



CITY OF DORAL Office of the City Manager Letter to Council

No. LTC# 018-2023

To: The Honorable Mayor and Members of the City Council

From: Barbie Hernandez
City Manager

Date: August 8, 2023

Subject: **Miami-Dade County Draft Ordinance Changes Chapter 24, 33, and 8CC-10**

This Letter to Council (LTC) serves to provide an update to the Mayor and Council on the potential effects of the proposed changes to Miami-Dade County's Code of Ordinances, Chapter 24 Environmental Protection, to Chapter 33 Zoning, and to Chapter 8C Code Enforcement.

The county is proposing language changes that will have substantial effects on construction permitting, specifically residential projects, and expands the regional authority of the County's RER-DERM (Regulatory & Economic Resources Department of Environmental Resources Management) division in floodplain and stormwater management including oversight of the NPDES¹ program regulations.

At present, RER-DERM currently reviews and approves the following: Development Orders, Environmental Resource Permits (ERPs), Dewatering Permits, Commercial/Public drainage, and other work where water, drainage or environmental concerns are present.

(continued)

¹ National Pollutant Discharge Elimination System permit issued by the State to the County

Effects of Proposed Language

The proposed ordinance seeks to expand their oversight into residential projects, typically reserved for local authorities and codes, and even seeks subjugate municipal authority where municipalities have failed to enforce the above regulations.

This proposal is a county-level version of a preemption and was confirmed by a County Representative, in an effort to receive compensation for those municipalities not enforcing or performing duties required by state and federal regulations.

This is a penalty for all municipalities when it is needed for only a few jurisdictions failing to comply. It is apparent that DERM's intent is to have the authority to legislate all 34 municipalities in the county.

The draft requires additional DERM oversight unless the Director of DERM determines the local ordinance is more restrictive. The draft may grant county enforcement officials authority within municipal boundaries.

The draft language includes a recertification requirement and reporting mechanism to DERM. This undoubtedly will cost permit holders additional fees for storage, operating costs, and personnel, yet to be determined.

City's Proactive Enforcement

- The City of Doral has floodplain ordinance that has been reviewed and approved at the federal level by FEMA (Federal Emergency Management Association) and the state of Florida Department of Emergency Management (FDEM).
- DERM is keenly aware of the city's strict enforcement of its floodplain ordinance.
- The City of Doral Code of Ordinances, Chapter 23 Floodplain Management Ordinance maintains mechanisms to allow property improvements that are not covered or served by the Florida Building Code and a building permit. This is done through a Floodplain Management Permit.
- The City maintains more credentialed NPDES inspectors than the County.
- The City's Code Compliance team currently cites violators of Sec. 30-4 & Sec 5-137 of the Code of Ordinances of the City of Doral and developers/contractors violating dewatering regulations are referred to DERM for further enforcement under their county Class V permit.

Conclusion

The City strongly rejects the proposed language. The charge of the city's permitting division is to maintain the health, safety, and welfare of the community and to do so in a timely fashion. This ordinance seeks to obstruct progress in the city.