

Memorandum



Date: February 18, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the name in the "From" field.

Subject: Commission Sponsorship Request for Two Ordinances Amending Chapter 24 of the Code of Miami-Dade County Regarding Required Connection to Public Sewer and Water Mains and Regarding Food Preparation Facilities on Agricultural Properties

I am requesting sponsorship of the attached ordinances amending Chapter 24 of the Code of Miami-Dade County. As part of the creation of the Regulatory and Economic Resources (RER) Department, I tasked staff to identify specific initiatives that would facilitate economic development in Miami-Dade County. As part of that effort, over the past two years staff has prepared and the Board has approved several code changes relating to natural resource permitting and zoning regulations that have helped simplify the regulatory process and reduced the time needed to obtain approvals. While these changes have been positive, our work is certainly not over. The process of remaking our government does not occur all at once but instead requires an ongoing commitment to continuous improvement. The two attached ordinances are the result of our continuing effort to improve the delivery of County services.

The first ordinance refines the Code so that property owners are not required to connect to public sanitary sewer lines in certain circumstances. For example, connection is not required when the property will only generate a limited volume of domestic sewage, when connection would require crossing a four lane or divided highway, or when it would require connecting to a sewer force main, and therefore not be economically feasible. The second ordinance modifies the Code to allow approval for land uses involving the preparation of food and drink on agricultural properties served by an onsite domestic well and a septic tank, provided the site meets applicable water quality standards.

Both ordinances were presented to and discussed with professionals representing the land development industry that attend and participate in open meetings of our informal Development Process Advisory Group. The ordinance relating to food preparation on properties served by a potable well and septic tank was also presented to the Agricultural Practices Advisory Board.

I anticipate further code related initiatives in the near future from our work with the Development Process Advisory Group and I thank them for their efforts to date. If you require further information, please contact Jack Osterholt, Deputy Mayor/Director, RER, at 305-375-5695.

Attachments

c: Robert A Cuevas, County Attorney
Office of the Mayor Senior Staff
Charles Anderson, Commission Auditor
Development Process Advisory Group Participants

Memorandum



Date:

To: Honorable Chairman Rebecca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Ordinance Amending Section 24-43.1 of the Code of Miami-Dade County Relating to Liquid Waste Disposal and Potable Water Supply Systems; Amending Section 24-43.2 of the Code Relating to Regulation of On-Site Domestic Well Systems and Other Water Supply Wells; Amending Section 24-43.3 of the Code Relating to Potable Water Standards; Each of the Amendments Defining "Available" When Used in the Context of Required Connection to Public Sewer Mains and Water Mains

Recommendation

It is recommended that the Board of County Commissioners approve the attached ordinance amending Section 24-43.1 of the Code of Miami-Dade County, relating to liquid waste disposal and potable water supply systems, amending Section 24-43.2 of the Code relating to regulation of on-site domestic well systems and other water supply wells, and amending Section 24-43.3 of the Code relating to potable water standards. This proposed Code change is provided as a result of my direction for staff to identify opportunities to improve the delivery of our services in implementing the policies of this County while reducing unnecessary costs and time consuming process for our citizens.

Scope

The proposed ordinance involves environmental regulation countywide.

Fiscal Impact/Funding Source

This ordinance will not require additional funding and will be revenue neutral to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM). The Miami-Dade Water and Sewer Department (WASD) collects a water and sewer connection fee and collects fees for services from properties that connect to public water and sewer lines. This ordinance will reduce the number of properties required to connect. However, the reduction in revenue to WASD is expected to be negligible.

Track Record/Monitor

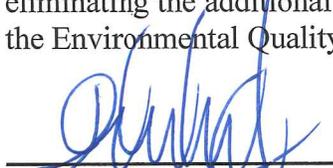
Carlos Hernandez, PE, Wastewater Permitting Section Chief, Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will be responsible for the implementation of this ordinance.

Background

Chapter 24 of the Code requires connection to a public water main or public sanitary sewer when a public water main or public sanitary sewer line is determined to be available and operative in any portion of the public right-of-way or easement abutting the property. However, the Code does not include a provision for considering whether such a connection is economically feasible. In some cases, the water or sewer line may actually be located on the opposite side of a major street or highway, or may require connection to a sewer force main at a significant and disproportionate cost to property owners that only generate a limited volume of domestic sewage. Under these

circumstances, a property owner's only alternative is to seek a variance from this provision of the Code through the Environmental Quality Control Board. In reviewing these cases, DERM technical staff evaluate the variance requests for conformance with all other environmental provisions in the Code, including meeting minimum lot size and sewage loading requirements, and subsequently prepare a recommendation for consideration by the Environmental Quality Control Board. When receiving a favorable recommendation from DERM, these variance requests are typically approved by the Environmental Quality Control Board.

This ordinance provides a definition for availability of public water and public sanitary sewers that includes factors relating to physical impediments which are currently not addressed in the Code, and this ordinance eliminates inconsistencies with state regulations. This ordinance eliminates the requirement for properties that conform with relevant environmental standards in the Code, but only generate a limited volume of domestic sewage, to connect to public water and public sanitary sewers when connection requires crossing a major street or requires connection to a public sewer force main. This ordinance will also streamline the permit review and approval process by eliminating the additional time and expense for property owners to seek and obtain a variance from the Environmental Quality Control Board in these cases.



Jack Osterholt, Deputy Mayor

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-43.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO LIQUID WASTE DISPOSAL AND POTABLE WATER SUPPLY SYSTEMS; AMENDING SECTION 24-43.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO REGULATION OF ON-SITE DOMESTIC WELL SYSTEMS AND OTHER WATER SUPPLY WELLS; AMENDING SECTION 24-43.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO POTABLE WATER STANDARDS; EACH OF THE AMENDMENTS DEFINING "AVAILABLE" WHEN USED IN THE CONTEXT OF REQUIRED CONNECTION TO PUBLIC SEWER MAINS AND WATER MAINS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-43.1. Liquid waste disposal and potable water supply systems.

- (1) The intent and purpose of this section is to safeguard the public health, safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.
- (2) No person shall discharge or cause, allow, permit, let or suffer to be discharged any liquid waste or other substance of any kind whatsoever into a septic tank other than domestic sewage.

¹ 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.

* * *

- (7) Notwithstanding any provision of this code, when an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment methods shall cease within ninety (90) days of the date the Director or the Director's designee determines that the approved public sanitary sewer is available and operative. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer or approved sanitary sewer force main except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property. Notwithstanding the foregoing, graywater may, at the option of the property owner, be discharged to a graywater disposal system approved by the Director or the Director's designee.

>>Available, when used in Section 24-43.1(7) shall mean the following:

- (a) Single Family Residence and Duplex: A public gravity sewer shall be considered available if it is located within any portion of any public right-of-way or easement abutting the property, but not on the opposite side of a roadway divided by a raised median or on the opposite side of a roadway which has four (4) lanes or more. A public force main is not considered available.
- (b) Residential, other than Single Family Residence or Duplex:
- (i) For properties complying with the sewage loading provisions of Section 24-43.1(3) using the sewage flows set forth in Section 24-43.1(5) and with sewage flow less than or equal to 1,000 gallons per day (gpd) calculated using unit rates in Chapter 64E-6, Florida Administrative Code, as may be amended from time to time, a public gravity sewer shall be considered available if it is located within any portion of any public right-of-way or easement abutting the property, but not on the opposite side of a roadway divided by a raised median or on the opposite side of a roadway which has four (4) lanes or more. A public force main shall not be considered available.
- (ii) For properties not complying with the sewage loading provisions of Section 24-43.1(3) using the sewage flows set forth in Section 24-43.1(5) or with a sewage flow greater than 1,000 gallons per day (gpd) calculated using unit rates in Chapter 64E-6, Florida Administrative Code, as may be amended from time to time, a public gravity sewer or a public force main shall be considered available if it is located within any portion of any public right-of-way or easement abutting the property.

- (c) Non-residential land uses that generate only domestic sewage: (including residential with mixed use):
- (i) For properties complying with the sewage loading provisions of Section 24-43.1(4)(b) using the sewage flows set forth in Section 24-43.1(5) and with sewage flow less than or equal to 1,000 gallons per day (gpd) calculated using unit rates in Chapter 64E-6, Florida Administrative Code, as may be amended from time to time, a public gravity sewer shall be considered *available* if it is located within any portion of any public right-of-way or easement abutting the property, but not on the opposite side of a roadway divided by a raised median or on the opposite side of a roadway which has four (4) lanes or more. A public force main shall not be considered *available*.
 - (ii) For properties *not* complying with the sewage loading provisions of Section 24-43.1(4)(b) using the sewage flows set forth in Section 24-43.1(5) or with a sewage flow greater than 1,000 gallons per day (gpd) calculated using unit rates in Chapter 64E-6, Florida Administrative Code, as may be amended from time to time, a public gravity sewer or a public force main shall be considered *available* if it is located within any portion of any public right-of-way or easement abutting the property.
- (d) Any use that generates a liquid waste other than domestic sewage: A public gravity sewer or public force main sewer shall be considered *available* if it is located within any portion of any public right-of-way or easement abutting the property.
- (e) Any non-residential land use located within the basic wellfield protection area of any public utility potable water supply well: A public gravity sewer or public force main sewer shall be considered *available* if it is located within any portion of any public right-of-way or easement abutting the property.<<

~~[(8) Notwithstanding any provision of this Code, the use of any liquid waste storage, disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, the maximum day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights wellfield complex or within the basic wellfield protection area of any public utility potable water supply well shall cease within six (6) months from the date that the Director or the Director's designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right-of-way or easement abutting the property, or the use of any liquid waste storage,~~

~~disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use which exceeds the maximum allowable sewage loading permitted by Section 24-43.1(4)(b) of this Code, shall cease within six (6) months from the date that the Director or the Director's designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right of way or easement abutting the property. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property.]]~~

* * *

Section 2. Section 24-43.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-43.2. Regulation of on-site domestic well systems and other water supply wells.

(1) *Regulation of on-site domestic well systems generally.*

- (a) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by an on-site domestic well system without obtaining the prior written approval of the Director or the Director's designee.

* * *

- (3) *Permits for existing uses.* All uses of water in existence before the effective date of this section, unless otherwise exempted from regulation by law, may be continued after the adoption of this permit system. A permit for any existing use shall be issued upon proper application. Failure to apply for a permit for any existing use for one (1) year after the effective date of this ordinance shall constitute an abandonment of the right granted by this section.

~~[[Notwithstanding the above, when an approved public water main has been made available and operative in any portion of the public right of way or easement abutting the property, the use of any on site domestic well system shall cease and connection shall be made to a public water main within ninety (90) days from the date that the Director or the Director's designee determines that the approved public water main is made available and operative, and]]~~

- ~~(a) — The existing sewage loading on the property exceeds the maximum allowable~~

- sewage loading permitted by Sections 24-43.1(3) or 24-43.1(4)(b) of this Code, or
~~(b) The groundwater quality for the property exceeds the potable water standards in Section 24-43.3(2) of this chapter.]]~~

* * *

~~[(10) Definitions.~~

- ~~(a) Domestic use shall mean any use of water for individual personal needs or for household purposes such as drinking, bathing, eating, cooking or sanitation.~~
- ~~(b) Emergency shall mean that situation where the public health, safety or welfare or the health of animals, fish or aquatic life or of a public water supply or recreational, commercial, industrial, agricultural or other reasonable use of water is immediately in danger or threatened by an insufficient supply, restricted source, deleterious quality or other conditions of the water within the County.~~
- ~~(c) Director shall mean the Director of the Department of Environmental Resources Management with powers as provided by Section 24-7 of the Code.~~
- ~~(d) Groundwater shall mean water beneath the surface of the ground whether or not flowing through known and definite channels.~~
- ~~(e) Person shall mean any and all persons including but not limited to any individual, firm, association, organization, partnership, business trust, corporation, company, United States of America, the State of Florida and all the municipalities and public agencies thereof located within Miami Dade County.~~
- ~~(f) Reasonable beneficial use shall mean the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.~~
- ~~(g) Surface water shall mean water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from a natural spring or well shall be classified as surface water when it exits from the spring or well onto the earth's surface.~~
- ~~(h) Water or waters of the County shall mean any and all waters on or beneath the surface of the ground including natural or artificial water courses, lakes, ponds or diffused surface water and water percolating, standing or flowing beneath the surface of the ground as well as all coastal waters in the geographic boundaries of Miami Dade County, Florida.~~
- ~~(i) Water shortage shall mean that situation within all or part of Miami Dade County, Florida wherein insufficient water is available to meet the requirements of the permit system or where the conditions are such as to require temporary reduction in the total use within the area to protect water resources from serious harm.~~

(j) ~~Well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater or removal of water from beneath the ground. The term well does not include sandpoint wells or any wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or the inserting of media to dispose of oil brinds or to repressure an oil or natural gas-bearing formation or for storing petroleum, natural gas or other products.]]~~

>>(10) When an approved public water main has been made available and operative in any portion of the public right-of-way or easement abutting the property, the use of any on site domestic well system shall cease and connection shall be made to a public water main within ninety (90) days from the date that the Director or the Director's designee determines that the approved public water main is made available and operative. Thereafter, the use of the on-site well for domestic use shall be abandoned and the source of potable water for the residence or building shall be from the approved public water main.

Available, when used in Section 24-43.2 (10) shall mean the following:

- (a) Single Family Residence and Duplex: A public water main shall be considered available if it is located within any portion of any public right-of-way or easement abutting the property, but not on the opposite side of a roadway divided by a raised median or on the opposite side of a roadway which has four (4) lanes or more.
- (b) For all other uses: A public water main shall be considered available if it is located within any portion of any public right-of-way or easement abutting the property.

(11) Definitions.

Director shall mean the Director of the Department of Environmental Resources Management with powers as provided by Section 24-7 of the Code.

Domestic use shall mean any use of water for individual personal needs or for household purposes such as drinking, bathing, eating, cooking or sanitation.

Emergency shall mean that situation where the public health, safety or welfare or the health of animals, fish or aquatic life or of a public water supply or recreational, commercial, industrial, agricultural or other reasonable use of water is immediately in danger or threatened by an insufficient supply, restricted source, deleterious quality or other conditions of the water within the County.

Groundwater shall mean water beneath the surface of the ground whether or not flowing

through known and definite channels.

Person shall mean any and all persons including but not limited to any individual, firm, association, organization, partnership, business trust, corporation, company, United States of America, the State of Florida and all the municipalities and public agencies thereof located within Miami-Dade County.

Reasonable-beneficial use shall mean the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

Surface water shall mean water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from a natural spring or well shall be classified as surface water when it exits from the spring or well onto the earth's surface.

Water or waters of the County shall mean any and all waters on or beneath the surface of the ground including natural or artificial water courses, lakes, ponds or diffused surface water and water percolating, standing or flowing beneath the surface of the ground as well as all coastal waters in the geographic boundaries of Miami-Dade County, Florida.

Water shortage shall mean that situation within all or part of Miami-Dade County, Florida wherein insufficient water is available to meet the requirements of the permit system or where the conditions are such as to require temporary reduction in the total use within the area to protect water resources from serious harm.

Well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater or removal of water from beneath the ground. The term well does not include sandpoint wells or any wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or the inserting of media to dispose of oil brinds or to repressure an oil or natural gas-bearing formation or for storing petroleum, natural gas or other products.<<

Section 3. Section 24-43.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-43.3. Potable water standards.

- (1) GENERAL PROHIBITIONS. It shall be unlawful for any person, firm, corporation, private or public utility, to cause, permit or otherwise allow any potable water supply to breach the values set forth in Section 24-43.3(2).
- (2) POTABLE WATER STANDARDS FOR MIAMI-DADE COUNTY.

- (a) Bacteriological quality; sampling. Compliance with the bacteriological requirements of these standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established by the Director or the Director's designee after investigation of the source, method of treatment, and protection of the water concerned. In no event shall the frequency be less than as set forth below:

* * *

~~[[(q) — When an approved public water main is made available and operative in a public right of way or easement abutting the property, any existing individual potable water supply system, device, or equipment shall, within ninety (90) days, be abandoned and the source of potable water for the residence or building shall be from the approved public water supply main.]]~~

* * *

Section 4. 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 5. 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 6. 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:

Date:

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 24-43.1 of the Code of Miami-Dade County Relating to Liquid Waste Disposal and Potable Water Supply Systems to Provide for Food Preparation Facilities on Agricultural Properties

Recommendation

It is recommended that the Board approve the attached ordinance amending Section 24-43.1 of the Code of Miami-Dade County relating to liquid waste disposal and potable water supply systems. This ordinance will maintain important public health and safety oversight for use of onsite groundwater wells for commercial production of food and beverages on agricultural properties while reducing the time and cost associated with obtaining regulatory approval.

Scope

The proposed ordinance involves environmental regulation countywide.

Fiscal Impact/Funding Source

This ordinance will not require additional funding and will be revenue neutral to Miami-Dade County.

Track Record/Monitor

The Chief of Pollution Regulation, Rashid Istambouli, P.E., in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for implementing this ordinance.

Background

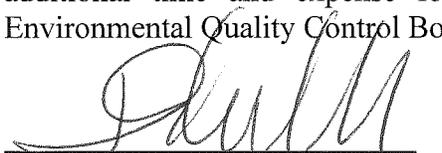
County zoning regulations allow fruit stands to serve food products prepared onsite by the fruit stand operator. In addition, farm-related wineries, breweries and distilleries are allowed within areas zoned for agricultural use and are allowed to serve food as an accessory to the sale of wine, beer, and distilled spirits. The majority of land designated for agricultural use in Miami-Dade County is located outside of the Urban Development Boundary and usually has no access to the public drinking water supply system. Without access to the public water supply distribution system, these properties are usually served by onsite domestic potable water wells.

Chapter 24 of the Code currently prohibits nonresidential land uses that are primarily engaged in the preparation of food and drink from being conducted on land served by onsite domestic potable water wells. For that reason, businesses such as fruit stands, wineries, ecotourism destinations and others proposing to use onsite domestic potable water wells in order to prepare and sell food or drink cannot be approved unless they first obtain a variance from the Environmental Quality Control Board. In reviewing these cases, DERM technical staff evaluates site conditions and water quality data to verify that the onsite potable well meets acceptable water quality standards, and subsequently prepares a recommendation for consideration by the Environmental Quality Control Board. With

Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
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proper review, permitting and monitoring of onsite domestic potable water wells, the use of these wells for food and drink preparation poses little detriment to the public welfare or safety. Upon receiving a favorable review and recommendation from DERM, these variance requests are typically granted by the Environmental Quality Control Board.

The proposed ordinance will allow commercial food preparation on nonresidential properties associated with bona fide agricultural uses that are served by onsite water wells and comply with relevant environmental standards in the Code to be approved administratively following DERM review. This change will streamline the development review and approval process by eliminating the additional time and expense for business owners to seek and obtain a variance from the Environmental Quality Control Board in these cases.



Jack Osterholt, Deputy Mayor

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-43.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO LIQUID WASTE DISPOSAL AND POTABLE WATER SUPPLY SYSTEMS TO PROVIDE FOR FOOD PREPARATION FACILITIES ON AGRICULTURAL PROPERTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-43.1. Liquid waste disposal and potable water supply systems.

- (1) The intent and purpose of this section is to safeguard the public health, safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

* * *

- (4) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit ~~[[except building permits for repair and maintenance of existing facilities]]~~, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any source of potable water supply and a septic tank without obtaining the prior written approval of the Director or the Director's designee.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use served or to be served by any source of

¹ 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.

[[public]] >>potable<< water [[supply]] and a septic tank without obtaining the prior written approval of the Director or the Director's designee.

The Director or the Director's designee shall issue the Director's or the Director's designee's written approval if the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with agricultural vehicle or, agricultural equipment maintenance facilities, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank and additionally, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

* * *

- (c) If the Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is served or to be served by an on site domestic well system and a septic tank and is not one (1) or more of the following nonresidential land uses:
 - (i) Establishments primarily engaged in the handling of food and drink except factory prepackaged products and agricultural crops [[;]] >>and, food preparation facilities on agricultural properties which serve the prepared food and drink on site.<<
 - (ii) Educational institutions,
 - (iii) Intermediate care facilities,
 - (iv) Health care facilities.

Notwithstanding the above, the Director or the Director's designee shall approve the issuance of a building permit for the repair or maintenance of existing facilities.

* * *

- (6) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director or the Director's designee.

* * *

- (b) The Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property

is a nonresidential land use served or to be served by an on site domestic well system and is not an establishment primarily engaged in the handling of food and drink (except factory prepackaged products >>and food preparation facilities on agricultural properties which serve prepared food and drink on site<<), educational institutions, intermediate care facilities and health care facilities and is not one (1) or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

- (i) BU-1A (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),

* * *

- (viii) Unusual uses (excluding [~~fruit and vegetable stands (no food or drinks processing) on a seasonal basis;~~] lake excavation; concrete batching plant; concrete block plant; rock crushing and screening plant; filling of rock pits; rock quarries; radio and television towers and transmitting stations; trailers as watchman's quarters), or

* * *

Section 2. 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 3. 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 4. 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: _____