Date: _____ Shoreline Application No. _____

MIAMI-DADE COUNTY
BISCAYNE BAY SHORELINE DEVELOPMENT REVIEW
APPLICATION FORM

MUNICIPAL/COUNTY DATA CITY OF (if applicable): _____

DEPARTMENT_____

DEPT. OFFICIAL WITH PRIMARY RESPONSIBILITY FOR PROCESSING APPLICATION

NAME: _____

ADDRESS: _____

CITY: _____ ZIP CODE: _____ PHONE: _____

APPLICANT DATA

NAME OF APPLICANT:_____

ADDRESS: _____

ZIP CODE: _____ PHONE: _____

APPLICANT REQUEST

DEVELOPMENT NAME(if any): _____

ADDRESS/LOCATION OF REQUEST(S): _____

IS THE SITE ADJACENT OT BISCAYNE BAY? _____

SECTION: _____ TOWNSHIP: _____ RANGE: _____

FOLIO(S) : _____

LEGAL DESCRIPTION: _____

_____

_____

_____

_____

BRIEF DESCRIPTION OF PROPOSAL: _____

_____

_____

_____

_____

What development approval actions, (i.e., zone changes, site plan, variances, permits) are being requested at this time?	Parcel Size in Acres	Department, Board or Official responsible for this development action approval.
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby certify that the information contained in this application form is true and correct to he best of my knowledge and that no development action permit or approval shall be issued until a shoreline development review has been completed or terminated.

_____
Signature

_____
Name (Please Print)

Note: When this application form is completed and signed, the applicant is required to send it along with the required application fee to:

Shoreline Development Review Coordinator
Developmental Impact Committee
Stephen P. Clark Center
111 N.W. 1 Street, 11th Floor, Section 220
Miami, Florida 33128-1973
(305) 375-2566

SHORELINE DEVELOPMENT REVIEW FEE SCHEDULE

I.	DETERMINATIONS		
	A. NEED FOR COMPLIANCE	$	200.00
	B. EXEMPTIONS	$	467.40
	C. VESTED RIGHTS	$	467.40
II.	APPLICATION FEE (BASIC) (Applies to all development actions requiring Committee review) (Plat review subject to application only)	$	855.00
III.	SITE PLAN REVIEW (BASIC)	$	1,140.00
VI..	MARINE CONSTRUCTION		
	Marinas - 50 Boat Slips & over	$	570.00
	All Other Construction	$	182.40

TOTAL $_____

Note: Applies to all fees: Plus 8% Surcharge $_____

TOTAL FEE $_____

PLEASE MAKE CHECK PAYABLE TO: MIAMI-DADE DEPARTMENT OF PLANNING AND ZONING

Effective Date: October 1, 2003

SHORELINE REVIEW CHECKLIST AND QUESTIONNAIRE

In conjunction with reviewing the Shoreline Development Review Ordinance (85-14) and the Shoreline Development Review Manual (Resolution 257-85), this checklist and questionnaire shall be completed.

The following information shall be required to complete the shoreline development review:

1. A completed shoreline application form which shall include a brief description of all major elements of the project that require:

	Provided	Not Provided	N/A	Explanation
a) coastal construction, building, zoning, site plan permits or approvals (approving agency)	☐	☐	☐	☐
b) type of approval	☐	☐	☐	☐
c) date of request (or anticipated dates for all required local, regional, state and federal approvals)	☐	☐	☐	☐
d) photos of site	☐	☐	☐	☐

2. Documentation of zoning and ownership of the parcel, including all uplands and submerged lands.

3. A survey showing:

	Provided	Not Provided	N/A	Explanation
a) location and height of all existing buildings	☐	☐	☐	☐
b) location and height of all existing trees (variety, size)	☐	☐	☐	☐
c) natural and archeological features	☐	☐	☐	☐

4. A site plan including the following information:

	Provided	Not Provided	N/A	Explanation
a) location of lot lines	☐	☐	☐	☐
b) shoreline and municipal setbacks	☐	☐	☐	☐
c) location, shape, size, height of existing and proposed structures	☐	☐	☐	☐
d) decorative walls and entrance features	☐	☐	☐	☐
e) location of on-site and off-street parking	☐	☐	☐	☐
e) loading facilities service areas and waste collection areas	☐	☐	☐	☐
f) location of all streets, alleys, driveways, pedestrian ways and sidewalks	☐	☐	☐	☐

5. Floor plans and elevations of:

	Provided	Not Provided	N/A	Explanation
a) all buildings and structures	☐	☐	☐	☐
b) accessory structures	☐	☐	☐	☐
c) cross sections through the entire property (bulkhead to right-of-way)	☐	☐	☐	☐
d) adjacent buildings	☐	☐	☐	☐

6. A landscape plan including:

	Provided	Not Provided	N/A	Explanation
a) the location, variety, size and condition of all existing trees	☐	☐	☐	☐
b) the location, variety, size and quality of all proposed trees and ground cover	☐	☐	☐	☐
c) all proposed fences	☐	☐	☐	☐
d) decorative walls, berms	☐	☐	☐	☐
e) landscaped areas	☐	☐	☐	☐
f) buffers	☐	☐	☐	☐
g) location of all public spaces	☐	☐	☐	☐
h) visual corridors	☐	☐	☐	☐
i) landscaping materials	☐	☐	☐	☐
j) outdoor furniture	☐	☐	☐	☐
k) recreational facilities	☐	☐	☐	☐
l) lighting and trash receptacles	☐	☐	☐	☐

Note: Wherever applicable, site and landscaping plans should indicate how all historical or arecheological features will be incorporated into the site plan.

7. Figures indicating the following:

	Provided	Allowable	N/A	Explanation
a) gross and net acreage	☐	☐	☐	☐
b) amount of landscaped open space in square feet required and provided	☐	☐	☐	☐
c) required and provided setbacks (shoreline and zoning)	☐	☐	☐	☐
d) maximum density allowed	☐	☐	☐	☐
e) provided density	☐	☐	☐	☐
f) building height from MSL	☐	☐	☐	☐
g) amount of building coverage at ground level in square feet	☐	☐	☐	☐
h) total trees and shade canopy required and provided	☐	☐	☐	☐
i) parking required and provided	☐	☐	☐	☐
j) total amount of paved area in square feet	☐	☐	☐	☐
k) such other design data as may be needed to evaluate the project	☐	☐	☐	☐

Note: All plans must be signed and sealed by a registered architect and/or landscape architect.

Please answer the following questions as they relate to:

Shoreline Setbacks

Is the required shoreline setback met?

If no, please explain:

Are there any buildings, accessory uses, above grade structures, ancillary structures or other uses in the shoreline setback area?

If yes, please list:

Side Setbacks

Are the required shoreline (25.0' minimum) and applicable municipal side setbacks met?

If no, please explain:

Visual Corridor

Is there an unimpeded (horizontally and vertically) visual corridor from the public roadway to the water's edge that equals 20% of the width of the property (20.0' minimum, 100.0' maximum required)?

If no, please explain:

Other

Are there any additional public or private amenities such as a shoreline walkway, a park, a dock (see DERM design manual), a fishing pier, a boardwalk, or a viewing platform being provided?

If yes, please describe:

To the best of your knowledge and for those items that are applicable, does this project adhere to the Design Guidelines for the Shoreline Setback Area (Section A), the Design Guidelines and Minimum Standards for the Shoreline Walkway (Section B), and the Design Considerations for Fishing Piers (Section C) as discussed in the Shoreline Development Review Manual (Resolution 257-85)?

If no, please explain:

Note: Shoreline and side setbacks and visual corridors must be provided except where it would be impossible or highly impractical to meet said requirements as a result of the size or configuration of the subject site.

MEMORANDUM

01.01-14

Agenda Item No. 2(a)(1)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: March 5, 1985

SUBJECT: Resolution Approving Shoreline Development Review Manual

FROM: Robert A. Ginsburg
County Attorney

The accompanying Resolution was prepared and placed on the agenda at the request of Commissioner Harvey Ruvin.

Robert A. Ginsburg
County Attorney

RAG/EBM/lee
attachment

RESOLUTION NO. R-357-85

RESOLUTION APPROVING SHORELINE DEVELOPMENT REVIEW MANUAL TO BE USED IN IMPLEMENTING THE AMENDMENTS TO CHAPTER 33D OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of Metropolitan Dade County, Florida has amended Chapter 33D of the Code of Metropolitan Dade County, Florida, establishing a Shoreline Development Review Committee, describing the Committee's responsibilities, establishing the Shoreline Development Review Boundary and criteria, and providing for judicial review; and

WHEREAS, the guidelines and minimum standards in the Shoreline Development Review Manual (Attachment A) will assist the Committee in carrying out its duties as described in the amendments to Chapter 33D of the Code of Metropolitan Dade County, Florida; and

WHEREAS, the guidelines and minimum standards contained in the Shoreline Development Review Manual (Attachment A) will provide the Shoreline Development Review Committee with a basis for achieving the intent of the amendments to Chapter 33D of the Code of Metropolitan Dade County, Florida, in a consistent manner while at the same time providing the Committee with the flexibility to exercise its best professional judgment,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF METROPOLITAN DADE COUNTY, FLORIDA, that the Board approves the Shoreline Development Review Manual (Attachment A) which is hereby incorporated by reference.

The foregoing resolution was offered by Commissioner Harvey Ruvin who moved its adoption. The motion was seconded by Commissioner Jorge Valdes, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Absent
James F. Redford, Jr.	Aye
Harvey Ruvin	Aye
Barry D. Schreiber	Aye
Jorge E. Valdes	Aye
Sherman S. Winn	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the resolution duly passed and adopted this 5th day of March, 1985.

DADE COUNTY FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

By: RAYMOND [illegible]
Deputy Clerk

Approved by County Attorney as
to form and legal Sufficiency. EBM

ATTACHMENT A

SHORELINE DEVELOPMENT REVIEW MANUAL

Section A. Design Guidelines for Shoreline Setback Area

1. Said shoreline setback shall be landscaped and designed: to provide shade and comfortable pedestrian use and shoreline walkways; to frame views and vistas of water and other shoreline areas, to screen less aesthetic uses and to provide a variety of visual experiences for the users of the shoreline setback area, as well as users and viewers from the street, from the water, and from within the development at both ground elevation and high elevation. The transition from land to water shall be softened by the use of materials such as riprap, wood structures and appropriate species of plants. Plant materials shall be selected or preserved on site, on the basis of salt tolerance and longevity, wildlife and environmental values, hardness, insect and disease resistance, wind tolerance, drought resistance, low maintenance requirement and compatibility with existing natural areas or features. Plant materials should preferably be native, chosen for attractiveness of form, color and texture.

2. Water dependent uses such as approaches to piers or docks shall be permitted within said shoreline setback.

3. Water related uses that are designed to encourage public use and enjoyment of the water's edge such as restaurants, outdoor cafes and boat rental facilities and/or shoreline walkways shall be permitted within said shoreline setback area. Where a shoreline walkway is provided then a covenant with provisions for maintenance of said facilities in perpetuity shall be required.

4. Ground-level parking, trash dumpsters, grease traps, trash transfer stations or facilities, loading docks, storage areas and court games with enclosures shall be prohibited in the shoreline setback area.

5. Trees shall be a minimum height of 10 feet overall immediately after planting, and shall have a minimum trunk caliper of 2½ inches. Tree canopy shall provide a minimum of 50% shade over all pedestrian and use areas within five years. Shrubs shall be of sufficient size to assure their survival and spaced closely enough to provide 100% of ground coverage within one year of planting.

6. All environmentally sensitive areas shall be protected. Natural ecosystems shall be preserved to the maximum extent possible. Existing natural features (rock outcroppings, topographic undulations, etc.) shall be preserved, utilized and enhanced.

7. Climatic comfort shall be provided by amelioration and utilization of existing and potential microclimatic conditions, including seasonal aspects of summer heat and humidity, and winter cold spells and wind protection.

8. Sun position and intensity shall be considered as a prime controlling factor in human comfort, in plant selection and location, in furniture placement, and visibility. Shading from architectural elements shall likewise be considered. Deciduous trees should preferably be used in areas where winter use is to be encouraged.

Section B. Design Guidelines and Minimum Standards for the Shoreline Walkway.

1. The shoreline walkway shall generally consist of the following subareas:

   a. Edge - The interface between the land and the water.

   b. Safety Buffer - A landscaped area between the shoreline walkway and the water's edge.

   c. Pedestrian Walkway - A minimum six foot wide shoreline pedestrian promenade or walkway/surface.

   d. Passive Space - A place for amenities such as benches, landscaping, shade structures, drinking fountains, trash receptacles and signage generally landside of the pedestrian walkway.

Note: Subareas, a, b and d, may vary in width within the shoreline setback in order to allow the pedestrian walkway to meander and/or change axis. Subareas shall be designed according to the guidelines and criteria included below.

2. Transitional Security Strip - Landside of the shoreline walkway area may be provided to separate the public shoreline walkway from the private space. This strip shall be in harmony with and not interrupt the continuity of the public shoreline walkway area.

3. Design Guidelines for the Public Shoreline Walk way and the Transitional Security Strip

   a. Edge Subarea

      1) Riprap should be placed along any new or existing bulkhead seawall or shoreline where a shoreline walkway is constructed or reconstructed. When installed riprap shall be placed in accordance with the provisions of Chapter 24 of the Code of Metropolitan Dade County, Florida.

      2) The top of the seawall/bulkhead shall be a minimum of 6" and a maximum of 8" higher than the pedestrian walkway surface. The landside edge of the seawall/bulkhead shall be beveled at a 45 degree angle.

b. Safety Buffer Subarea

1) The safety buffer subarea shall be designed, primarily with plant materials to keep persons a safe distance from the water's edge. Where appropriate, a change in elevation may be used to define this subarea.

2) Where landscaping, rough paving, changes in elevation, or other means of defining the safety subarea are impossible, or if the pedestrian walkway is located at the water's edge, then a barrier at the water's edge shall be installed. When used, such a barrier shall be as visually transparent as possible, such as a simple railing.

c. Pedestrian Walkway Subarea

1) The pedestrian walkway subarea or promenade shall be at least 6 feet wide. Provided that the minimum width is met, the width may vary and the alignments of the pedestrian walkway may meander within the shoreline setback area.

2) Where public pedestrian walkway(s) are already designed or built on adjacent properties or where there are adjacent public rights-of-way, the pedestrian walkway shall be designed and built to align with those adjacent features.

3) Some passive areas shall be allowed on the water side of the walkway within the safety buffer subarea so that people can sit near the water's edge. It shall, however, be limited to 25% of the length of the property so that the pedestrian view is maintained.

4) The pedestrian walkway shall be designed in accordance with the standards for accessibility for the physically disabled and/or handicapped provided in Section 515 of the South Florida Building Code.

5) Obstructions to movement (trees, bollards, lighting, etc.) within the pedestrian walkway shall not be allowed to reduce the clear width of the walkway to less than 6 feet at any point.

6) The pedestrian walkway surface shall possess stability and firmness, be relatively smooth in texture, and have a non-slip surface. Materials such as concrete, wood, tile or brick on concrete should be used as a surface for the pedestrian walkway. The use of expansion and contraction joints no wider than 3/4 of an inch in width and filled with a substance impervious to water should be encouraged. Where walkway design calls for wood decking, wood, such as pressure treated pine or cedar may be used if elevated above the ground surface and provided with a 6" high curb along each side. In such instances the wood planks should be placed no more than 1/8 of an inch apart.

7) The walkway surface shall be sloped toward an acceptable storm drainage disposal system constructed in conformance with Section 4611 of the South Florida Building Code and Chapter 24 of the Code of Metropolitan Dade County, Florida.

d. Passive Subarea

1) The major subarea for sitting, landscaping and shading shall generally be located along the inland side of the pedestrian walkway. Lengths of the passive zone may be elevated above the level of the walkway shoreline to improve overall appearance, to satisfy the needs of landscaping materials or to make it easier to see shoreline vistas.

2) Appropriate additional furniture such as historic or environmental markers, overhead canopies or shelters, drinking fountains and trash receptacles shall be confined to the passive subarea and shall not infringe on any visual corridor designed in accordance with the provisions herein below. All furniture shall be permanently installed, preferably by direct burial in concrete.

3) Benches shall be provided at a minimum of 2½ foot sections of bench per 100 feet of linear shoreline. All benches shall have backrests and shall be placed to provide direct views of the water. A space of 6 feet shall be provided between the front of

a bench and the nearest obstacle. A paved space 36" wide between ends of benches, or at the end of one bench shall be provided to allow room for wheelchairs.

4) Trash receptacles shall be provided within the passive zone.

5) Where drinking fountains are provided they shall be placed on hard surface areas in order to be accessible to wheelchair dependent people. Stepping blocks shall be located so as not to interfere with access to the fountain either by ambulant or wheelchair dependent people.

e. Transitional Security Strip

1) Security to limit public access to private property may be provided by fences, grade changes or retaining walls. When a security strip is provided, all fences and walls shall be landscaped to reduce their visual impact on the shoreline walkway area and shall provide minimal visual obstructions.

2) For landside adjacent developments that serve the public (i.e. restaurants, shop, hotels, entertainment) wide, visible and easy pedestrian access to the shoreline walkway shall be provided. Landscaping and security barriers shall not visually or physically block the shoreline walkway from such adjacent landside uses.

4. Shoreline Walkway Landscape, Lighting and Signage Guidelines

a. Landscaping Guidelines

1) All of the criteria included in Section A.5-8 hereinabove shall also apply to the shoreline walkway area.

2) In addition, trees shall be planted in the shoreline walkway area to provide a minimum percentage of 40% of shade canopy. This may be accomplished using individual trees or groupings of trees.

b. Lighting Guidelines

1) Sufficient walkway lighting shall be provided using a combination of low fixtures at the water's edge in the safety

buffer subarea and peripheral lighting within the passive subarea and transitional security strip in order to illuminate the immediate surroundings, and provide security.

2) Overhead lighting shall be confined to the passive subarea and transitional security strip and posts and standards shall be placed so that they do not present hazards to pedestrians. The lighting shall consist of down lighting with lamps positioned not over 14 feet high, 175 Watt MV, 50 feet on center minimum. These overhead lighting fixtures shall be placed so that light patterns overlap at a height of 7'0" to provide views of oncoming persons along the shoreline walkway with a minimum intensity of ½-foot-candles over all use areas. Mercury vapor, metal halide lamps or similar "white" light luminaries shall be positioned so that light patterns overlap to avoid areas of deep shadow.

3) Lighting at the water's edge shall be low level fixtures no higher than 30" high with down illumination not extending beyond the bulkhead, seawall or riprap. These fixtures shall be approximately 20 feet on center.

4) At hazardous locations, such as changes in grade, supplemental lower level lighting or additional overhead units shall be used.

5) Once minimum lighting standards for the shoreline walkway are met, uplighting and colored lighting may be used for signs, landscaping and accenting within the passive subarea and transitional area.

6) Lighting fixtures shall be designed to complement both the adjacent upland development and walkways, as well as in-water amenities and shall be designed to comply with the provisions of the Shoreline Design Manual following adoption of said manual.

c. Signage Guidelines

1) All major public shoreline access points, including parks, walkways, roadways, dedicated midblock walks and public plazas, shall be marked with standard "Public Shorewalk" signs.

2) Signage shall be used to identify publicly oriented private development, such as cafes or shops, that are accessible from the public shoreline walkway. Such signs shall preferentially be placed in the passive subarea or transitional security strip.

3) Uniformly designed historic informational or environmental markers or plaques may be placed in the passive subarea or on public piers or overlook areas which such are provided.

4) Signage visible from the water shall identify access points and adjacent public activities such as cafes or shops, for boaters where public dockage is provided.

C. Design Considerations for Fishing Piers

Where fishing piers are deemed appropriate, fishing pier design shall address the following:

1. The guidelines included in Section B hereinabove shall also apply to fishing pier design.

2. The pier surface shall be either concrete or close-fitting wood such as pressure treated pine or cedar. Where wood is used, the planks shall be no more than 1/8 of an inch apart.

3. Fishing piers should be wide enough to accommodate benches, fish cleaning stations and lighting, and should permit anglers to move along the railing and also allow visitors to walk along the pier.

4. Railings should be designed to accommodate anglers and their equipment, including rod holders and bait cutter boards, as well as to provide a safe waterfront area for adults, children and the handicapped.

5. Wherever feasible, riprap and shallow artificial reef materials such as concrete culverts should be included in pier design.

6. Ladders should be provided to permit access into and from the water.

ID# 478/na

Chapter 33D

BISCAYNE BAY MANAGEMENT*

Art. I. In General, §§ 33D-1—33D-20
Art. II. Reserved, §§ 33D-21—33D-30
Art. III. Shoreline Development Review, §§ 33D-31—33D-41

***Editor's note**—Ord. No. 81-19, adopted March 3, 1981, created Ch. 33D, which the editor has entitled "Biscayne Bay Management." The provisions of Ord. Nos. 81-19 and 81-20 have been included, respectively, as Arts. I and II. Subsequently, Ord. No. 85-14, which in its caption stated that it amended Ch. 33D, was added by the editor as Art. III.

Cross references—Biscayne Bay Aquatic Park and Conservation Area, § 7-5; Biscayne Bay environmental enhancement trust fund, § 7-5.1; vessel mooring in Biscayne Bay, § 7-31 et seq.; round, bridge and causeway construction on Biscayne Bay, § 9-51 et seq.; development within Coastal Flood Hazard Districts, Ch. 11C; fish and marine life, Ch. 14A; environmental protection, Ch. 24; environmentally endangered lands program, Ch. 24A; areas of critical environmental concern, Ch. 33B; Key Biscayne Beach preservation, Ch. 33F.

ARTICLE I. IN GENERAL

Sec. 33D-1. Legislative intent.

The aforesaid declarations [not set out herein] are hereby adopted as the legislative intent of the Board of County Commissioners of Miami-Dade County, Florida, and are made a part hereof. The Board of County Commissioners of Miami-Dade County, Florida, hereby declares and finds that the orderly and judicious management of the area within the above-described Biscayne Bay management boundary is essential to assure the protection and maintenance of the public health, safety and welfare of the present and future inhabitants of, and visitors, to, Miami-Dade County. It is the purpose and intent of this Board to protect the public health, safety and welfare through implementation of the Biscayne Bay management plan (hereinafter referred to as the plan). The plan provides a jurisdictional and interdisciplinary management structure to guide future planning and management decisions in a manner that will minimize adverse impacts upon, and maximize the benefits to the public at large.
(Ord. No. 81-19, § 1, 3-3-81; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-2. Boundaries of Management Area.

The Biscayne Bay Management Area includes all of the land, water and submerged lands within the boundary legally described as: Begin at the point of intersection of the north Miami-Dade County line with the centerline of Biscayne Boulevard (State Road No. 5); thence run easterly along the north Miami-Dade County line to the centerline of Ocean Boulevard (State Road A1A); thence run southerly along the centerline of Ocean Boulevard and Collins Avenue to the centerline of 63rd Street (Miami Beach); thence run westerly along the centerline of 63rd Street to the centerline of Alton Road; thence run southerly along the centerline of Alton Road and its southerly extension along Jefferson Avenue to the centerline of Biscayne Street; thence run easterly along the centerline of Biscayne Street and its easterly extension to the easterly mean high water line of Miami Beach; thence run southerly along the easterly mean high water line of Miami Beach to Government Cut; thence run southerly across Government Cut to the easterly mean high water line of Fisher Island; thence run southerly along the easterly mean high water line of Fisher Island to Norris Cut; thence run southwesterly across Norris Cut to the easterly mean high water line of Virginia Key; thence run southerly and southwesterly along the easterly mean high water line of Virginia Key to the south line of Section 16, Township 54 South, Range 42 East; thence southerly across Bear Cut to the south line of Section 21, Township 54 South, Range 42 East; thence southerly for a distance of 2,250 feet to a point 2,325 feet east of the centerline of Crandon Boulevard; thence westerly to the centerline of Crandon Boulevard; thence run southerly along the centerline of Crandon Boulevard to the northerly boundary of Cape Florida State Park; thence run easterly along said northerly boundary to the easterly mean high water line of Key Biscayne; thence run southerly along said easterly mean high water line of Key Biscayne to a point east of Cape Florida Lighthouse near the southerly tip of Key Biscayne; thence run southerly along straight lines connecting the most easterly points of the easterly mean high water lines of Soldier Key, the Ragged Keys, and Sands Key to the easterly mean high water line of Elliott Key; thence run southerly and southwesterly along the easterly mean highwater line of Elliott Key; thence run southwesterly to the easterly mean high water line of Old Rhodes Key; thence run southwesterly along the easterly mean high water line of Old Rhodes Key to the southerly tip of Old Rhodes Key; thence run due southwest to the centerline of Broad Creek; thence run northwesterly along the centerline of Broad Creek and along the southerly boundary line of Biscayne National Park and its westerly extension to the mean high water line on the western shore of Biscayne Bay in Section 23, Township 58 South, Range 40 East; thence run southwesterly along said mean high water line to its intersection with the west line of said Section 23; thence run north along the west line of said Section 23 to the southeast corner of the north one-half of Section 22, Township 58 South, Range 40 East; thence run west along the south line of the north one-half of said Section 22 to the west line of said Section 22; thence run northerly along the west line of Sections 22, 15, 10, and 3, Township 58 South, Range 40 East to the southwest

corner of Section 34, Township 57 South, Range 40 East; thence run easterly along the south line of said Section 34 for 1,670.00 feet to a point; thence run northerly parallel with the west line of said Section 34 for 1,720.00 feet; thence deflect left 35 degrees, and run northwesterly 1,500.00 feet to a point; thence run northerly parallel with the west line of said Section 34 for 820.00 feet to a point; thence deflect right 45 degrees, 00 minutes and run approximately 1,450 feet to a point located 1,800.00 feet east of the west line and 650.00 feet south of the north line of said Section 34; thence run northerly parallel with the west line of said Section 34 to the north line of said Section 34; thence continue northerly parallel with the west line of Section 27, Township 57 South, Range 40 East to a point located 1,550.00 feet north of the south line of said Section 27 and 1,800.00 feet east of the west line of said Section 27; thence deflect left approximately 43 degrees, 00 minutes and run northwesterly to a point located 2,300.00 feet north of the south lines of said Section 27 and 1,150.00 feet east of the west line of said Section 27; thence run westerly 2,300.00 feet north of and parallel to the south lines of Sections 27 and 28, Township 57 South, Range 40 East to a point located northeast of 100.00 feet as measured 90 degrees, 00 minutes from the centerline of the extension of the Palm Drive access road to the FPL Turkey Point Power Plant; thence run northwesterly parallel with and 100.00 feet northeasterly of the centerline of said Palm Drive access road to the north line of said Section 28; thence run westerly along the north lines of Section 28; thence run westerly along the north lines of Sections 28 and 29, Township 57 South, Range 40 East to the eastern boundary of Levee 31E; thence run northerly along Levee 31E to the centerline of Old Cutler Road; thence run northeasterly and northerly along the centerline of Old Cutler Road to the centerline of LeJeune Road; thence run northerly along the centerline of LeJeune Road to the centerline of West Ingraham Terrace; thence run easterly along the centerline of West Ingraham Terrace to the centerline of Ingraham Highway; thence run northeasterly along the centerline of Ingraham Highway to the centerline of Douglas Road; thence run northerly along the centerline of Douglas Road to the centerline of Main Highway; thence run northeasterly along the centerline of Main Highway to the centerline of McFarlane Road; thence run southeasterly along the centerline of McFarlane Road to the centerline of South Bayshore Drive; thence run northeasterly along the centerline of South Bayshore Drive and South Miami Avenue to the centerline of State Road No. 5; thence run northeasterly and northerly along the centerline of State Road No. 5 to the point of beginning.
(Ord. No. 81-19, § 2, 3-3-81; Ord. No. 00-77, § 1, 6-6-00)

Sec. 33D-3 Relationship of management area plan to comprehensive plan.

The plan, which is attached to the ordinance [from which this article is derived] and hereby included by reference in its entirety, is declared to be ancillary to, but not a part of the Comprehensive Development Master Plan for Miami-Dade County and shall constitute a guide for and development of standards and criteria to protect, conserve, develop and utilize the natural and developed resources within the Biscayne Bay Management Area, in a manner that will benefit the public at large and minimize adverse impacts upon this resource. This Board declares its policy and intent to evaluate and consider this plan in all future decisions relating to protection, conservation, development or utilization of the natural and man-made environments within the Biscayne Bay Management Area. The Clerk of the Board of County Commissioners is directed to keep a copy of the plan on file with the ordinance [from which this article is derived.]
(Ord. No. 81-19, § 3, 3-3-81; Ord. No. 00-77, § 1, 6-6-00)

Cross reference—Adoption of Comprehensive Development Master Plan, § 2-112.2.

Sec. 33D-4. Necessity for further implementation.

The County Manager is hereby instructed to prepare and submit to the Board of County Commissioners ordinances and regulations which are necessary to accomplish the goal and objectives of the Biscayne Bay management plan.
(Ord. No. 81-19, § 4, 3-3-81)

Secs. 33D-5—33D-20. Reserved.

ARTICLE II. RESERVED*

Secs. 33D-21—33D-30. Reserved.

ARTICLE III. SHORELINE DEVELOPMENT REVIEW†

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.

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*Editor's note—Ord. No. 93-104, § 3, adopted Oct. 19, 1993 and Ord. No. 93-114, § 3, adopted Oct. 21, 1993, abolished the Biscayne Bay Management Committee, and at the discretion of the editor, Art. II, §§ 33D-21—33D-26, relative to such committee, has been deleted from this Code. The provisions of former Art. II derived from Ord. No. 81-20, adopted March 3, 1981; Ord. No. 86-18, adopted March 4, 1986; and Ord. No. 87-67, adopted Dec. 6, 1987.

†State law reference—Coastal management, F.S. § 380.19 et seq.

(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 ar-

chitecture 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 mini-

mum 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)