

MEMORANDUM

Amended
Agenda Item No. 11(A)(18)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to: file an application to amend the Comprehensive Development Master Plan (CDMP) to provide a development bonus for significant extension of water or sewer infrastructure; and prepare legislation to implement the CDMP amendment or to provide similar development bonuses

Resolution No. R-556-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsors Commissioner Kevin Marino Cabrera and Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

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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 _____

Amended
Agenda Item No. 11(A)(18)
6-21-23

R-556-23
RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO: FILE AN APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) TO PROVIDE A DEVELOPMENT BONUS FOR SIGNIFICANT EXTENSION OF WATER OR SEWER INFRASTRUCTURE; AND PREPARE LEGISLATION TO IMPLEMENT THE CDMP AMENDMENT OR TO PROVIDE SIMILAR DEVELOPMENT BONUSES

WHEREAS, in Ordinance No. 22-137, this Board adopted new standards to determine when a property is within "feasible distance" to connect to the sanitary sewer system and to a public water main, in furtherance of recommendations from the County Mayor's 2018 report, entitled "Septic Systems Vulnerable to Sea Level Rise" (the "Septic System Report"), to revise 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, those new standards included closing a loophole that allowed 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, as revised, section 24-43.4(2)(b) of the Code of Miami-Dade County now requires that every development permit be re-reviewed to determine feasible distance, even where the property had previously been determined at an earlier development stage to not be within feasible distance, and further requires that a property that is part of a larger development be reviewed for feasible distance based on the entirety of the larger development rather than the individual property that is the subject of the permit; and

WHEREAS, in certain circumstances, complying with the new requirements will require developers to extend water or sewer infrastructure several miles to reach the proposed development; and

WHEREAS, while having development bear the costs of its impact on public services and facilities is appropriate and warranted, this Board also wishes to incentivize new development and the installation of new water and sewer infrastructure that it entails by providing development bonuses within the Urban Development Boundary (UDB) where such new development extends connections to the sanitary sewer system or a public water main by two or more miles within the UDB; and

WHEREAS, authorizing certain development bonuses, such as providing additional density above the maximum permitted by the County's Comprehensive Development Master Plan (CDMP), requires amending the CDMP; and

WHEREAS, the CDMP currently authorizes development bonuses for other important development policy objectives, such as for the provision of affordable and workforce housing or for transferrable development rights programs for the preservation of agricultural land, environmentally sensitive land, historic structures, and archaeological resources and to ensure airport compatibility; and

WHEREAS, a similar authorization is warranted to facilitate the County's continuing conversion from septic systems to sanitary sewer and public water systems; and

WHEREAS, section 2-116.1 of the Code authorizes this Board to direct the filing of an application to amend the CDMP; and

WHEREAS, this Board wishes to consider an amendment to the CDMP to effectuate the above-referenced changes; and

WHEREAS, this Board also wishes to consider legislation to amend the Code of Miami-Dade County to implement such future changes to the CDMP, as well as other legislative changes that do not require an amendment to the CDMP to implement; and

WHEREAS, the Board wishes to direct the administration to prepare an amendment to the CDMP and associated legislation to effectuate the above-referenced changes,

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

Section 1. The foregoing recitals are approved and are incorporated herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to file an application to amend the CDMP to authorize a development to exceed the maximum density or floor area ratio limits provided by the applicable land use designation on the CDMP's Land Use Plan map, and to authorize such other development bonuses as may be recommended, for: developments within the UDB that extend a connection to the sanitary sewer system or a public water main by two miles or more within the UDB and install connections within the public rights-of-way from such new infrastructure to properties adjacent to the new infrastructure; and developments adjacent to such new infrastructure that would be required to connect once the new infrastructure is installed. The application shall also consider whether the time within which adjacent property owners are required to connect to such new public infrastructure may be extended and whether other options may be available to alleviate the cost to adjacent property owners of connecting to such new public infrastructure.

Section 3. This Board further directs the County Mayor or County Mayor's designee to prepare and present for sponsorship legislation to implement the above-referenced CDMP amendment if adopted, as well as legislation to provide any similar development bonuses and extensions of the time or other options to alleviate adjacent property owners' costs to connect to such new infrastructure that may be authorized without a CDMP amendment.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado and the Co-Sponsors are Commissioner Kevin Marino Cabrera and Senator René García. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Micky Steinberg** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent		
Anthony Rodríguez, Vice Chairman	nay		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	nay	Keon Hardemon	absent
Danielle Cohen Higgins	nay	Eileen Higgins	absent
Kionne L. McGhee	nay	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of June, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Dennis A. Kerbel

A handwritten signature in dark ink, appearing to be "DK", is written over a horizontal line.