

**LAND USE RESTRICTIONS AND ACTIVITIES WHICH REQUIRE DERM REVIEW,
AUTHORIZATION OR APPROVAL PRIOR TO IMPLEMENTATION**

SUMMARY

Chapter 24 of the Code of Miami-Dade County Florida contains regulations which govern a wide range of activities related to development of real property, or work occurring in environmentally sensitive areas of the county. These regulations exist in the form of land use restrictions, prohibited acts, construction and operating permit requirements, and environmental standards for air, soil, and water quality. Federal and state environmental standards are also incorporated into the county code, and all are administered through Department of Regulatory and Economic Resources – Environmental Resources Management (DERM). The environmental regulations generally apply to everyone, including all Miami-Dade County departments.

1. Land and Real Estate

A. Purchase, Acquisition or leasing of Real Property for County Use:

All property acquisitions by Miami Dade County, including the entering into leases to occupy privately-owned land require an environmental review and evaluation by DERM prior to purchases or execution of the lease.

B. Environmentally Endangered Lands:

Any property owned or managed by Miami-Dade County by and through the Environmentally Endangered Lands (EEL) Program may be subject to Article 7 of the Miami-Dade County Charter and cannot be developed, cleared or otherwise altered without prior DERM and EEL Program approval. These properties are considered conservation areas and uses are strictly limited on these lands.

C. Natural Forest Communities:

Natural Forest Communities: Any property designated by the Board of County Commissioners as a Natural Forest Community (NFC) cannot be developed, cleared, or otherwise altered without a NFC permit. These properties contain habitat for rare, threatened or endangered species and the NFC permitting program generally allows for limited development of the property while minimizing impact to the NFC.

D. Coastal Band Communities:

These properties generally are located along the tidally connected regions of Biscayne Bay and characteristically are vegetated with wetland species such as mangrove trees. Miami-Dade County class I permits, State of Florida permits and United States Army Corps of Engineers permits are necessary to develop, alter or work in these areas. Activities allowed in these areas are heavily restricted and regulated. This includes any proposed work in, on, or upon Biscayne Bay.

E. Freshwater Wetlands:

Located generally along the western and southern portions of Miami-Dade County, these areas are heavily regulated and development, alteration or work in these regions requires DERM, State and federal permits prior to activities taking place.

F. Wellfield Protection Areas:

These are the designated drinking water recharge zones for the potable water treatment plants that supply all of the drinking water to Miami-Dade County. Land uses and activities allowed within these zones are restricted and all require prior DERM approval. Official maps of

the County depicting the locations of these protection areas are approved by the County Commission and are kept in the DERM offices.

G. Canal Rights of-Way and Easements:

The strip of land located along the sides of state and county-owned canals is usually right-of-way or easement and development or alteration of these areas is prohibited without prior DERM review and approval.

2. New Construction/Renovations/Demolitions

RER Environmental Plan Review is an integral part of the county planning, zoning, building permit and development process, and reviews all new construction plans with respect to environmental requirements.

- A. Any activity which requires property to be platted, zoned, or requires a building permit will require RER approval prior to commencement of the activity.
- B. Any activity which generates domestic, commercial or industrial wastewater or sewage requires a prior sanitary sewer capacity certification approval from DERM if the facility is to be connected to the sanitary sewer system. If the facility is to be connected to a septic tank or other waste disposal system, prior approval from DERM is required to insure sewage loading and treatment requirements of the state and county code are met.
- C. Any facility proposed to discharge wastewater through an on-site sewage treatment facility (package sewage treatment plant), requires prior approval of the Miami-Dade County Environmental Quality Control Board, permits from DERM, and State of Florida DEP permits.
- D. Renovation Projects (Including Demolition of Buildings/Structures): Any projects which may result in the removal, destruction, disturbance, or demolition of Asbestos-containing material requires prior notification and approval of handling, removal and disposal techniques under the federal NESHAPS Regulations administered by DERM.

3. Operating Permits:

Certain activities, operations and facilities are required to have a valid operating permit from DERM. These permits must be renewed regularly, (most are annually renewable), to remain valid. Examples of the types of facilities listed in Section 24-18 of the Code which must have an operating permit include, but are not limited to the following:

- Sewage Treatment Plants
- Water Treatment Plants
- Private Sewage Pump Stations
- Liquid Waste Haulers
- Industrial and Agricultural Waste Facilities
- Pretreatment Facilities
- Industrial recycling facilities, holding tanks and spill prevention control systems
- Miscellaneous Manufacturing operations listed in 24-18
- Nonresidential land uses in Wellfield Protection Areas
- Resources Recovery and Management Facilities (Solid Waste Transfer, Reclaim, Sorting, and land fills etc.).
- Air Pollution Facilities
- Commercial/Recreational Boat Docking and Storage Facilities
- Underground and Above Ground Storage Facilities
- Refrigerant sales and distribution facilities
- Nonresidential facilities potentially discharging oil and grease to sewers (i.e. restaurant/kitchen grease traps).

4. Other Areas of Concern Requiring DERM Review

A. Tree Removal:

Tree Removal Permits-Permits are required from DERM for removal or relocation of specimen or other trees prior to the trees being removed, relocated or destroyed.

B. Stormwater Management/Environmental Resource Permits:

Prior written approval and permits are required for projects subject to the State of Florida ERP process, Miami-Dade County stormwater management/drainage requirements and federal FEMA standards. These requirements generally are imposed on new developments through the platting zoning/building permit process.

PROCEDURE

1. All development activities, projects, or facilities which may be regulated as set forth above shall be reviewed through RER's Environmental Plan Review Division, located at the Miami-Dade Permitting and Inspection Center, 11805 SW 26 St.
2. Requests for services, questions regarding regulated activities or facilities, permit applications or determinations regarding applicability of regulations and all other issues related to environmental regulations in Miami-Dade County may be directed to DERM offices at 701 N.W. 1st Court, 4th Floor, Miami, Florida 33136.

CONTACT(S):

Department/Division

Department of Regulatory and Economic Resources – Environmental Resources Management (DERM)

RER Environmental Plan Review Division: Miami-Dade Permitting and Inspection Center, 11805 SW 26th Street, 786-315-2800

DERM Office: 701 N.W. 1st Court, 4th Floor, Miami, FL 33136, 305-372-6789

DERM Website: MiamiDade.gov/environment