

MEMORANDUM

Agenda Item No. 5(G)


TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Public Hearing 10-18-22)
September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to environmental protection; amending section 24-5 and Division 2 of article III of chapter 24 of the Code; revising standards related to feasible distance to connect to public sanitary sewers and public water mains, including definitions, methods of calculation, procedures, and applicability; delegating authority to the Director to approve certain form covenants; updating cross-references and making other technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(G)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 5(G)
10-18-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING SECTION 24-5 AND DIVISION 2 OF ARTICLE III OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING STANDARDS RELATED TO FEASIBLE DISTANCE TO CONNECT TO PUBLIC SANITARY SEWERS AND PUBLIC WATER MAINS, INCLUDING DEFINITIONS, METHODS OF CALCULATION, PROCEDURES, AND APPLICABILITY; DELEGATING AUTHORITY TO THE DIRECTOR TO APPROVE CERTAIN FORM COVENANTS; UPDATING CROSS-REFERENCES AND MAKING OTHER TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board has prioritized efforts to reduce the number of septic tanks in Miami-Dade County, for example by promoting and assisting with connections to the public sanitary sewer system; and

WHEREAS, chapter 24 of the Code of Miami-Dade County (“Code”) regulates when a property is required to connect to either the sanitary sewer system, public water main, or both; and

WHEREAS, chapter 24 currently contains standards to determine when a property is within “feasible distance” to connect to the sanitary sewer system and to a public water main, and such feasible distance standards are currently based on an algebraic formula that relates, in part, to the size and scope of building improvements; and

WHEREAS, pursuant to chapter 24, a feasible distance determination is required for certain development approvals, and when a property is within feasible distance to the sanitary sewer system, a public water main, or both, the property is required to connect to such public infrastructure; and

WHEREAS, Miami-Dade County has historically taken a multitude of actions with respect to septic tanks and their potential environmental and health-related issues, including scientific studies and recommendations, County regulatory changes, and County restrictions on its own property; and

WHEREAS, for example, the County's 1973 Water Quality Management Plan made recommendations related to the prohibition of future septic tanks in certain areas and the elimination of certain existing septic tanks; and

WHEREAS, the County's Biscayne Bay Task Force made numerous recommendations in 2020 related to the reduction of existing septic tanks and the connection of more properties to the sanitary sewer system, based on concerns, for example, about potential environmental risks from septic effluent to Biscayne Bay and other natural systems; and

WHEREAS, in 2020, this Board adopted Resolution No. R-365-21, which established County policy to impose a moratorium on the conveyance of County-owned property within the Urban Development Boundary without current access to the sanitary sewer system, except under certain circumstances; and

WHEREAS, in 2021, this Board adopted Ordinance No. 21-71, which requires a septic tank disclosure to be provided in connection with certain real estate transactions; and

WHEREAS, in Resolution No. R-464-21, this Board directed the Mayor or Mayor's designee to conduct an educational campaign related to septic tank maintenance, and in Resolution No. R-672-21, this Board directed the Mayor or Mayor's designee to compile information on all properties served by septic tanks or private wells, including permit information when available, and urged the Property Appraiser to provide a link on its website profile to such database for all properties served by septic tanks or private wells; and

WHEREAS, in July 2022, this Board adopted Ordinance No. 22-83, which created more rigorous requirements for new and replacement septic tanks and septic systems, now referred to as Onsite Treatment and Disposal Systems (OSTDS), to reduce pollutants discharged by properties served by OSTDSs and thereby improve ground and surface water quality in Miami-Dade County; and

WHEREAS, with respect to this particular ordinance, in the County Mayor’s 2018 report, entitled “Septic Systems Vulnerable to Sea Level Rise” (the “Septic System Report”), the County Mayor recommended revising the feasible distance standards to account for additional variables, such as location within a flood hazard area or a wellfield protection area and proximity to surface water bodies; and

WHEREAS, the Septic System Report also noted that chapter 24’s current feasible distance standards have loopholes that allow a developer to break up a proposed development into phases and thereby circumvent the connection requirements, even though building the entire development at one time would have required connecting to the public infrastructure; and

WHEREAS, the Septic System Report recommended revising the feasible distance standards to address these issues; and

WHEREAS, this ordinance furthers the Septic System Report’s recommendations by substantively revising the feasible distance standards, including definitions, methods of calculation, procedures, and applicability, related to when properties are required to connect to the public sanitary sewer system and public water mains; and

WHEREAS, this Board also wishes to: delegate to the Director of the Division of Environmental Resources Management the authority to approve the form of certain covenants necessary to comply with these regulations without requiring such covenant forms to also be

approved by this Board; and make technical and organizational changes to the provisions of chapter 24 set forth herein to increase ease of use and to conform to other amendments recently adopted by this Board, such as Ordinance No. 22-83,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-5. - Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

* * *

(112) *Feasible distance* ~~[[for public water mains]]~~ shall mean the >>criteria and<< distance >>calculated by the Director, in accordance with section 24-43.4, to determine when connection to a public water main, public sanitary sewer system, or both is required, as referenced in section 24-43.4.<< [[between the closest point of the property and the nearest available point of connection to an available public water main is not excessive as determined by the Director or the Director's designee in accordance with the following:

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.

- (1) ~~Residential uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed total floor area by a factor of twelve (12) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or~~

~~Notwithstanding the above, if the nearest available point of connection to an available public water main is located within two hundred (200) feet of the closest point of the property, extension of public water mains to serve the property is required.~~

- (2) ~~Office building uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed total floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or~~

~~Notwithstanding the above, if the nearest available point of connection to an available public water main is located within four hundred (400) feet of the closest point of the property, extension of public water mains to serve the property is required.~~

- (3) ~~Business district uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed total floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or~~

~~Notwithstanding the above, if the nearest available point of connection to an available public water main is located within six hundred (600) feet of the closest point of the property, extension of public water mains to serve the property is required.~~

- (4) ~~Industrial uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed total floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or~~

~~Notwithstanding the above, if the nearest available point of connection to an available public water main is located within seven hundred fifty (750) feet of the closest point of the property, extension of public water mains to serve the property is required.~~

- (5) ~~In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public water main is excessive, the Director or the Director's designee shall follow the principles set forth below:~~

(a) ~~The nearest available point of connection to an available public water main shall be determined by the Director or the Director's designee in accordance with good engineering practices.~~

(b) ~~Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public water mains to serve the property from the nearest available point of connection to an available public water main, if the total floor area of the new construction and new improvements is less than twenty five (25) percent of the existing total floor area.~~

- (113) ~~*Feasible distance for public sanitary sewers* shall mean that distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is not excessive as determined by the Director or the Director's designee in accordance with the following:~~

- (1) ~~Residential uses:~~

- (a) ~~Development requiring gravity sewer line extensions: If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed total floor area by a factor of twenty (20) square feet of total floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or~~
 - (b) ~~Development requiring the installation of a sanitary sewer lift station for eleven (11) residential units or more: If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by subtracting one thousand (1,000) linear feet of public sanitary sewer from that distance derived by dividing the sum of the existing and proposed total floor area by a factor of seventeen (17) square feet of total floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or~~
 - (c) ~~Notwithstanding subsections (1)(a) or (1)(b) above, if the nearest available point of connection to an available public gravity sanitary sewer is located within one hundred (100) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.~~
- (2) Office building uses:
- (a) ~~If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed total floor area by a factor of fifteen (15) square feet total floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or~~

- (b) ~~Notwithstanding subsection (2)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within three hundred (300) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.~~
- (3) ~~Business district uses.~~

 - (a) ~~If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed total floor area by a factor of fifteen (15) square feet total floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or~~
 - (b) ~~Notwithstanding subsection (3)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within five hundred (500) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.~~
- (4) ~~Industrial uses.~~

 - (a) ~~If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed total floor area by a factor of fifteen (15) square feet total floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or~~
 - (b) ~~Notwithstanding subsection (4)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within seven hundred (700) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.~~

- (5) ~~In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is excessive, the Director or the Director's designee shall follow the principles set forth below:
The nearest available point of connection to an available public sanitary sewer shall be determined by the Director or the Director's designee in accordance with good engineering practices.~~
- (6) ~~Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer, if the total floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing total floor area.]]~~

* * *

Section 3. Division 2 of article III of chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

DIVISION 2. - WELLFIELD PROTECTION, DOMESTIC WELL SYSTEMS AND POTABLE WATER STANDARDS

* * *

Section 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 >>an OSTDS<< ~~[[a-septic tank]]~~ other than domestic sewage.
- (3) >>Residential land uses with potable water, OSTDS, or both.<< Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant²>>~~2~~<< or issue any building permit, certificate of use or occupancy (except for changes in ownership for facilities that do not require an operating permit pursuant to section 24-18), municipal occupational license (except for changes in ownership for facilities that do not require an operating permit pursuant to section 24-18), platting action (final plat, waiver of plat or equivalent municipal platting action), >>development agreement subject to the Florida Local Government Development Agreement Act,<< ~~[[ø]]~~ zoning action (district boundary change, unusual use, >>special exception,<< use variance²>>~~2~~<< or equivalent municipal zoning action)>>, or other development order or development permit<< for any residential land use served or to be served by an OSTDS or any source of potable water supply until the >>Director<< ~~[[County or municipal officer, agent, employee, or board]]~~ affirmatively determines that the residential land use will comply with section 24-42.7 and one or more of the requirements as set forth in paragraphs (a), (b), (c), (d), (e), and (f) below and in section 24-43.2(1), and, additionally, that the property is not within ~~[[a]]~~ feasible distance for a public water main or public sanitary sewers.

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 residential land use served or to be served by an OSTDS or any source of potable water supply until the >>Director has made the written,<< affirmative determination required by the foregoing provision ~~[[has been made]]~~.

>>In calculating the square footage of lots for any of the determinations below, abutting easements and rights-of-way shall be considered to the center lines thereof.<<

- (a) Where public water is used:

- (i) The minimum lot size for a single-family residence shall be >>15,000<< [~~fifteen thousand—(15,000)]~~ square feet of unsubmerged land; >>or<<
 - (ii) The minimum lot size for a duplex residence shall be >>20,000<< [~~twenty thousand (20,000)]~~ square feet of unsubmerged land; >>or<<
 - (iii) The maximum sewage loading for all other residential uses shall be >>1,500<< [~~one thousand five hundred (1,500)]~~ gallons per day per unsubmerged acre; or
- (b) Where public water is not used:
- (i) The minimum lot size for a single-family residence shall be >>20,328<< [~~twenty thousand three hundred twenty eight (20,328)]~~ square feet of unsubmerged land; >>or<<
 - (ii) The minimum lot size for a duplex residence shall be >>29,040<< [~~twenty nine thousand forty (29,040)]~~ square feet of unsubmerged land; >>or<<
 - (iii) The maximum sewage loading for all other residential uses shall be >>750<< [~~seven hundred fifty (750)]~~ gallons per day per unsubmerged acre; or
- (c) >>Single-family or duplex residence below minimum lot size requirement. For<< [~~In the case of a property owner who has requested to use a tract of land for]~~ a single-family residence or duplex residence >>on a<< [~~but which]~~ tract of land >>that<< fails to comply with the minimum lot size requirements of [~~Section 24-43.1(3)(a)(i) or Section 24-43.1(3)(a)(ii) hereof and]~~ >>paragraph (a) above, and where<< a public right-of-way containing an available and operative public water main or easement containing an available and operative public water main abuts said tract of land, [~~the Director or the Director's designee has issued his written approval for the use of a septic tank for such single family residence or duplex residence. The Director or the Director's designee shall issue his written approval only if he finds that]~~ >>the

Director shall issue written approval for use of an OSTDS for such residence if the Director determines that all of the following are met:

(i) << said tract of land was created by deed prior to January 1, 1958, or was created by plat approved by the governmental authorities having jurisdiction prior to January 1, 1972, ~~[[provided that]]~~>>; and

(ii) << said tract of land, as created by the originally recorded plat or originally recorded deed, has continuously remained in the same form as set forth in the originally recorded plat or deed[[;]]>>; << or

(d) >>Other residential land uses. For any other<< ~~[[The Director or the Director's designee has issued his written approval for any]]~~ residential land use served or to be served by a public water main and >>an OSTDS, the Director shall issue written approval for use of an OSTDS if the Director determines that all of the following are met<< ~~[[a septic tank. The Director or the Director's designee shall issue his written approval only if he finds the following]]:~~

(i) ~~[[That]]~~ extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within ~~[[a]]~~ feasible distance for public sanitary sewer ~~[[;]]~~>>; << and

(ii) ~~[[That]]~~ more than >>50<< ~~[[fifty (50)]]~~ percent of an area, consisting of a minimum of one-quarter ~~[[(1/4)]]~~ mile square extending a minimum of one-eighth ~~[[(1/8)]]~~ of a mile radially from the perimeter of the property, contains land uses served by >>OSTDSs<< ~~[[septic tank(s)]]~~ and a public water supply[[;]]>>; << and

(iii) ~~[[That]]~~ the property complies with>>, or has obtained a variance from,<< the minimum lot size requirements and the maximum lot size requirements and the maximum daily domestic sewage flow (sewage loading) requirements of ~~[[Chapter 10D-6 of]]~~>>chapter 62-6 of the Florida

- Administrative Code<< ~~[[the State of Florida Rules of the Department of Health and Rehabilitative Services]]~~ as same may be amended from time to time~~[[, or has obtained a variance from the aforementioned requirements of Chapter 10D-6,]]~~>> and
- (iv) ~~the~~ [[The]] property was part of a recorded subdivision ~~that~~ [[which]] was created by plat or deed but ~~that~~ [[said subdivision]] has not continuously remained as a legally recorded subdivision~~;~~ and the size of each proposed lot is the same or larger than the lots set forth in the recorded subdivision~~[[,]]~~ and
 - (v) ~~[[That]]~~ if the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well, the property complies with ~~subsections 24-43(4)(a) and (d)~~ subsections 24-43(4)(a) and (d) ~~[[Section 24-43(4)(a) and Section 24-43(4)(d) of this Code,]]~~ and
 - (vi) ~~[[That]]~~ that residential land uses other than a single-family residence or a duplex residence shall meet the maximum sewage loading set forth in subparagraph (3)(a)(iii) above ~~[[be in compliance with Sections 24-43.1(3)(a)(iii),]]~~ or
- (e) Pre-existing subdivisions. For a replat or other subsequent ~~[[The Director or the Director's designee has issued the Director or the Director's designee's written approval for a]]~~ platting action (final plat, waiver of plat, or equivalent municipal platting action) for a residential subdivision ~~[[which was in existence prior to the effective date of this subsection]]~~ that, when originally approved, was served or to be served by a public water main and septic tanks , the Director shall issue written approval for use of an OSTDS if the Director determines that all of ~~[[The Director or the Director's designee shall issue the Director's or the Director's designee's written approval only if the Director or the Director's designee finds]]~~ the

following >>are met<<:

- (i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within ~~[[a]]~~ feasible distance for public sanitary sewers~~[[r]]~~>>:<< and
 - (ii) The original subdivision was created by deed prior to January 1, 1958, or was created by plat prior to January 1, 1972~~[[, provided that said]]~~>>: and
 - (iii) ~~The~~<< tract of land, as created by the originally recorded plat or deed, has continuously remained in the same form as set forth in the originally recorded plat or deed~~[[r]]~~>>:<< and
 - >>(iv)<< ~~[[iii]]~~ The individual lots created by the platting action fail to comply with the minimum lot size requirements of ~~[[Section 24 43.1(3)(a)(i) or Section 24 43.1(3)(a)(ii) hereof,]]~~ >>paragraph (3)(a) above;<< and
 - >>(v)<< ~~[[iv]]~~ The proposed subdivision of the originally recorded plat or deed will result in a subdivision containing less than or equivalent number of lots as the original subdivision described in >>subparagraph (3)(e)(ii) above;<< ~~[[subsection Section 24 43.1(3)(e)(ii),]]~~ and
 - >>(vi)<< ~~[[v]]~~ That residential land uses other than a single-family residence or a duplex residence shall >>not exceed the maximum sewage loading set forth in subparagraph (3)(a)(iii) above;<< ~~[[be in compliance with Section 24 43.1(3)(a)(iii),]]~~ or
- (f) >>Other subdivision. For a replat or other subsequent<< ~~[[The Director or the Director's designee has issued the Director or the Director's designee's written approval for a]]~~ platting action (final plat, waiver of plat, or equivalent municipal platting action) for a residential subdivision >>that does not meet the requirements of paragraph (e) above and that is<< ~~[[which was not in existence prior to the effective date of this subsection which subdivision is]]~~ served or to be served by a public

water main and ~~>>OSTDSs, the Director shall issue written approval for use of an OSTDS if the Director determines that all of~~<< ~~[[septic tanks. The Director or the Director's designee shall issue the Director's or the Director's designee's written approval only if the Director or the Director's designee finds]]~~ the following ~~>>are met~~<<:

- (i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within ~~[[a]]~~ feasible distance for public sanitary sewers~~[[;]]~~ ~~>>;~~<< and
- (ii) The number of lots in the subdivision created by the platting action is derived by dividing the gross area of the property by the minimum lot size for a single-family residence or duplex residence as set forth in ~~>>paragraph (3)(a) above;~~<< ~~[[Sections 24-43.1(3)(a)(i) and 24-43.1(3)(a)(ii) hereof,]]~~ and
- (iii) At least one-fourth ~~[[1/4]]~~ of the lots in the subdivision exceed the minimum lot size requirements set forth in ~~>>paragraph (3)(a) above;~~<< ~~[[Sections 24-43.1(3)(a)(i) and 24-43.1(3)(a)(ii) hereof]]~~ and the remaining three-fourths ~~[[3/4]]~~ of the lots are equal to or exceed ~~>>95~~<< ~~[[ninety five (95)]]~~ percent of the ~~>>foregoing~~<< lot size requirement ~~[[set forth in Sections 24-43.1(3)(a)(i) and Section 24-43.1(3)(a)(ii)]]~~.

~~[[In calculating the square footage of lots in Sections 24-43.1(a), (b), (c), (d), (e) and (f) above, abutting easements and rights-of-way shall be considered to the center lines thereof.]]~~

- (4) ~~>>Nonresidential land uses with potable water or OSTDS with only domestic sewage.~~<< Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership for facilities that do not require an operating permit pursuant to section

24-18), municipal occupational license (except for changes in ownership for facilities that do not require an operating permit pursuant to section 24-18), platting action (final plat, waiver of plat, or equivalent municipal platting action), >>development agreement subject to the Florida Local Government Development Agreement Act,<< ~~[[of]]~~ zoning action (district boundary change, unusual use, >>special exception,<< use variance, or equivalent municipal zoning action) >>, or other development order or development permit<< for any nonresidential land use served or to be served by any source of potable water supply or an OSTDS without obtaining the >>Director's<< prior written approval ~~[[of the Director]]~~ pursuant to this>>subsection<< ~~[[paragraph]]~~.

Furthermore, notwithstanding any provision of this ~~[[Code]]~~ >>code<<, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit>>₂<< or suffer to be constructed, utilized, operated>>₂<< or occupied>>₂<< any nonresidential land use served or to be served by any source of potable water or an OSTDS without obtaining the >>Director's<< prior written approval ~~[[of the Director]]~~.

Written approval shall only be issued if it is demonstrated that the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with an 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) that shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into an OSTDS that complies with section 24-42.7, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

* * *

- (5) >>Table to determine applicable sewage flow and sewage loading.<< The >>Director shall utilize the table set forth in paragraph (c) below<< ~~[[following table shall be utilized by the Director or the Director's designee]]~~ to determine sewage flows for sanitary sewers>>₂<< ~~[[and]]~~ the maximum

allowable >>OSTDS<< [~~septic tanks~~] sewage loading requirements>>, and the applicable sewage loading requirements within wellfield protection areas, as<< set forth in this chapter.

>>(a)<< If the Director [~~or the Director's designee~~] receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, or an engineering flow study which utilizes recognized standard practices of the engineering profession, is signed and sealed by an engineer licensed >>in<< [~~by~~] the State of Florida, and approved by the Director [~~or the Director's designee~~], the Director [~~or the Director's designee~~] may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable [~~septic tank~~] >>OSTDS<< sewage loading requirements set forth in this chapter in lieu of the table >>set forth in this subsection<< below.

>>(b)<< This table shall not be utilized for the sizing of >>an OSTDS<< [~~septic tanks~~]. Sizing of >>OSTDSs<< [~~septic tanks~~] shall be in accordance with >>section 24-42.7 and applicable<< Florida Statutes [~~regarding septic tanks~~].

>>(c) The applicable table is as follows:<<

* * *

(6) >>Other nonresidential land uses without public water, public sanitary sewer, or both.<< Notwithstanding any provision of this [~~Code~~] >>code to the contrary<<, no County or municipal officer, agent, employee, or >>board<< [~~Board~~] shall approve, grant or issue any building permit, certificate of use, certificate of occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action), >>development agreement subject to the Florida Local Government Development Agreement Act.<< [~~or~~] zoning action (district boundary change, unusual use, >>special exception,<< use variance, or equivalent municipal zoning action)>>, or other development order or development permit<< for any nonresidential land use served or to be served by any liquid waste storage, disposal, or treatment

method other than ~~[[utility]]~~ >>public<< sanitary sewers, or by any source of potable water supply other than a ~~[[utility]]~~ >>public<< water main, without obtaining the >>Director's<< prior written approval ~~[[of the Director or the Director's designee]]~~.

Furthermore, notwithstanding any provision of this ~~[[Code]]~~ >>code to the contrary<<, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied>>₁<< any nonresidential land use served by any liquid waste storage, disposal>>₁<< or treatment method>>₁<< other than public sanitary sewers or any source of potable water supply other than a public water main>>₁<< without obtaining the >>Director's<< prior written approval ~~[[of the Director or the Director's designee]]~~.

~~[[The Director or the Director's designee shall issue his]]~~ >>Such<< written approval >>shall<< only >>be issued<< if >>one or more of the following is met<<:

- (a) >>Public water available.<< The Director ~~[[or the Director's designee]]~~ determines that the existing >>or requested<< nonresidential land use for the property ~~[[or the nonresidential land use for the property is a nonresidential land use]]~~ >>is<< served or to be served by a public water main and is not one or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

* * *

- (b) >>On-site domestic well system.<< The Director ~~[[or the Director's designee]]~~ determines that the existing >>or requested<< nonresidential land use for the property ~~[[or the nonresidential land use requested for the property is a nonresidential land use]]~~ >>is<< 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>>, or<<

~~[[and]]~~ health care facilities and is not one or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

* * *

- (c) >>Covenant approved by Director.<< The owner of the property submits to the Director ~~[[or the Director's designee]]~~ a covenant running with the land executed by the owner of the property in favor of Miami-Dade County >>that<< ~~[[which]]~~ provides that prior to the approval, granting>>₂<< or issuance of any ~~[[building permit,]]~~ certificate of use ~~[[and]]~~ >>or<< occupancy (except for changes in ownership) >>, or certificate of completion, whichever is earlier,<<~~[[or municipal occupational license (except for changes in ownership)]]~~ the property shall be connected to a public water main and a public sanitary sewer>>, and that provides that the building permit applications for the property shall show the required connections<<.
- >>(i)<< Said covenants shall be in a form(s) prescribed by the Director ~~[[and approved by the Board of County Commissioners]]~~.
- >>(ii)<< The covenant shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property~~[[;]]~~>>₂.
- (iii) The Director is authorized to accept modifications of previously approved covenants to conform to this paragraph (6)(c);<< or
- (d) >>Previously approved liquid waste method.<< An application has been filed for certificate of use ~~[[and]]~~ >>or<< occupancy or municipal occupational license for a land use served or to be served by>>₂;
- (i)<< a public water main and any liquid waste storage, disposal>>₂<< or treatment method approved prior to September 30, 1983~~[[;]]~~>>₂<< or~~[[, an application has been filed for a certificate of use and occupancy or municipal occupational license for a land use~~

~~served or to be served by]~~

>>(ii)<< an on site domestic well system and any liquid waste storage, disposal>>₂<< or treatment method other than public sanitary sewers approved prior to June 13, 1986[[;]]>>₂<< or

(e) >>Certain nonresidential land uses with public water available.<< The Director ~~[[or the Director's designee]]~~ determines that the property is served or to be served by a public water main and is served or to be served by any liquid waste storage, disposal>>₂<< or treatment method other than public sanitary sewers[[;]] >>and:

(i)<< is in compliance with ~~[[Sections 24-43.1(4)(a) and (b), and that]]~~ >>paragraphs (4)(a) and (b) above; and

(ii)<< the existing >>or requested<< nonresidential land use for the property ~~[[or the nonresidential land use requested for the property]]~~ is one ~~[[4]]~~ or more of the nonresidential land uses permitted under the Miami-Dade County zoning classifications set forth in ~~[[Sections 24-43.1(6)(a)(i), (ii), or (iii) above, and]]~~ >>subparagraphs (6)(a)(i), (ii), or (iii); and

(iii)<< the owner of the property has executed a covenant running with the land in favor of Miami-Dade County which provides that the property shall only be used for those nonresidential uses permitted under Miami-Dade County zoning classification BU-1 until such time as the property is connected to public sanitary sewers.

>>1.<< Said covenants shall be in a form(s) prescribed by the Director ~~[[and approved by the Board of County Commissioners]].~~

>>2.<< The covenants shall be recorded in the public records of Miami-Dade County, Florida by the Department at the expense of the owner of the property[[;]]>>₂<< or

- (f) >>Certain nonresidential land uses with an on-site domestic well system.<< The Director [~~or the Director's designee~~] determines that the property is served or is to be served by an on site domestic well system and is served or to be served by any liquid waste storage, disposal<>><< or treatment method other than public sanitary sewers[~~, is in compliance with Sections 24-43.1(4)(a) (b) and (c), and that~~] >>and:
- (i) the property complies with paragraphs (4)(a), (b), and (c) above; and
 - (ii)<< the existing >>or requested<< nonresidential land use for the property [~~or the nonresidential land use requested for the property~~] is one [~~(4)~~] or more of the nonresidential land uses permitted under the Miami-Dade County zoning classifications set forth in [~~Sections 24-43.1(6)(b)(i), (ii), or (iii) above, and~~] >>subparagraphs (6)(b)(i), (ii), or (iii) above; and
 - (iii)<< the owner of the property has executed a covenant running with the land in favor of Miami-Dade County which provides that the property shall only be used for those nonresidential uses permitted under Miami-Dade County zoning classification BU-1 (excluding establishments primarily engaged in the handling of food and drink, except factory prepackaged products, educational institutions, intermediate care facilities and health care facilities) until such time as the property is connected to a public water main and a public sanitary sewer.
 - >>1.<< Said covenants shall be in a form(s) prescribed by the Director [~~and approved by the Board of County Commissioners~~].
 - >>2.<< The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department at the expense of the owner of the property[~~;~~]>><< or
- (g) >>Certain nonresidential land uses outside wellfield protection area and with no public sanitary sewer

within feasible distance.<< The Director ~~[[or the Director's designee]]~~ determines that no portion of the property is located within the Northwest Wellfield protection area>>_i<< ~~[[or within the]]~~ West Interim Wellfield protection area>>_i<< ~~[[or within the]]~~ maximum day wellfield protection area 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 utility potable water supply well, ~~[[that]]~~ the owner of the property is applying for a land use >>permitted under the Miami-Dade County zoning classifications set forth in paragraph (6)(a)<< ~~[[prohibited by Section 24-43.1(6)(a)]]~~ above, and:

- (i) ~~[[That]]~~ extension of ~~[[utility]]~~ >>public<< sanitary sewers to serve the property from the nearest available point of connection to an available ~~[[utility]]~~ >>public<< sanitary sewer is not within ~~[[a]]~~ feasible distance~~[[;]]~~>>_i<< and
- (ii) ~~[[That]]~~ more than >>50<< ~~[[fifty (50)]]~~ percent of an area, consisting of a minimum of one-quarter ~~[[44]]~~ mile square extending a minimum of one-eighth ~~[[1/8]]~~ of a mile radially from the perimeter of the property, contains land uses served by >>OSTDS<< ~~[[septic tank(s)]]~~ and public water~~[[;]]~~>>_i<< and
- (iii) ~~[[That]]~~ the property complies with ~~[[Sections 24-43.1(4)(a) and (b)]]~~ >>paragraphs (4)(a) and (b) above;<< and
- (iv) ~~[[That]]~~ if the nonresidential land use will handle, use, or store hazardous materials on the property>>_i<< then the water pollution prevention and abatement measures and practices set forth in >>section<< ~~[[Sections]]~~ 24-43(5)(c)(i), (ii), (iii), (iv), and (v) ~~[[of this Code]]~~ shall be provided~~[[. Said water pollution prevention and abatement measures and practices shall be]]~~>>_i<< subject to the approval of the Director ~~[[or the~~

Director's designee,]] >>_i<< and
 (v) ~~[[That]]~~ the owner of the property submits to the Director ~~[[or the Director's designee]]~~ a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which sets forth the nonresidential land uses to be allowed on the property served by >>an OSTDS<< ~~[[septic tank(s)]]~~.

>>1.<< Said covenant shall only include the nonresidential land uses permitted by the existing Miami-Dade County or municipal zoning classification for the property or permitted by the Miami-Dade County or municipal zoning classification requested by the owner of the property and which are determined by the Director or the Director's designee to generate, dispose of, discharge, or store only domestic sewage discharged into a septic tank and not to generate, dispose of, discharge, or store any other liquid waste except storm water or water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters.

>>2.<< Said covenants shall be in a form(s) prescribed by the Director ~~[[and approved by the Board of County Commissioners]]~~.

>>3.<< The covenants shall be recorded by the Department at the expense of the owner of the property~~[[;]]~~>>_i<< and

(vi) ~~[[That]]~~ the property is served or is to be served by a public water supply~~[[;]]~~>>_i<< or

(h) >>Other nonresidential land uses outside wellfield protection area and with no public water and public sanitary sewer within feasible distance<< The Director ~~[[or the Director's designee]]~~ determines that no portion of the property is located within the Northwest Wellfield protection area>>_i<< ~~[[or within the]]~~ West Interim Wellfield protection

area>>_2<< ~~[[or within the]]~~ maximum day wellfield protection area 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>>_2<< or ~~[[within the]]~~ basic wellfield protection area of any utility potable water supply well, ~~[[that]]~~ the owner of the property is applying for a land use >>permitted under the Miami-Dade County zoning classifications set forth in subparagraphs (6)(b)(i), (ii), or (iii)<< ~~[[prohibited by Sections 24-43.1(6)(b)(i), (ii), or (iii)]]~~ above, and:

- (i) ~~[[That]]~~ extension of a public water main and public sanitary sewer(s) to serve the property from the nearest available point of connection to an available public water main and public sanitary sewers is not within ~~[[a]]~~ feasible distance for public water mains and public sanitary sewers~~[[.]]>>; and<<~~
- (ii) ~~[[That]]~~ the property complies with ~~[[Sections 24-43.1(4)(a), (b) and (c), and 24-43.1(6)(g)(v), and 24-43.2(1).]]~~ >>paragraphs (4)(a), (b), and (c) and subparagraph (6)(g)(v) above, and subsection 24-43.2(1); and<<
- (iii) ~~[[That]]~~ the nonresidential land use will not use, generate, handle, dispose of, discharge or store hazardous materials on the property~~[[.]]>>; and<<~~
- (iv) ~~[[That]]~~ the nonresidential land use(s) will not have an adverse environmental impact on groundwater quality within the property>>_2, as determined by the Director based on consideration of<<[[. In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality within the property, the Director or the Director's designee shall consider]] the following factors:
 1. The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance

and will not materially increase the level of water pollution within the property;

2. The use, generation, handling, disposal ~~[[of]]~~, discharge~~>>~~₂~~<<~~ or storage of hazardous materials will not occur on the property;
3. The only liquid waste (excluding stormwater) ~~>>~~that~~<<~~ ~~[[which]]~~ will be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged to a public sanitary sewer or ~~>>~~OSTDS~~<<~~ ~~[[septic—tank]]~~; ~~>>~~and~~<<~~
4. Stormwater runoff shall be retained on the property and disposed of through infiltration drainage systems supplemented with seepage drainage systems~~[[,]]~~~~>>~~₂~~<<~~ or

(i) ~~>>~~Certain nonresidential land uses outside wellfield protection area, within a public sanitary sewer improvement district and with public water available.~~<<~~ The Director ~~[[or—the—Director’s designee]]~~ determines that no portion of the property is located within the Northwest Wellfield protection area~~>>~~₂~~<<~~ ~~[[or—within—the]]~~ West Interim Wellfield protection area~~>>~~₂~~<<~~ ~~[[or—within—the]]~~ maximum day wellfield protection area 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~~>>~~₂~~<<~~ or ~~[[within—the]]~~ basic wellfield protection area of any utility potable water supply well, ~~[[that]]~~ the property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, ~~[[that]]~~ the owner of the property is applying for a land use prohibited by ~~>>~~subparagraph (6)(a)~~<<~~ ~~[[Sections 24-43.1(6)(a)]]~~ above, and:

(i) ~~[[That]]~~ the property is served or will be

- served by a public water supply[[]]>>_;<<
and
- (ii) ~~[[That]]~~ the property complies with
>>paragraph (4)(b) above;<< ~~[[the requirements of Section 24 43.1(4)(b),]]~~ and
- (iii) ~~[[That]]~~ if the nonresidential land use will generate, handle, store>>_;<< or use hazardous waste on the property>>_;<< then the water pollution prevention and abatement measures and practices listed below shall be provided >>and<< ~~[[. Said water pollution prevention and abatement measures and practices]]~~ shall be subject to the approval of the Director ~~[[or the Director's designee.]]~~>>_;<<
1. Monitoring of groundwater[[]]>>_;<<
and
 2. Secondary containment of hazardous wastes stored on the property[[]]>>_;<< and
 3. Disposal of hazardous wastes by a liquid waste transporter with a valid liquid waste transporters operating permit issued by the Director[[]]>>_;<< and
 4. Inventory control and recordkeeping of hazardous wastes generated or stored on the property[[]]>>_;<< and
 5. Stormwater management[[]]>>_;<<
- (iv) ~~[[That]]~~ if the nonresidential land use will generate, handle, use or store liquid wastes (excluding hazardous wastes and domestic sewage) on the property then the best management practices listed below shall be provided >>and<< ~~[[. Said best management practices]]~~ shall be subject to the approval of the Director ~~[[or the Director's designee.]]~~>>_;<<
1. Disposal of liquid wastes, other than domestic sewage, by a liquid waste transporter with a valid liquid waste transporter operating permit issued by the Director[[]]>>_;<< and
 2. Inventory control and record keeping of liquid wastes, other than domestic

sewage, generated and stored on the property[[-]]>>;or<<

- (j) >>Certain nonresidential land uses within wellfield protection area.<< The Director ~~[[or the Director's designee]]~~ determines that the property is located within the maximum day wellfield protection area 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 utility potable water supply well, ~~[[that]]~~ the property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, ~~[[that]]~~ the owner of the property is applying for a land use >>permitted under the Miami-Dade County zoning classifications set forth in subparagraph (6)(a)<< ~~[[Sections 24-43.1(6)(a)]]~~ above, and:
- (i) ~~[[That]]~~ the property is served or is to be served by a utility water supply[[-]]>>;<< and
 - (ii) ~~[[That]]~~ the property complies with >>paragraph (4)(b) above;<< ~~[[Section 24-43.1(4)(b),]]~~ and
 - (iii) ~~[[That]]~~ the property complies with ~~[[the requirements of Sections]]~~ >>section<< 24-43(5)(a), (b), (c), (d), (e), and (f)>>; and<<
 - (iv) ~~[[That]]~~ if the nonresidential land use will handle, generate, store, or dispose of liquid wastes (excluding hazardous wastes), other than domestic sewage discharged to >>an OSTDS<< ~~[[a septic tank,]]~~ on the property, then the following best management practices shall be provided >>and shall be subject to the Director's approval<<:
 - 1. Monitoring of groundwater[[-]]>>;<< and
 - 2. Secondary containment of liquid wastes stored on the property[[-]]>>;<< and

3. Disposal of liquid wastes by a liquid waste transporter with a valid liquid waste transporter operating permit issued by the Director~~[[,]]>>~~ and
 4. Inventory control and recordkeeping of liquid wastes other than domestic sewage discharged to ~~>>~~an OSTDS~~;<< [[a-septic tank,]]~~ and
 5. Stormwater management.
- ~~[[Said best management practices shall be subject to the approval of the Director or the Director's designee, and]]~~

* * *

Section 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]]~~ ~~>>~~code to the contrary~~<<~~, no County or municipal officer, agent, employee~~>>~~~~;~~~~<<~~ or ~~>>~~board~~<<~~ ~~[[Board]]~~ shall approve, grant or issue any building permit, certificate of use ~~[[and]]~~ ~~>>~~or~~<<~~ 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)~~>>~~~~;~~~~>>~~development agreement subject to the Florida Local Government Development Agreement Act~~;<< [[of]]~~ zoning action (district boundary change, unusual use, ~~>>~~special exception~~;<<~~ use variance~~>>~~~~;~~~~<<~~ or equivalent municipal zoning action)~~>>~~~~;~~~~>>~~development order or development permit~~<<~~ for any land use served or to be served by an on-site domestic well system without obtaining the ~~>>~~Director's~~<<~~ prior written approval ~~[[of the Director or the Director's designee]]~~.

Furthermore, notwithstanding any provision of this ~~[[Code]]~~ ~~>>~~code to the contrary~~<<~~, no person shall construct, utilize, operate, occupy~~>>~~~~;~~~~<<~~ or cause, allow, let, permit~~>>~~~~;~~~~<<~~ or suffer to be constructed, utilized, operated~~>>~~~~;~~~~<<~~ or occupied~~>>~~~~;~~~~<<~~ any land

use served or to be served by a domestic well system without obtaining the >>Director's<< prior written approval ~~[[of the Director or of the Department of Environmental Resources Management designee]].~~

~~[[Pursuant to the foregoing, the Director or the Director's designee shall issue his]]~~ >>Such<< written approval >>shall<< only >>be issued<< if the Director ~~[[or the Director's designee]]~~ determines ~~[[that]]~~ >>all of the following are met<<:

- (i) ~~[[That]]~~ the existing >>or requested<< land use for the property >>complies with section 24-43.1; << ~~[[or the land use requested for the property is in compliance with Section 24-43.1 of this chapter,]]~~ and
- (ii) ~~[[That]]~~ the installation of a public water main to serve the property from the nearest available point of connection to an available public water main is not within ~~[[a]]~~ feasible distance for public water mains~~[[;]]~~>> << and
- (iii) ~~[[That]]~~ the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 62-55, Florida Administrative Code, as same may be amended from time to time~~[[;]]~~>> << and
- (iv) ~~[[That]]~~ the groundwater at the site does not contain more than >>250<< ~~[[two hundred fifty (250)]]~~ milligrams per liter (mg/l) of chlorides at a depth of >>30<< ~~[[thirty (30)]]~~ feet from ground elevation.

* * *

(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.]]~~

* * *

>>Section 24-43.4. – Feasible distance for public sanitary sewers and water mains.

(1) Purpose and intent. The purpose and intent of this section is to safeguard the public health, safety, and welfare by providing specific standards for the determination of feasible distance, which relates to when a property is required to connect to public sanitary sewers and public water mains. Such determinations of feasible distance are required by section 24-43.1 and section 24-43.2. Feasible distance is distinct from, and shall not be conflated with, a determination as to whether a public water main or public sanitary sewer system is available and operative, as referenced in sections 24-43.1(7) and 24-43.2(10).

(2) General requirements.

(a) Total floor area. Feasible distance shall be calculated based on total floor area in accordance with this subsection.

(i) Definition. For purposes of this section, “total floor area” means the sum all square feet of length and depth of a building area that is or is proposed to be covered by a roof, including, without limitation, the length and depth of each floor, covered patio, closet, elevator, and garage, regardless of whether the covered area is habitable space, as defined in section 33-1, or contains plumbing.

(ii) Multiple buildings. Where a property contains multiple buildings, total floor area shall include all buildings.

(iii) Exclusions from total floor area. Notwithstanding any provision to the contrary, total floor area shall not include:

1. a prefabricated storage shed located on property that is developed with or zoned for single-family or duplex use;
or
2. utility appurtenances, as defined in the County manual of public works construction promulgated pursuant to section 2-100, that do not contain

plumbing.

(iv) Additions to existing development. The following applies to additions of existing development, whether attached or detached structures:

1. If the addition is less than 25 percent of the total floor area of the existing development, then feasible distance shall be calculated using the total floor area of the addition, but the minimum feasible distances provided herein in subsections (3) and (4) shall not apply.
2. If the addition is 25 percent or more of the total floor area of the existing development, then feasible distance shall be calculated using the total floor area of both the existing development and the addition.
3. Addition shall be as defined in the Florida Building Code.

(b) Feasible distance analysis conducted for each development application. Feasible distance shall be analyzed for each development order or development permit that is subject to section 24-43.1 and 24-43.2, regardless of whether the property or portion thereof was found to not be within feasible distance when a prior development order or development permit was issued.

(i) Multi-phase developments, lots within a parent tract, or single development plan. Total floor area shall be based on the development of all phases, the entire parent tract, or the entire plan, as applicable, where a property is part of any of the following: a multi-phase development, a larger parent tract, or a single development plan, including, but not limited to a subdivision approval, site plan approval (ASPR), hearing plan approved as part of a zoning resolution or proffered in connection with a zoning resolution, development of regional impact, planned area development, or conceptual plan submitted as part of a zoning hearing, or

- the municipal equivalent of any of the foregoing as determined by the Director.
- (ii) Except as provided in this subsection, once a property or portion thereof has been determined to be within feasible distance of public water, public sanitary sewer, or both, all modifications, additions, or expansions to development on the property shall be deemed to be within feasible distance of the applicable infrastructure, regardless of whether any individual phase or subpart of a proposed development would not be within feasible distance if measured independently.
 - (iii) Once a property or portion thereof is determined to be within feasible distance, the owner shall record, in the Public Records of Miami-Dade County and at the owner's expense, a covenant in a form acceptable to the Director acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.
 - (iv) At time of subdivision approval, if the application does not contain specific information to calculate total floor area, total floor area shall be calculated based on the maximum lot coverage, height, floors, and floor area ratio permitted within the applicable zoning regulations and subject to the analysis required by this paragraph (2)(b).
- (c) In performing the analyses required by this section, the Director shall utilize recognized engineering practices to determine the appropriate alignment or route to connect to the applicable public infrastructure, based on the distance between the property and the point of connection to the applicable infrastructure.
- (i) In determining this distance, the Director shall measure from each point of connection to the applicable infrastructure to the closest point on the perimeter of the property, excluding all distances within the perimeter.
 - (ii) Public sanitary sewers and public water mains shall not traverse more than one

property or lot unless the Director determines that appropriate access for all properties that rely on the connection have been provided in a form acceptable to the Director. Examples of such access include, without limitation, an easement provided to the County for public water or sewer utility use, in a form acceptable to the Director, that has been recorded in the public records of Miami-Dade County.

(d) If a property is not within feasible distance of a public water main, public sanitary sewer, or both, only those uses that, pursuant to this article, are allowed to be served by an onsite domestic well, an OSTDS, or both, as applicable, shall be permitted. The lack of feasible distance shall not be construed to permit any uses not otherwise permitted by this article.

(e) Definition of variables. For purposes of the calculations required by this section:

F = A+B+C, where

A = 0, for a proposed development that is entirely located more than 1,000 feet from any of the following: lake, stream, river, lagoon, pond, wetland, bay, canal, or tidal waters (except this shall not be deemed to include decorative reflective pools or fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume); otherwise, A = 1.

B = 0, for a proposed development that is entirely located outside a special flood hazard area; otherwise, B = 1.

C = 0, for a proposed development that is entirely located outside a wellfield protection area; otherwise, C = 1.

(3) Feasible distance for public sanitary sewers. Feasible distance for public sanitary sewers shall be calculated as follows:

(a) Individual single-family residence or duplex, excluding subdivisions. For an individual single-

family or duplex residence, feasible distance to a gravity sanitary sewer main shall be measured in feet as follows:

Feasible Distance (in feet) = [Total Floor Area] ÷ 20.
If, however, the result of this equation is less than 100, feasible distance shall be deemed to be 100 feet.

(b) Single-family residence or duplex subdivision. For a single-family or duplex subdivision, feasible distance shall be measured in feet as follows.

(i) Gravity sewer. Feasible distance to a gravity sanitary sewer main shall be:

Feasible Distance (in feet) = [(Total Floor Area) x (F+1)] ÷ 20.

If, however, the result of this equation is less than 500, feasible distance shall be deemed to be 500 feet.

(ii) Force main. Feasible distance to a force main for a development with 10 or more single-family or duplex residences shall be:

Feasible Distance (in feet) = [((Total Floor Area) ÷ 17) - 1,000] x (F+1).

If, however, the result of this equation is less than 500, feasible distance shall be deemed to be 500 feet.

(c) Other residential subdivision. For other residential subdivisions, feasible distance shall be measured in feet as follows:

(i) Gravity sewer. Feasible distance to a gravity sewer shall be:

Feasible Distance (in feet) = [(Total Floor Area) x (F+1)] ÷ 20.

If, however, the result of this equation is less than 100, feasible distance shall be deemed to be 100 feet.

(ii) Force main. Feasible distance to a force main shall be:

Feasible Distance (in feet) =
 $[(\text{Total Floor Area} \div 17) - 1,000] \times (F+1)$.
If, however, the result of this equation is less than 500, feasible distance shall be deemed to be 500 feet.

(d) Other uses. For all other uses that do not generate a liquid waste other than domestic sewage, feasible distance to gravity sewer or force main shall be measured in feet as follows:

Feasible Distance (in feet) =
 $[(\text{Total Floor Area}) \times (F+1)] \div 15$.
If, however, the result of this equation for an industrial use is less than 700, then feasible distance shall be deemed to be 700 feet.
If, however, the result of this equation for any other use is less than 500, feasible distance shall be deemed to be 500 feet.

(4) Feasible distance for public water main. Feasible distance for public water main shall be calculated as follows:

(a) Individual single-family residence or duplex, excluding subdivisions. For an individual single-family or duplex residence, feasible distance shall be:

Feasible Distance (in feet) = $[\text{Total Floor Area}] \div 12$.
If, however, the result of this equation is less than 200, feasible distance shall be deemed to be 200 feet.

(b) Single-family residence or duplex subdivision. For a single-family or duplex subdivision, feasible distance shall be:

Feasible Distance (in feet) =
 $[(\text{Total Floor Area}) \times (F+1)] \div 12$.
If, however, the result of this equation is less than 750, feasible distance shall be deemed to be 750 feet.

(c) All other uses. For all other uses, feasible distance shall be:

Feasible Distance (in feet) =
[(Total Floor Area) x (F+1)] ÷ 10.
If, however, the result of this equation for an
industrial use is less than 1000, then feasible distance
shall be deemed to be 1000 feet.
If, however, the result of this equation for any other
use is less than 750, feasible distance shall be deemed
to be 750 feet.<<

Section 4. Section 24-5 of the Code shall be renumbered pursuant to the revisions in section 2 above.

Section 5. 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 6. 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 7. 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:

Dennis A. Kerbel
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Raquel A. Regalado