

MEMORANDUM

Agenda Item No. 5(F)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
subdivisions in the incorporated
and unincorporated areas;
amending section 28-11 of the
Code; revising standards and
procedures for issuance of
building permits after approval of
tentative plat; making technical
and conforming changes

Ordinance No. 24-135

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: December 3, 2024

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava", written over the printed name.

Subject: Fiscal Impact Statement for Ordinance Relating to Building Permits after Approval of Tentative Plat

The implementation of this Ordinance will have no fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, reading "Jimmy Morales", written over a horizontal line.

Jimmy Morales
Chief Operating Officer

Memorandum



Date: December 3, 2024

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Subdivisions in the Incorporated and Unincorporated Areas- Revising Standards and Procedures for Issuance of Building Permits After Approval of Tentative Plat

The proposed ordinance amends Sections 28-11 of the Code of Miami-Dade County (Code) relating to subdivisions in the incorporated and unincorporated areas by revising standards and procedures for the issuance of building permits after the approval of a tentative plat.

The proposed ordinance amends the Code to contain allowances provided by SB 812 which was enacted by the Florida Legislature in 2024. SB 812 is codified as chapter 2024-210 of the Laws of Florida, which, among other provisions, requires local governments to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded. However, for counties that already had an expedited building permit process during final plat review, SB 812 directs that they only need to update their program to allow developers to seek building permits for up to 50 percent of a residential subdivision. Further, by December 31, 2027, SB 812 prescribes that the governing body of a county that has more than 75,000 residents shall update their programs to replace the 50 percent building permit issuance threshold to 75 percent.

Currently, the Code allows up to 25 percent of building permits to be issued after a tentative plat is approved, but only for model or production homes. The proposed ordinance raises the allowance to 75 percent and removes the limitation to model or production homes. As required by SB 812 and as is the County's long-standing practice, developers are required to execute a hold harmless letter indemnifying the County prior to the issuance of said building permits so they may avail themselves of the expedited process.

The proposed ordinance may save time in the overall development process and allow for projects to be completed more expeditiously by allowing more construction to occur simultaneously with certain regulatory reviews.



Jimmy Morales
Chief Operating Officer



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

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 ____, majority plus one ____, 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) ____, 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(F)
12-3-24

ORDINANCE NO. 24-135

ORDINANCE RELATING TO SUBDIVISIONS IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING SECTION 28-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING STANDARDS AND PROCEDURES FOR ISSUANCE OF BUILDING PERMITS AFTER APPROVAL OF TENTATIVE PLAT; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, chapter 28 of the Miami-Dade County Code regulates the subdivision of land in both the incorporated and unincorporated areas of the County; and

WHEREAS, section 28-11 governs the timing and circumstances of the issuance of building permits in relation to the subdivision, also known as platting, process and, in particular, provides the circumstances under which certain permits may be issued after tentative plat, but prior to final plat; and

WHEREAS, during the 2024 session, the Florida Legislature enacted SB 812, codified as chapter 2024-210 of the Laws of Florida, which, among other provisions, requires local governments to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of the circuit court; and

WHEREAS, Miami-Dade County already provides for an expedited process to issue building permits before final plat through its tentative plat process, which allows the County to issue building permits for up to 25 percent of single-family model homes or production homes prior to final plat approval; and

WHEREAS, pursuant to the statute, such expedited process would need to allow an applicant to identify the percentage of planned homes, of up to 50 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community, and such process may not alter or restrict the applicant from receiving the number of building permits requested; and

WHEREAS, in addition, the statute does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community; and

WHEREAS, SB 812 further provides that by December 31, 2027, the governing body of a county that has more than 75,000 residents shall update their programs to replace the 50 percent threshold to 75 percent; and

WHEREAS, the increase from 25 percent to 75 percent in the maximum building permits that may be issued after the approval of a tentative plat for residential subdivisions may save time in the development process and allow for projects to be completed more expeditiously by allowing more construction to occur simultaneously with certain regulatory reviews; and

WHEREAS, although the requirement for increasing the threshold to 75 percent does not apply until December 31, 2027, this Board desires to increase such threshold now; and

WHEREAS, consistent with the County's long-standing practice, and as required by SB 812, building permits issued before final plat approval, as part of this expedited process, would require the developer to execute a hold harmless letter indemnifying the County; and

WHEREAS, this Board wishes to amend the Code in accordance with SB 812,

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

Section 1. Section 28-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 28-11. - Building permits, issuance.

No building permit shall be issued >>by the County or a municipality<< for construction of any improvements on a parcel that was not legally created in compliance with these regulations >>or where the required public improvements do not meet the requirements of this chapter. It is provided, however, that, if the County plat division has approved the tentative plat and the tentative plat remains current, then<< ~~[[except]]~~ permits for a construction trailer or sale office trailer, >>a<< permanent >>building to be used for a<< ~~[[buildings to be used as]]~~ single family home >>or<< ~~[[and]]~~ townhouse >>or, to the extent permitted on one lot by subsection 33-193.12(C), a two or three family home<< ~~[[models]]~~, entrance features, perimeter walls, >>double-frontage walls,<< lift stations >>;<< and multi-family residential >>(in addition to three-family homes)<<, commercial >>;<< and industrial buildings, may be issued>>, provided that<< ~~[[if]]~~ the developer complies with the following requirements~~[[.]]~~ >>, in the subsections below. In addition, for purposes of this section, a municipal plat division may approve such permits only if the municipal plat division has approved the tentative plat, the County plat division has approved the tentative plat, and the tentative plat remains current and where such permits are approved on the same terms as the County plat division, as set forth below.<<

- (a) For construction trailer or trailer used as sales office>>; permits may only be approved when<<: ~~[[No permits will be approved until at least a tentative plat has been approved and the Public Works Department has reviewed and permitted paving and drainage plans. In addition, no permit shall be issued unless]]~~ the trailer complies with the >>County environmental resources department's<< ~~[[Department 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.

~~Environmental Resources Management's~~]] requirements for providing potable water and sanitary facilities.

- (b) For permanent buildings to be used as >>a<< single family >>home,<< or townhouse ~~[[models]]>>~~, or, to the extent permitted on one lot by subsection 33-193.12(C), a two or three family home, permits may only be approved when<<:

~~[[Permits for models not to exceed 25 percent of the total number of lots will be approved when:]]~~

- (1) ~~[[The tentative plat has been approved by the Plat Committee and is current.]]~~ >>The number of requested homes in a single-family, two-family, or three-family home subdivision does not exceed 75 percent of the total number of lots in the approved tentative plat. Notwithstanding the foregoing:

- (i) A single townhouse building will be allowed even if it exceeds 75 percent of the total number of lots, if all of the following conditions are met:

- a. It is part of a townhouse development that includes multiple blocks;
- b. The number of lots covered by a single building exceeds 75 percent of the total lots; and
- c. The permit is requested only for the block with the least number of lots.

- (ii) Permits may be obtained for a subdivision of up to four lots, when all such lots are to be used as workforce housing units that consist of single family, townhouses, or, to the extent permitted on one lot by subsection 33-193.12(C), a two or three family home.

- (iii) When the proposed final plat for the subdivision in which the homes are to be located has been listed on an agenda for approval by the Board of County Commissioners, permits may be approved for the balance of the subdivision.<<

- (2) Paving and drainage plans have been approved >>in accordance with section 28-19<<.

- (3) All the >>County environmental resources department's<< ~~[[Department of Environmental Resources Management's]]~~ requirements, including the approval of Water and Sewer extension plans>>,<< are complied with.
- (4) A letter signed by the property owner has been submitted to the >>County plat division<< ~~[[Supervisor, Platting Section,]]~~ requesting the construction of >>homes<< ~~[[models]]~~ prior to final plat recording.
 - >>(i)<< The letter shall include the number of >>homes<< ~~[[models]]~~ being requested>>,<< ~~[[only one (1) of each single family model will be allowed, or only one (1) of each model townhouse building]]~~ together with the lot and block numbers for each such >>home<< ~~[[model]]~~.
 - >>(ii)<< The letter shall state that the owner understands and agrees that the ~~[[model]]~~ home, or homes, shall not be occupied until the >>final<< plat is >>approved and<< recorded in the public records and that the penalty for violation of this occupancy prohibition shall be the demolition of the>>home<< ~~[[model]]~~.
 - >>(iii)<< The letter shall also state that the owner agrees and shall release and hold Miami-Dade County, its employees>>,<< and agents, harmless from any and all liability and causes of action of whatsoever nature and kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation.
 - >>(iv) If a home is approved,<< ~~[[The Supervisor, should he/she approve the models, will send]]~~ a copy of the owner's letter >>shall<< ~~[[to the Zoning Processing Section to]]~~ be placed in the plat file.
- (5) No certificate of >>occupancy or<< completion shall be issued for any ~~[[model]]~~ >>home<< until after>>,<< the final plat is recorded ~~[[except that a Temporary Certificate of Completion may be issued by the Planning and Zoning Department]]~~ >>in the

public records; and, except as provided herein for subdivisions with multiple phases, all public improvements have been accepted by the applicable department. For subdivisions with multiple phases:

- (i) Certificates of occupancy or completion may be issued for lots within a particular phase where all improvements for the applicable phase have been accepted, provided that the final plat has been approved and recorded for lots within that phase.
- (ii) Construction of the final lift may be deferred until after issuance of the certificate of occupancy or completion for the final building or home in the applicable phase, provided that the final plat has been approved and recorded<<.

- (c) >>For entrance features, double-frontage walls as provided in section 28-17, and lift stations,<< [[Entrance features, perimeter wall and lift station]] permits may be issued >>only<< after [[tentative plat approval by the Plat Committee and]] receipt of a letter to the >>County plat division<< [[Supervisor, Platting Section]], signed by the property owner requesting the permit prior to final plat recording and releasing and holding Miami-Dade County, its employees >>,<< and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation. >>If a permit is approved,<< [[The Supervisor, should he/she approve the request, will send]] a copy of the owner's letter >>shall<< [[to the Zoning Processing Section to]] be placed in the plat file.

- (d) For multi-family residential>>(other than three-family homes, which are governed by the provisions above)<<, commercial, [[and]] industrial buildings>>, and public parks and other governmental facilities, building permits may be issued only when:<< [[; tentative plat.]]

- (1) [[The tentative plat has been approved by the Plat Committee and is current.

- (2) Building]] >>The<< permits >>are for<< [[may be issued, on]] only one site, lot >>,<< or tract[[;]]>>. Additional building permits for other sites, lots, or

tracts may be issued once<< ~~[[until]]~~ the proposed final plat for the subdivision in which the structure, or structures, is to be located has been listed on an agenda for approval by the Board of County Commissioners.

>>(2)<< ~~[[(3)]]~~ Paving and drainage plans ~~[[if required) shall]]~~ have been approved~~[[by the Public Works Department]]~~.

>>(3) All the County environmental resources department's requirements, including the approval of Water and Sewer Extension plans, are complied with.<<

(4) A letter, signed by the property owner, has been submitted to the >>County plat division<< ~~[[Supervisor, Platting Section,]]~~ requesting the permit prior to final plat recording. The letter shall state the proposed lot and block or tract for such permit, and the owner's acknowledgment and agreement that no certificate of occupancy or use will be sought or issued for the structure, or structures, until after the final plat is recorded.

>>(i)<< The letter shall also state that the owner agrees and shall release and hold Miami-Dade County, its employees >>₁<< and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation.

>>(ii) If a permit is approved,<< ~~[[The Supervisor, should he/she approve the request, will send]]~~ a copy of the owner's letter >>shall<< ~~[[to the Zoning Processing Section to]]~~ be placed in the plat file.

(5) No certificate of occupancy or use >>or temporary certificate of use<< for the subject structure, or structures, will be issued until the >>final<< plat is >>approved and<< recorded >>in the public records.

(i) A temporary certificate of completion (TCC) may be issued to permit the developer or a tenant to build out an interior space or a

conditional temporary certificate of occupancy may be issued to install fixtures, furniture, or other improvements, only where the following conditions are met:

- a. the proposed final plat for the subdivision in which the structure, or structures, is to be located has been listed on an agenda for approval by the Board of County Commissioners; and
- b. the structure is not open to the public; and
- c. the use is not otherwise in operation.
- (ii) The issuance of a temporary certificate of occupancy shall not be construed to permit the structure to be open to the public or to allow the use to operate except to the extent provided in this paragraph (5)
- (iii) Notwithstanding the foregoing, public parks with a current tentative plat or with a final plat on file with the County plat division may apply for temporary certificates of occupancy or use. Such temporary certificates of occupancy or use shall not exceed 12 months and shall not be renewable<<.

- (6) The issuance of the building permit shall not modify or affect the concurrency capacity of the underlying tentative plat in any way.

- (e) >>For purposes of this section, “final lift” means the last layer of pavement to be applied on a site.<<

~~[[For multi-family residential, commercial, and industrial buildings; waiver of plat.~~

- (1) ~~The waiver of plat has been recommended for approval by the Plat Committee.~~
- (2) ~~Building permits may be issued, on only one parcel, until the proposed waiver of plat for the subdivision in which the structure, or structures, is to be located has been listed on an agenda for approval by the Board of County Commissioners.~~

- (3) ~~Paving and drainage plans and a bond in lieu of the immediate construction of any improvements (if required) shall have been approved by the Public Works and Waste Management Department.~~
- (4) ~~A letter, signed by the property owner, has been submitted to the Supervisor, Platting Section, requesting the permit, or permits, prior to the waiver of plat approval by the Board of County Commissioners. The letter shall state the proposed parcel for such permit, or permits, and the owner's acknowledgment and agreement that no certificate of occupancy or use will be sought or issued until after the waiver of plat is approved by the Board of County Commissioners and the resolution is recorded in the public records. The letter shall also state that the owner agrees and shall release and hold Miami Dade County, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to waiver of plat approval. The Supervisor, should he/she approve the request, will send a copy of the owner's letter to the Zoning Processing Section to be placed in the plat file.~~
- (5) ~~No certificate of occupancy or use for the subject structure, or structures, will be issued until the waiver of plat is approved by the Board of County Commissioners and the resolution is recorded in the public records.~~
- (6) ~~The issuance of the building permit, or permits, shall not modify or affect the concurrency capacity of the waiver of plat in any way.~~
- (f) ~~For Permanent Buildings to be used as Single Family or Townhouse Production Homes:~~

~~Permits for single family or townhouse production homes will be approved when:~~

- (1) ~~The tentative plat has been approved or the waiver of plat has been recommended for approval by the Plat Committee and is current.~~

- (2) ~~Paving and Drainage plans have been approved. A bond in lieu of the immediate construction of any improvements (if required) shall have been approved by the Public Works and Waste Management Department for any waiver of plat.~~
- (3) ~~All DERM requirements, including the approval of Water and Sewer Extension plans are complied with.~~
- (4) ~~The proposed final or waiver of plat for the subdivision in which the production homes are to be located has been listed on an agenda for approval by the Board of County Commissioners.~~
- (5) ~~A letter, signed by the property owner, has been submitted to the supervisor, Platting Section, requesting approval of production homes prior to final plat recording, or waiver of plat approval by the Board of County Commissioners. The letter shall state that the owner understands and agrees that the production home shall not be occupied until the plat is recorded in the public records, or the waiver of plat has been approved by the Board of County Commissioners and the resolution is recorded in the public records, and that the penalty for violation of this occupancy prohibition shall be the demolition of the production home. The letter shall also state that the owner agrees and shall hold Miami-Dade County, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature and kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation[. or the waiver of plat has been approved by the Board of County Commissioners and the resolution is recorded in the public records. The Supervisor, should he/she approve the models, will send a copy of the owner's letter to the Zoning Processing Section to be placed in the plat file.~~
- (6) ~~No certificate of completion shall be issued for any production home until after the final plat is recorded except that a Temporary of Certificate of Completion may be issued by the Planning and Zoning Department.]]~~

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.

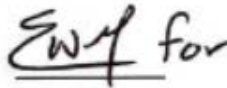
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered 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.

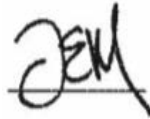
PASSED AND ADOPTED:

December 3, 2024

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Lauren E. Morse
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Kevin Marino Cabrera