Memorandum

MIAMI-DADE COUNTY

Date:	May 7, 2013
To:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners
From:	Carlos A. Gimenez Mayor
Subject:	Sunset Review of County Boards for 2013 – Biscayne Bay Shoreline Development Review Committee

Agenda Item No. 1(F)1

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2013 Sunset Review of County Boards Report for the Biscayne Bay Shoreline Development Review Committee. The Committee approved the attached report at its meeting of January 24, 2013 and has recommended the continuation of the Committee.

Jack Osterholt
Deputy Mayor

mayor04813

Date: January 29, 2013

To: Carlos A. Gimenez
Mayor

From: George Puig
Chairperson, Biscayne Bay Shoreline Development Review Committee

Subject: Sunset Review of County Boards for 2013 – Biscayne Bay Shoreline Development Review Committee

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2013 Sunset Review of County Boards Report for the Biscayne Bay Shoreline Development Review Committee for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 24, 2013.

It is recommended that the BCC approve the continuation of the Biscayne Bay Shoreline Development Review Committee.

BACKGROUND

The Biscayne Bay Shoreline Development Review Committee (Committee) was established by the Board of County Commissioners through Ordinance No. 81-19 adopted on March 3, 1981. The Committee was established to review all developments, in both unincorporated and incorporated, that abut Biscayne Bay and ancillary estuaries with the purpose of, among other things, securing the maximum amount of visual and physical access to the bay waters.

The Committee plays an active role in the future development and enjoyment of the Biscayne Bay shoreline and it should continue to do so until such time as all lands along Biscayne Bay are developed, redeveloped or accounted for.

The Chairperson and Committee members approve the attached Sunset Review of County Boards Report at its January 24, 2013 meeting and staff concurs.

George Puig
Committee Chairperson

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2011-2012

I. GENERAL INFORMATION

1. Name of Board reporting:

   The Biscayne Bay Shoreline Development Review Committee (SDRC)

2. Indicate number of board members, terms of office, and number of vacancies:

   Number of Board Members: The Biscayne Bay Shoreline Development Review Committee consists of 13 members appointed by the Board of County Commissioners (BCC), 7 of which are for three (3) year terms and 6 appointed to serve two (2) year terms. In addition, the Committee may be expanded to 15 members when hearing any development action located within a shoreline municipality. The two additional members serve at the discretion of the local governing body of the municipality. The Committee currently consists of seven (7) permanent members, requiring a total of four (4) members for quorum. The offices of the County Commissioners that currently do not have appointees to this committee have been notified in an attempt to fill the current vacancies. Additionally, each municipality either has or may appoint representatives to the Board. Refer to Attachment A, list of members and vacancies.

   Terms of Office: See above

   Number of Vacancies: 6

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2011** through **December 31, 2012**): See Attachment B

   Number of Meetings: There were no Committee meetings held in 2011. In 2012, the Committee gained new appointments, held eleven (11) meetings and reviewed a total of fifteen (15) items (including deferred items). The attendance record of members appointed by the BCC averaged 78 percent during this period, during which time 4 members were required for quorum.

   Number of Meetings with a Quorum: 11

4. What is the source of your funding?

   Funding comes from application fees (See Attachment C) and the Department budget.

5. Date of Board Creation: The **Biscayne Bay Shoreline Development Review Committee (SDRC)** was established by Ordinance 81-19, adopted March 3, 1981 which created Chapter 33D of the Code of Miami Dade County.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).
   See Attachment D

7. Include the Board's Mission Statement or state its purpose:

   The SDRC was created to provide a unified management system for the Biscayne Bay shoreline area and to preserve the basic qualities and characteristics of the bayfront and to promote sensitive and aesthetically pleasing shoreline development.

8. Attach the Board's standard operating procedures, if any:

   The SDRC operates along the lines of the standard operating procedures used by other County appointed boards and is overseen by a County Attorney to insure due process.

9. Attach a copy of the Board's By-Laws, if any: *None*

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.**
    See Attachment E

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)

   The SDRC was created to maintain the countywide shoreline for the enjoyment of the citizens. The SDRC is serving the purpose for which it was created through a review of site plans for proposed developments greater than single-family or duplex residences along the Biscayne Bay to insure public access to the bay.

2. Is the Board serving current community needs? (Please provide detailed information)

   The SDRC is serving the current community needs. Each municipality has the ability to appoint members to the SDRC. All projects are reviewed by

design professionals that promote continuity and adherence to the Chapter 33-D and the design manual. Additionally, the SDRC meetings are advertised in the Miami Herald and the Daily Business Review and are open to the public for input. The SDRC encourages citizen input for all projects.

3. What are the Board's major accomplishments?

   a. Last 24 months

      During the reporting period, the Department of Regulatory and Economic Resources processed 17 shoreline review applications of which 14 have been reviewed by the SDRC. The SDRC is scheduled to review the remaining three applications in early 2013. Attachment F contains the list of projects processed and reviewed during calendar years 2011 and 2012.

   b. Since established

      The SDRC has reviewed in excess of 140 projects abutting Biscayne Bay since its inception.

4. Is there any other board, either public or private, which would better serve the function of this board?

   The SDRC is unique in that the members of the Board are local design professionals who provide hands on experience and professional critique on all projects. Projects presented for Shoreline review are architectural in nature and require in depth knowledge of architecture and landscape design to be properly analyzed. Therefore, finding another board to better serve the function of this board would be difficult.

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")

   Not at the present time.

6. Should the Board's membership requirements be modified?

   Not at the present time.

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2011 and FY 2012)

Direct Costs	
Board member expenses (parking)	$100
Ads	$1,500

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

None

Attachment A

2011-12 BOARD MEMBERSHIP RECORD

SHORELINE DEVELOPMENT REVIEW COMMITTEE

Commission District	2011 Appointee	2012 Appointee
District 1 (Comm.Jordan)	vacant	vacant
District 2 (Comm.Monestime)	vacant	vacant
District 3 (Comm.Edmunson)	David Young	Kevin Flaherty
District 4 (Comm.Heyman)	vacant	Craig Phillip Southern
District 5 (Comm.Barreiro)	vacant	vacant
District 6 (Comm.Sosa)	Rick Hernandez	Rick Hernandez
District 7 (Comm.Suarez)	George Puig	George Puig
District 8 (Comm.Bell)	vacant	vacant
District 9 (Comm.Moss)	vacant	Sarah Sinatra
District 10 (Comm.Souto)	Jorge S. Azze	Jorge S. Azze
District 11 (Comm.Martinez)	vacant	vacant
District 12 (Comm.Diaz)	vacant	vacant
District 13 (Comm.Bovo)	vacant	Ivonne Martinez

Attachment B

2011-12 BOARD ATTENDANCE RECORD
SHORELINE DEVELOPMENT REVIEW COMMITTEE

Key: A - Absent
P - Present
E - Excused
R - Resigned
T - Term Expired

2012*								
Comm. District	**Name**	**Date of Meetings**						
		2/2/12	3/1/12	4/5/12	5/10/12	5/31/12	6/19/12	7/20/12
1	Vacant	--	--	--	--	--	--	--
2	Vacant	--	--	--	--	--	--	--
3	David Young	P	P	P	P	P	P	R
4	Craig Phillip Southern	A	A	P	P	P	P	A
5	Vacant	--	--	--	--	--		--
6	Rick Hernandez	P	P	P	A	A	P	P
7	George Puig	P	P	P	P	P	P	P
8	Vacant	--	--	--	--	--		--
9	Sarah Sinatra	P	P	P	P	P	P	E
10	Jorge Azze	P	P	P	P	P	P	P
11	Vacant	--	--	--	--	--	--	--
12	Vacant	--	--	--	--	--	--	--
13	Ivonne Martinez	A	A	P	P	A	P	P
* No meetings were held during 2011.								

Comm. District	**Name**	**Date of Meetings**				
		8/23/12	9/27/12	10/25/12	11/15/12	
1	Vacant	--	--	--	--	
2	Vacant	--	--	--	--	
3	Kevin Flaherty	--	--	--	E	
4	Craig Phillip Southern	A	P	P	P	
5	Vacant	--	--	--	--	
6	Rick Hernandez	P	P	P	P	
7	George Puig	P	E	P	E	
8	Vacant	--	--	--	--	
9	Sarah Sinatra	P	E	P	P	
10	Jorge Azze	P	P	E	P	
11	Vacant	--	--	--	--	
12	Vacant	--	--	--	--	
13	Ivonne Martinez	A	P	A	A	
* No meetings were held during 2011.						

Attachment C

Miami-Dade Shoreline Development Review Committee (SDRC)
2012 Project List

	Application Number	Applicant - Subject	Fees
1.	12-SDRC-01	Miami Art Museum	$1,512.02
2.	12-SDRC-02	Virginia Key Master Plan	$1,466.97
3.	12-SDRC-03	South Pointe Park – Miami Beach	$278.00
4.	12-SDRC-04	Crimson Tower - Miami	$3,024.04
5.	12-SDRC-05	Tower on the Bay - Miami	$3,024.04
6.	12-SDRC-06	Blu	$3,024.04
7.	12-SDRC-07	The Element	$3,024.04
8.	12-SDRC-08	St. Tropez – Sunny Isles	$4,491.01
9.	12-SDRC-09	Bayside Canopy - Miami	$1,466.97
10.	12-SDRC-10	Russian Chabad Sunny Isles	$3,024.04
11.	12-SDRC-11	400 Sunny Isles	$3,024.04
12.	12-SDRC-12	Westrec – Haulover Dry Storage Marina	$1,466.97
13.	12-SDRC-13	Virginia Key Garage*	Pending
14.	12-SDRC-14	Haulover Park General Plan	$1,466.97
15.	12-SDRC-15	Harbour Park – Bay Harbor Islands	$3,024.04
16.	12-SDRC-16	Sunny Isles Beach North Bay Road Bridge*	$1,466.97
17.	12-SDRC-17	PMG Aventura – Echo*	$3,024.04
Total			$37,808.20

* These items have been processed and would be reviewed by the SDRC in early 2013.

ATTACHMENT D

Miami - Dade County, Florida, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter 33D - BISCAYNE BAY MANAGEMENT >> ARTICLE III. - SHORELINE DEVELOPMENT REVIEW >>

ARTICLE III. - SHORELINE DEVELOPMENT REVIEW [3601]

Sec. 33D-31. - Legislative intent.
Sec. 33D-32. - Definitions.
Sec. 33D-33. - Shoreline Development Review Committee established; organization.
Sec. 33D-34. - Responsibilities of the Shoreline Development Review Committee.
Sec. 33D-35. - Responsibilities of the executive council of the Miami-Dade County Developmental Impact Committee.
Sec. 33D-36. - Memoranda of agreement.
Sec. 33D-37. - Municipal and/or County official's responsibilities.
Sec. 33D-38. - Shoreline development action review criteria.
Sec. 33D-39. - Judicial review.
Sec. 33D-40. - Exemptions and vested rights.
Sec. 33D-41. - Implementing resolutions.

Sec. 33D-31. - Legislative intent.

(a) The Board of County Commissioners of Miami-Dade County, Florida, hereby declares that it is in the public interest to provide a unified management system for the Biscayne Bay Shoreline Area that will preserve the basic qualities, characteristics, and the natural, recreational and aesthetic values of the Biscayne Bay area, including the northern embayments of Dumfoundling Bay, Maule Lake and Little Maule Lake. In making this declaration the Board is mindful of its authority under its Home Rule Charter to prepare and enforce comprehensive plans for the development of Miami-Dade County; to establish, coordinate and enforce zoning as is necessary for the protection of the public; and to exercise all powers and privileges granted to municipalities, counties and county offices by the Constitution and law of the State, and all powers not prohibited by the Constitution or by the Charter, and to perform any other acts consistent with laws which are required by the Charter or which are in the common interest of the people of the County.

(b) In furtherance of its duties and responsibilities under the Home Rule Charter, this Board has adopted the Comprehensive Development Master Plan to plan for and manage population growth in a manner compatible with preserving the natural environment, to protect natural and man-made amenities, and to improve the process of evaluating development and redevelopment projects in order to achieve creative developments which are coordinated with services and to insure the harmonious relationship between man and his environment.

(c) In discharging its duties and responsibilities under the Home Rule Charter the Board has declared Biscayne Bay to be a County aquatic park and conservation area for the use and benefit of all citizens of Miami-Dade County and has adopted the Biscayne Bay management plan to address and resolve certain jurisdictional problems relating to shoreline management; to provide a wide array of water-oriented opportunities for the public-at-large at the water's edge; to enhance physical and visual access to Biscayne Bay and the northern embayments; to provide environmentally sound utilization of those water bodies; to maintain or enhance biological communities that are essential to the long-term viability of Biscayne Bay and the

northern embayments; and thus to enhance Biscayne Bay's and the northern embayments' contribution to the economic health of the Miami-Dade County community.

(d) In accordance with the provisions and recommendations of the Biscayne Bay Management Plan, the procedures and criteria included hereinbelow are intended to achieve the following objectives:

(1) To preserve or enhance the natural, aesthetic and recreational values of the Biscayne Bay area.

(2) To encourage the best use of the water and shoreline area for the benefit, use and enjoyment of residents of and visitors to the Miami-Dade County.

(3) To provide the maximum amount of public visual and physical access to the water through the provisions of mixed use facilities and places open to the public at large, such as walkways, boardwalks, plazas, and observation areas along the shoreline.

(4) To encourage new shoreline development along the waterfront to respect the coastal environment, and to orient or reorient shoreline uses and buildings to the water.

(5) To avoid monotony in building heights and widths and appearances along the developed areas of shoreline and, above all, to avoid further walling off of the shoreline through appropriate site preparation and landscape design.

(6) To prevent the siting of uses along the bayshore that are incompatible with adjacent in -water and developed areas.

(7) To encourage the retention and use of native plant materials along the shoreline.

(8) To provide landscaping in the viewing corridors and shoreline setback areas that focuses views toward the water.

(9) To create or recreate over the next few decades, a natural soft edge and greenbelt-like quality along the bay shoreline.

(10) To plan and design new developments, or make improvements to existing developments, in a manner that will enhance the view and enjoyment of the water and shoreline area from the street, from the water, from within the development and overlooking the development.

(11) To encourage the integration of existing historic structures and features in new shoreline developments.

(e) This article and all implementing resolutions adopted pursuant to this article shall apply to both the incorporated and unincorporated areas.

(Ord. No. 85-14, § 1, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-32. - Definitions.

[As used in this article, the following terms shall have the meanings herein ascribed to them unless the context requires otherwise:]

Ancillary structure: Any structure other than the principal building on a lot or parcel which is subordinate to or not a part of the principal building.

Basic area: A water area in Biscayne Bay defined by the mainland on the west, the barrier islands on the east, and causeways or natural banks on the north and south.

Bay: Biscayne Bay and the northern embayments of Dumfoundling Bay, Maule Lake and Little Maule Lake and the Intracoastal Waterway from NE 163 Street to the Broward County line.

Development: The carrying out of any use permitted on land by applicable zoning regulations (i.e., Chapter 33 of the Code of Miami-Dade County, Florida, or municipal codes), or making any material change in the use or character of the upland or submerged land, including but not limited to the placement of structures on the upland, or on or over submerged lands.

Development action: Any standard form coastal construction permit as defined in Chapter 24 of the Miami-Dade County Code or any plat approval; building permit; zoning permit or approval, rezoning or district boundary change; variance; special exception; conditional permit; unusual use; special use permit or any other zoning action that would alter the outside configuration of any building, structure or ancillary structure or change the existing grade elevation or use of any parcel within the shoreline development review boundary.

Grade: The established grade of the premises, whether vacant or improved, is the highest elevation of the centerline of the existing (or proposed) roadway adjacent to the property.

Plan: A document, area study or map prepared by a private or public entity for or at the request of, a unit of government. Such plans may include goals and objectives, policy statements, guidelines and recommended implementation methods. Such plans shall include the land use master plan amendments as described in the Florida Local Government Comprehensive Planning Act (Florida Statutes, Chapter 163, Part II) or may be related to specific functions and uses such as, but not limited to, resource use, resources management, transportation, commercial or economic development and park plans. For purposes of this article, this shall not include site or building plans which are submitted as part of an application for development action.

Roadway: Any cleared, plowed, bulldozed, filled, graded, excavated, or artificially created paved or unpaved path or way on public property intended or used for the passage of vehicles.

Shoreline development review boundary: Defined by the nearest public roadway, or extension of such roadway alignment, paralleling the shoreline of Biscayne Bay and the northern embayments of Dumfoundling Bay, Maule Lake and Little Maule Lake and the Intracoastal Waterway from NE 163 Street to the Broward County line. Where it is not feasible to follow existing road configurations or extensions of those alignments, zoning district boundaries shall be used to define the boundary. The boundary line shall extend southward from the Broward County line to the northern boundary of Biscayne National Park. The Board of County Commissioners hereby designates all land areas shown on Exhibit 1, certified by the Clerk of the Board as a part of the ordinance from which this article derives and incorporated hereby by reference [but not reproduced herein], as the land areas lying within the shoreline development review boundary. The official map shall be transmitted to the custody of the Director of the Miami-Dade County Department of Planning and Zoning, and copies of the official map shall be filed with the Clerk of the Board. The Clerk of the Board shall submit to each affected municipality a copy of the official map which may from time to time be altered, enlarged, added to, amended or deleted by ordinance.

Shoreline setbacks: The horizontal distance between the mean high line, or cap of the bulkhead or top of the riprap and a side of the principal building or accessory structures.

Site plan: A document including the following information: location of lot lines and setbacks; location, shape, size and height of structures, decorative walls and entrance features; location of on -site and off-street parking, loading facilities, service areas, and waste collection areas; location of all streets, alleys, driveways, pedestrian ways, and sidewalks.

Visual corridor: An unobstructed area extending from a public right-of-way to the shoreline which is retained at grade and landscaped in such a manner as to permit and encourage views of the water.

Water-related uses: Uses which are not directly dependent upon access to a water body, but which are designed to encourage views, public use and enjoyment of the water's edge, such as restaurants, outdoor cafes and boat rental facilities.

Water dependent uses: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to a water body for waterborne transportation, energy production or source of water.

(Ord. No. 85-14, § 2, 3-5-85; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 25, 9-3-98; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-33. - Shoreline Development Review Committee established; organization.

(a) There is hereby established a Biscayne Bay Shoreline Development Review Committee composed of thirteen (13) members, nine (9) of whom shall be recognized professionals in one or more of the following fields: architecture, landscape architecture and urban design, and four (4) of whom shall be laypersons with a demonstrated interest in the preservation of the shoreline environment and its natural, aesthetic and recreational values, and in the design, construction and protection of facilities and amenities in the vicinity of the shoreline. The Board of County Commissioners shall invite the cities of Bay Harbor Islands, Miami, Miami Beach, Coral Gables, Miami Shores, Bal Harbour, North Miami, North Miami Beach, North Bay Village, Key Biscayne, and Surfside to submit one (1) recommended candidate for membership on this Committee. The Biscayne Bay Shoreline Development Review Committee may be expanded to fifteen (15) members solely for purposes of considering development actions and plans which involve real property lying within the boundaries of any individual shoreline municipality. In such instances two (2) additional members who are recognized professionals in one or more of the following fields—architecture, landscape architecture and urban design—may be appointed by the local governing body of the municipality and may participate as full members. The method of appointment and term of office of said additional members shall be determined at the discretion of the local governing body of the municipality. Said appointments may be made for a specified term or may be limited to a single development action or plan.

(b) Seven (7) members shall be appointed by the Board of County Commissioners to serve for two (2) years and six (6) shall be appointed to serve three (3) years. At the end of the initial two-year period, successors to the initial two-year appointments shall be appointed for three (3) years. The process of appointment and other requirements of Sections 2-11.36 through 2-11.40 of the Code of Miami-Dade County, Florida, shall be followed. At its first meeting in each calendar year, the Committee shall elect a Chairman and a Vice-Chairman. A simple majority of the Committee members shall constitute a quorum and a simple majority of Committee members present shall be required for the passage of any motion. Where the membership of the Biscayne Bay Shoreline Development Review Committee has been expanded to include municipal appointees as provided in subsection (a), above, a simple majority of the Committee members shall constitute a quorum and a simple majority of Committee members present shall be required for the passage of any motion.

(c)

The County Manager shall designate a person to serve as the County Staff Coordinator for the Committee. Administrative and secretarial staff shall be provided by the County. For all proposed development actions and plans located within unincorporated Miami-Dade County, the following Miami-Dade County departments shall provide the staff reviews: Environmental Resources Management, Park and Recreation, Planning and Zoning and Public Works. These departments shall also provide similar professional staff support for any municipality which has not submitted an agreement to the County in accordance with the provisions of Section 33D-36 hereinbelow.

(Ord. No. 85-14, § 3, 3-5-85; Ord. No. 86-46, § 1, 6-17-86; Ord. No. 91-132, § 1, 11-5-91; Ord. No. 94-3, § 1, 1-18-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 25, 9-3-98; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-34. - Responsibilities of the Shoreline Development Review Committee.

The Shoreline Development Review Committee responsibilities shall include the following:

(1) Provide a timely review whereby a determination of need for compliance can be made regarding applications for development actions within the shoreline development review boundary, unless said review rights are waived by the applicant and the application proceeds directly to the Shoreline Development Review Committee for full review, based on the standards and procedures in implementing resolutions adopted pursuant to the article.

(2) Provide a timely review of plans and applications for development action within the shoreline development review boundary in accordance with procedures described in implementing resolutions and/or memoranda of agreement adopted pursuant to this article. This review shall apply to proposed development actions which fall within the following thresholds:

a. Residential developments except single-family detached or duplex, and all business, commercial, industrial, recreational, entertainment, cultural and governmental uses that directly abut the shoreline within the shoreline development review boundary.

b. Residential developments except single-family detached or duplex, and all business, commercial, industrial, recreational, cultural, entertainment and governmental uses that occur on a minimum of one (1) acre or which have thirty (30) units or more, and are located within the shoreline development review boundary but not abutting the shoreline.

c. Standard form coastal construction activities as described in Chapter 24 of the Miami-Dade County Code, which meet or exceed one of the following thresholds:

1. Boat docking facilities containing at least fifty (50) new or additional slips, or

2. Boat docking facilities, other than single-family residential, which do not meet the side setback or exceed the waterward projection criteria as set forth in Section D-5 of the Miami-Dade County Public Works Manual as may be amended or supplemented from time to time, or any comparable section of a municipal code of public works manual, or

3. The installation or construction of floating structure(s) other than floating than floating docks, or

4. The installation or construction of a fixed structure(s) above proposed or existing docks or piles requiring a Class 1 coastal permit public hearing.

d. Plans for any site or area which lies wholly or partially within the shoreline development review boundary.

(3) Determine whether and the extent to which:

a. Any plan or development action as proposed, conforms to the Miami-Dade County Comprehensive Development Master Plan as amended from time to time, any applicable municipal master plan as may be amended from time to time, and Biscayne Bay Management Plan as may be amended from time to time, and is otherwise compatible with the existing area, and surrounding in-water and upland natural features.

b. Any plan, or development action, as proposed, is consistent with the Biscayne Bay Aquatic Preserve Act (Florida Statutes, Section 258.165) as may be amended from time to time, and rules, plans and criteria adopted pursuant to that act.

c. Any plan, or development action, as proposed, is consistent with applicable County or municipal codes and the extent to which departure from said codes would be required to meet the intent of this article.

d. Any plan, or development action as proposed, is consistent with all applicable criteria contained in Section 33D-38 hereinbelow and guidelines and minimum standards set forth in implementing resolutions adopted pursuant to the article.

(4) Review and consider County or municipal staff's evaluation in formulating its recommendation(s) on any proposed plan or development action application at an advertised public meeting and may consider germane presentations by interested parties.

(5) Instruct the County Staff Coordinator to send a report of its recommendations including a written statement, signed by the Chairman, or administrative staff member at the order of the Chairman or Vice-Chairman, detailing the reasons for those recommendations to the Board of County Commissioners or other applicable board of Miami-Dade County, or to the applicable board of the municipal governing body, or to the County or municipal official vested with the administrative authority to grant the development action or plan approval being sought. This report of the Committee's recommendations shall become part of all hearing or permit records on the proposed development action.

(6) From time to time shall recommend to the Board of County Commissioners revisions of the Shoreline Development Review Manual approved by implementing resolutions adopted pursuant to this article and develop additional guidelines and minimum standards as may be required for the expeditious review of applications for development actions or plans within the shoreline development review boundary.

(Ord. No. 85-14, § 4, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-35. - Responsibilities of the executive council of the Miami-Dade County Developmental Impact Committee.

The responsibilities of the executive council of the Miami-Dade County Developmental Impact Committee shall be to provide a timely review whereby a determination of vested rights or exemption can be made regarding applications for development actions within the shoreline development review boundary, based on Section 33D-40 hereinbelow and procedures in implementing resolutions adopted pursuant to this article.

(Ord. No. 85-14, § 5, 3-5-85; Ord. No. 90-109, § 1, 9-25-90; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-36. - Memoranda of agreement.

This article and all implementing resolutions adopted pursuant to this article shall apply in the incorporated and unincorporated areas. However, any affected municipality may elect to develop a memorandum of agreement with Miami-Dade County identifying its professional capability to provide the staff review in accordance with the intent and requirements of this article, plus any implementing resolutions pertaining to standards and criteria adopted pursuant to this article. Any such memoranda of agreement shall identify the person or office within the municipality that will be responsible for coordination of the municipality's shoreline development review and shall specify the procedures, fee schedules, and time frames to be used by the municipality. The memorandum shall be evaluated by the Shoreline Development Review Committee prior to submittal to the Board of County Commissioners for action and shall be reviewed biannually thereafter. The evaluation of the Shoreline Development Review Committee shall be forwarded to the Commission together with the memorandum of agreement.

(Ord. No. 85-14, § 6, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-37. - Municipal and/or County official's responsibilities.

For any application for development action which is located within the shoreline development review boundary, and meets the thresholds described in Section 33D-34 hereinabove, the municipal or County official responsible for accepting the application for development action, as well as the applicant for the same, shall notify the County staff coordinator in writing at the time of filing the application for development action within the city or County. Said notification from the city or County official shall include a copy of the development action application and a statement certifying that no final development action permit or approval shall be issued by the city or County until the review described herein and in implementing resolutions adopted pursuant to this article has been completed or terminated.

(Ord. No. 85-14, § 7, 3-5-85)

Sec. 33D-38. - Shoreline development action review criteria.

The shoreline development actions and plans within the shoreline development review boundary shall be conducted in accordance with the provisions of this article. In addition to the criteria set forth below, guidelines and minimum standards in the shoreline development review manual, approved by implementing resolutions adopted pursuant to this article, shall also be used by this committee to provide consistency in this review process. These criteria and the guidelines and minimum standards contained in the shoreline development review manual shall apply Countywide within the shoreline development review boundary.

(1) *Shoreline setbacks.*

a. The minimum shoreline setback shall be twenty-five (25) feet for building elevations not exceeding thirty-five (35) feet in height measured vertically from the mean high water line to top of the building parapet. The shoreline setback shall be measured from the water side of the cap of the bulkhead, seawall or the top of the riprap (where said riprap has been placed in accordance with the provisions of Chapter 24 of the Miami-Dade County Code) or from the mean high water line as defined in Chapter 177, Part 2, Florida Statutes, where no bulkhead, seawall or riprap exists.

b.

For building elevations exceeding thirty-five (35) feet in height measured vertically from the mean high water line to the top of the building parapet, the minimum shoreline setback shall be increased by fifty (50) percent of the additional height of the building to a maximum setback of seventy-five (75) feet. Said setbacks shall be measured from the water side of the cap of the bulkhead, seawall or the top of the riprap where said riprap has been placed in accordance with the provisions of Chapter 24 of the Miami-Dade County Code or from the mean high water line as defined in Chapter 177, Part 2, Florida Statutes, where no bulkhead, seawall or riprap exists.

c. No buildings, accessory uses, belowground structures, ancillary structures or other uses shall be allowed in the setback area described hereinabove. However, if public shoreline walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the Committee may recommend that the shoreline setback be decreased. Design of all shoreline walkways shall be in conformance with the guidelines in the shoreline development review manual in implementing resolutions adopted pursuant to this article.

The Shoreline Development Review Committee shall review the status of all setback areas every two (2) years and shall petition the appropriate local government(s) to acquire, develop, maintain and assume liability for portions of the public shoreline walkway as it becomes feasible. Design of the shoreline walkway shall be in conformance with the guidelines in the shoreline development review manual in the implementing resolution adopted pursuant to this article.

(2) *Visual corridors.*

a. Where a lot or parcel is located between the shoreline and a public roadway, an unimpeded visual corridor to the Biscayne Bay of twenty (20) percent of the width of the lot (up to one hundred (100) feet maximum) shall be provided on one (1) side of the parcel. The minimum width of said visual corridor shall be twenty (20) feet. Parking, accessory or ancillary structures shall not be permitted in said viewing corridor. Landscaping shall be used to promote views of the water as seen by a person standing beside or on the public roadway and to enhance the view of the land as seen from the water.

b. Where a parcel is located adjacent to a street that dead-ends at the shoreline, the applicant may be given credit for half of the right-of-way in calculating the visual corridor width if facilities such as docks, piers or observation decks open to the general public are provided with appropriate provisions for their maintenance.

(3) *Side setbacks and side street setbacks.* No structures other than those that are below grade shall be permitted to be closer than twenty-five (25) feet to the side property line (s) or side street property line(s) and further provided that the shoreline setbacks and visual corridors required hereinabove are adhered to.

(4) *Exceptions.* Whenever adherence to the criteria contained in subsections (1) through (3) hereinabove and/or the guidelines and minimum standards in the shoreline review manual are in conflict with existing County or municipal codes, and notwithstanding the provisions of these codes, the Shoreline Development Review Committee shall recommend one (1) or more of the following actions:

a. That a waiver or variance of municipal or County code(s) be sought to provide the required shoreline and side setback and visual corridor except where it

would be impossible or highly impractical to provide the required shoreline or side setback or visual corridor as a result of the size or configuration of the subject site.

b. That additional public amenities such as a shoreline walkway, parks, docks, fishing piers, boardwalks, or viewing platforms be provided on site or at an adjacent public right-of-way and that appropriate provisions for maintenance of said facilities in perpetuity be made.

c. That a connection be provided and maintained between existing public shoreline access facilities across or around the proposed development or along an existing right-of-way.

If none of the above actions is deemed appropriate by the Shoreline Review Committee, then the Committee shall recommend that improvement of shoreline access for the general public be provided at a specified nearby public site or right-of-way either through contributions of land and/or material or through contribution to the Biscayne Bay environmental enhancement trust fund for the purpose of providing public access to the shoreline within the shoreline development review boundary. Said access site(s) should preferentially be within one-half mile of the proposed development site and within the same shoreline basin area.

(Ord. No. 85-14, § 8, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-39. - Judicial review.

Whenever any municipal or County authority renders or issues any ordinance, resolution, permit or order in regard to any development action which meets the thresholds set forth in Section 33D-34 hereinabove or plan within the shoreline development review boundary, a copy of such ordinance, resolution, permit or order shall be submitted forthwith to the County staff coordinator of the Shoreline Development Review Committee. It shall be the duty of the County staff coordinator to place the matter before the Committee as soon as is reasonably practical, and in any event not less than twenty (20) days from the rendition of the ordinance, resolution, permit or order. At its meeting, the Committee shall consider whether, and the extent to which, the municipal or County authority has departed from the requirements of this article. Where it appears that the action of the municipal or County authority is substantially contrary to the Committee's recommendations and report, the Committee may authorize the filing or appropriate judicial proceedings in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, to contest the action of the County or municipal authority.

(Ord. No. 85-14, § 9, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-40. - Exemptions and vested rights.

(a) *Exemptions.*

(1) The provisions of this article shall not apply to an application for development action to the extent that the land affected by said application is subject to a County and locally approved redevelopment plan adopted in accordance with Florida Statutes, Section 163.330 et seq., a site plan, declaration of restrictions or similar agreement, covenant or other criteria or parameters governing land development which has been lawfully issued, adopted or approved prior to the effective date of this article by the Board of County Commissioners, the Zoning Appeals Board, the applicable board of a municipal governing body, an administrative official having authority under applicable ordinance or regulation, or a court of competent jurisdiction. The exemption provided

in this subsection shall have continuing effect where the development proceeds in substantial compliance with the subject approval and said approval has not lapsed, expired, been revoked or otherwise rendered invalid.

(2) The provisions of this article shall not apply to an application to modify or amend an approval granted prior to the effective date of this article pursuant to subsection (a)(1) herein, where the Executive Council of the Miami-Dade County Developmental Impact Committee finds and determines in accordance with Section 33D-35 herein that the requested modification or amendment will not alter the immediate bay shoreline, will not alter the physical or visual character of the shoreline setback area or the potential of that area to accommodate a shoreline walkway at some future time, and will not alter the character of the side setback in such a way as to diminish the use of that area as an existing or future visual or physical access corridor to the bay shoreline.

(b) *Vested rights.*

(1) Nothing contained herein shall be construed as depriving an applicant of lawfully vested rights. It shall be the duty and responsibility of the applicant alleging vested rights to affirmatively demonstrate the legal requisites of vested rights. Any person who claims a vested right to develop property contrary to this article may submit an application for a determination of vested rights to the Executive Council of the Miami-Dade County Developmental Impact Committee (DIC) together with a sworn affidavit setting forth the facts upon which the applicant bases his claim for vested rights. In addition to any other submission required by the DIC, the applicant shall include copies of any contracts, letters and other documents upon which a claim of vested rights is based. The mere existence of zoning prior to the effective date of this article shall not vest rights.

(2) The Executive Council of the DIC shall review the application as provided in Section 33D-35 and implementing resolutions adopted pursuant to this article and determine whether the applicant has demonstrated:

a. An act of development approval by an agency of Miami-Dade County or an applicable municipal governing body,

b. Upon which the developer has in good faith relied to his detriment,

c. Such that it would be highly inequitable to deny the landowner the right to complete the previously approved development.

(Ord. No. 85-14, § 10, 3-5-85; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-41. - Implementing resolutions.

The Board of County Commissioners is hereby authorized to adopt by resolution such shoreline development review procedures and shoreline development review manual as may be reasonable and necessary to implement the provisions of this article.

(Ord. No. 85-14, § 11, 3-5-85)

FOOTNOTE(S):

(360) ***State Law reference***— *Coastal management, F.S. § 380.19 et seq.* (Back)

Attachment E

BISCAYNE BAY SHORELINE DEVELOPMENT REVIEW COMMITTEE

Department of Regulatory and Economic Resources
111 NW 1st Street, Room 18-3
Miami, Florida
January 24, 2013

Board Members Present:
Jorge Azze, Kevin Flaherty, Rick Hernandez, Sarah Sinatra

Board Members Absent:
Ivonne Martinez, George Puig, Craig Philip Southern

County Attorney's (CAO) Staff:
Lauren Morse

Introduction:
Meeting called to order by acting Chairman, Jorge Azze at 8:30AM.

Coordinator's Report:

- Gianni Lodi from the Department of Regulatory and Economic Resources (RER) introduced the draft Sunset Review Report (Report) for the Shoreline Development Review Committee (SDRC) for years 2011 and 2012.
- Mr. Lodi indicated that the fact that the SDRC was reconstituted at the end of 2011 is reflected in the Report. He also indicated that during 2012 RER processed 17 shoreline applications and the SDRC reviewed 14 of them with the remaining 3 applications scheduled to be reviewed in early 2013.
- The SDRC members discussed some potential process improvements including potential code amendments in order to clarify the "not need to comply" determination language. It was agreed that staff would prepare such code amendment for their consideration at their next regular meeting.
- SDRC coordinator Carl Harrison (RER) and Gilbert Blanco (RER) addressed questions raised by SDRC members including additional municipal coordination and SDRC relevance.

SDRC member Sarah Sinatra then moved to accept the draft 2011-2012 Sunset Review Report. The motion was seconded by SDRC member, Rick Hernandez. The motions passed 4 to 0.

The meeting was adjourned.

_____ Carl Harrison, Coordinator

Attachment F

Miami-Dade Shoreline Development Review Committee (SDRC) 2012 Project List		
	Application Number	Applicant - Subject
1.	12-SDRC-01	Miami Art Museum
2.	12-SDRC-02	Virginia Key Master Plan
3.	12-SDRC-03	South Pointe Park – Miami Beach
4.	12-SDRC-04	Crimson Tower - Miami
5.	12-SDRC-05	Tower on the Bay - Miami
6.	12-SDRC-06	Blu
7.	12-SDRC-07	The Element
8.	12-SDRC-08	St. Tropez – Sunny Isles
9.	12-SDRC-09	Bayside Canopy - Miami
10.	12-SDRC-10	Russian Chabad Sunny Isles
11.	12-SDRC-11	400 Sunny Isles
12.	12-SDRC-12	Westrec – Haulover Dry Storage Marina
13.	12-SDRC-13	Virginia Key Garage*
14.	12-SDRC-14	Haulover Park General Plan
15.	12-SDRC-15	Harbour Park – Bay Harbor Islands
16.	12-SDRC-16	Sunny Isles Beach North Bay Road Bridge*
17.	12-SDRC-17	PMG Aventura – Echo*
* These items have been processed and would be reviewed by the SDRC in early 2013.		