

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

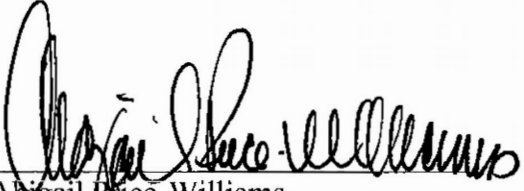
DATE: (Second Reading 5-19-20)
March 3, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance related to
environmental permitting;
amending section 24-48.1 of the
Code; modifying procedures and
processes for Class III permits
for work in County canal rights
of way, canal easements, and
canal reservations; amending
section 24-48.9; clarifying time
of completion of work for Class
IV permits that include Class III
requirements

Ordinance No. 20-44

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Infrastructure and Capital Improvements Committee.


Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: May 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Amending Sections 24-48.1 and 24-48.9 of the Code of Miami-Dade County, Florida, Relating to Class III and Class IV Permits

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Sections 24-48.1 and 24-48.9 of the Code of Miami-Dade County, Florida (Code), relating to Class III permit requirements and time of completion of work for Class IV permits that include Class III requirements in the Rockmining Overlay Zoning Area.

Scope

A portion of the proposed ordinance involves environmental regulation throughout Miami-Dade County and a portion affects only the Rockmining Overlay Zoning Area, located in Commission Districts 11 and 12, which are represented by Commissioner Joe A. Martinez and Commissioner Jose "Pepe" Diaz, respectively.

Fiscal Impact/Funding Source

The proposed ordinance will not have a fiscal impact and will be revenue neutral to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management.

Track Record/Monitor

The Natural Resources Division Chief, Lisa Spadafina, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit requirements.

Social Equity

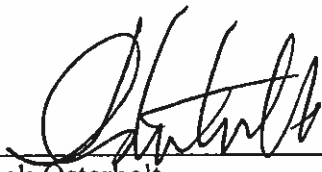
The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described under Ordinance No. 15-83. The ordinance will clarify and streamline the Class III permitting process, particularly within the Rockmining Overlay Zoning Area.

Background

The proposed ordinance amends sections of Chapter 24 of the Code relating to natural resource permitting for work in certain non-tidal waterbodies and wetlands of the County. Class III permits are required for work within non-tidal lakes, canals and water areas under the direct control of Miami-Dade County, such as canal rights-of-way, canal maintenance easements and canal reservations. The Class III permit is designed to protect the access to, and maintain control over, County controlled canal systems for wellfield protection, water management and flood protection purposes.

Additionally, the ordinance clarifies that a separate Class III permit is not required when the work is authorized pursuant to the issuance of a Class II permit when applicable (i.e. within water bodies or waterfronts under the control of Miami-Dade County). Class II permits are required for the construction or alteration of outfalls or overflow systems to water bodies within Miami-Dade County. Although Class III permits are not required for work authorized through a Class II permit, DERM conducts a Class III permit review concurrently with the Class II permit review when the proposed work is located within water bodies or waterfronts under the control of Miami-Dade County.

Class IV permits are required for work, in, on or upon wetlands anywhere in Miami-Dade County, including in the Rockmining Overlay Zoning Area. The proposed ordinance gives the DERM Director the discretion to essentially issue one permit that combines the review and requirements of the Class III/Class IV permits for property within the Rockmining Overlay Zoning Area and provides that work conducted under the permit shall be completed within the time periods set forth in Section 24-48.9 of the Code.



Jack Osterholt
Deputy Mayor

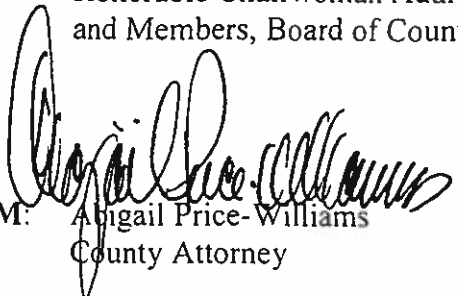


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
5-19-20

ORDINANCE NO. 20-44

ORDINANCE RELATED TO ENVIRONMENTAL PERMITTING;
AMENDING SECTION 24-48.1 OF THE CODE OF MIAMI-DADE
COUNTY; MODIFYING PROCEDURES AND PROCESSES FOR
CLASS III PERMITS FOR WORK IN COUNTY CANAL RIGHTS
OF WAY, CANAL EASEMENTS, AND CANAL RESERVATIONS;
AMENDING SECTION 24-48.9; CLARIFYING TIME OF
COMPLETION OF WORK FOR CLASS IV PERMITS THAT
INCLUDE CLASS III REQUIREMENTS; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Section 24-48.1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 24-48.1. Permit classifications; interpretation as to permit requirement, fee; determination of wetlands.

- (1) There are six (6) permit classifications: class I, class II, class III, class IV, class V and class VI.

* * *

- (a) *Class I:* Class I permits are required to trim or cut a mangrove tree, unless specifically exempt pursuant to the provisions of Section 403.9326, Florida

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

Statutes, as may be amended from time to time, or to alter or remove a mangrove tree anywhere in Miami-Dade County or for any type of work as defined herein to take place in, on, over or upon any tidal waters, bay bottom lands anywhere in Miami-Dade County or in wetlands supporting halophytic vegetation anywhere in Miami-Dade County, including but not limited to dredging or filling provided, however, that class I permits shall not apply to the construction, installation or alterations of outfalls or overflow systems as described under the definition of class II permits (Section 24-48.1(1)(b)).

- (b) *Class II:* Class II permits are required for the construction, installation and/or alteration of any outfall or overflow system in, on, under or upon any water body of Miami-Dade County, including, but not limited to, canals, rivers, lakes, lagoons and/or all tidal water bodies.
- (c) *Class III:* Class III permits are required for work in, on, upon or contiguous to nontidal lakes, canals, rivers and other water areas and waterfronts under the direct control of Miami-Dade County by virtue of ownership, dedication by plat, right-of-way easement, reservation, or right-of-way and access agreement or instrument, including canal right-of-way as herein defined; provided, however, that ~~>>a separate<< class III >>permit<<[[permits shall not apply to Sections 33-13(e) and 33-16(a) of the Code of Miami-Dade County, Florida, nor]] shall [[they apply to]] >>not be required for<< the construction, installation, and/or alteration of outfalls or overflow systems as described under the definition of class II permits (Section 24-48.1(1)(b)) >>when such work is authorized pursuant to the issuance of a class II permit. In such cases, the Director or the Director's designee shall conduct the class III permit review and impose class III related requirements, as appropriate, as part of the class II permitting process.~~

In addition, for work within the Rockmining Overlay Zoning Area (ROZA), the requirement to obtain a class III permit may, at the discretion of the Director,

be satisfied through the issuance of a class IV permit to the extent that the satisfaction of the class III permit requirement is specifically referenced in the class IV permit. In such cases, the Director or the Director's designee shall conduct the class III permit review and impose class III permit related requirements, as appropriate, as part of the class IV permitting process<<.

- (d) *Class IV:* Class IV permits are required for any work in, on, or upon wetlands anywhere in Miami-Dade County, except for work in wetland areas requiring a class I permit under this article.

* * *

Section 2. Section 24-48.9 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 24-48.9. Time of completion of work; extension of completion time and new permits for incomplete work.

- (1) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners.

* * *

Class IV short form and standard form permits, including permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1)>>, and including where Class III permit requirements are imposed as part of a Class IV permit in the Rockmining Overlay Zoning Area<<.....

5 years

* * *

Class IV short form permits for rockmining>>, including where Class III permit requirements are imposed as part of a Class IV permit<<..... 10 years

Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1)>>, including where Class III permit requirements are imposed as part of a Class IV permit<< 10 years

Class IV standard form permits for rockmining>>, including where Class III permit requirements are imposed as part of a Class IV permit<<..... 10 years

* * *

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

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

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

PASSED AND ADOPTED:

May 19, 2020

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell