (a) through (g) above shall be extended for two years upon application and payment of the applicable fee, if application is made on or before the expiration of the permit, agreement, or reservation but not later than September 30, 2012. Approval of this extension shall be subject to a determination by the director of the responsible department that the requirements of paragraph (d) above have been met. Extensions granted pursuant to this paragraph may extend a reservation of capacity only up to, and not more than, five years after final plat approval. Any extension of a permit, agreement, or reservation of capacity sought under state law, if granted, shall run concurrently with extensions granted pursuant to this paragraph.<<

**Section 2.** The fees for any extensions authorized by this ordinance shall be the same as the fees approved by Miami-Dade County Resolution No. R-161-10 for single-period, two (2) year extensions pursuant to Ordinance No. 10-14.

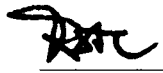
**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

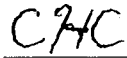
**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson  
Co-Sponsor: Commissioner Rebeca Sosa