MEMORANDUM

Agenda Item No. 7(A)
(Second Reading: 12-3-24)

TO:	Honorable Chairman Anthony Rodríguez and Members, Board of County Commissioners	**DATE:**	September 4, 2024
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Ordinance related to environmental protection; amending section 24-48.2 of the Code; revising provisions related to eligibility for short form permits, with respect to seawalls and bulkheads

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsors Commissioner Raquel A. Regalado, and Commissioner Micky Steinberg.

Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum

Date: December 3, 2024

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

From: Daniella Levine Cava
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Short Form Permits for Seawalls and Bulkheads

---

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

Jimmy Morales
Chief Operating Officer

Memorandum

MIAMI-DADE COUNTY

Date: December 3, 2024

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

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Subject: Social Equity Statement for Ordinance Relating to Environmental Protection – Revising Provisions Related to Eligibility for Short Form Permits, with Respect to Seawalls and Bulkheads

---

The proposed ordinance amends Section 24-48.2 of Chapter 24 of the Code of Miami-Dade County (Code) to revise the provisions related to eligibility for short form permits, with respect to seawalls and bulkheads. Currently, the construction, repair, and replacement of seawalls and bulkheads may be eligible for an administrative short form permit if such seawall or bulkhead is located no more than 12 inches waterward of the existing location of the seawall or bulkhead. Seawalls and bulkheads proposed to be installed more than 12 inches waterward of the existing location are required to be processed as a standard form permit application which requires a public hearing before the Board of County Commissioners.

The proposed code change seeks to increase the allowable waterward distance for short form applications to allow for the construction, repair, or replacement of seawalls or bulkheads within 18 inches waterward of the existing location of the seawall or bulkhead in lieu of 12 inches waterward. This code change would simplify and expedite the permitting process and allow more permit applications to be eligible for administrative, short form permits.

Jimmy Morales
Chief Operating Officer

MEMORANDUM
(Revised)

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

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
12-3-24

ORDINANCE NO. _____

ORDINANCE RELATED TO ENVIRONMENTAL PROTECTION; AMENDING SECTION 24-48.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISIONS RELATED TO ELIGIBILITY FOR SHORT FORM PERMITS, WITH RESPECT TO SEAWALLS AND BULKHEADS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, chapter 24 of the Code of Miami-Dade County (the "Code") has various environmental permitting requirements for coastal construction, including for seawalls and bulkheads; and

WHEREAS, pursuant to section 24-48.2, the construction, repair, and replacement of seawalls and bulkheads may be eligible for a "short form permit" if such seawall or bulkhead is located no more than 12 inches waterward of the existing location of the seawall or bulkhead, and a "short form permit" may be granted administratively; and

WHEREAS, if the seawall or bulkhead is to be located more than 12 inches waterward of the existing location of the seawall or bulkhead, then the "standard form permit" process in chapter 24 would apply, and a standard form permit application requires a public hearing before the Board of County Commissioners; and

WHEREAS, in order to simplify and expedite the permitting process for certain seawalls and bulkheads, this Board wishes to revise the Code to replace "12 inches waterward" with "18 inches waterward," to allow more permit applications to be eligible for a County short form permit; and

WHEREAS, the particular measurement of "18 inches waterward" of an existing seawall is also relevant to certain state delegation agreements; and

WHEREAS, pursuant to a delegation agreement between the County and the state, the County has delegated authority to verify the state's proprietary approvals for certain work on state-owned sovereign submerged lands, including, under certain circumstances, the repair or replacement of seawalls within 18 inches waterward of an existing seawall, and this delegation from the state simplifies the approval process for such seawalls; and

WHEREAS, this ordinance is likely to result in additional simplification of the approval process for seawalls located within 18 inches waterward of an existing seawall; and

WHEREAS, for the above reasons, this Board wishes to revise section 24-48.2(I)(A)(1) to replace "12 inches waterward" with "18 inches waterward," so that an application for coastal construction of a seawall or bulkhead within 18 inches waterward of an existing seawall or bulkhead may be eligible for a County short form permit under chapter 24,

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

Section 1. Section 24-48.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 24-48.2 - Permit application forms; procedures.

* * *

(I) *Short Form Permit Application*:

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(A) *When permissible:* A short form permit application may be accepted by the Department for the following types of work:

(1) The construction, repair, or replacement of seawalls or bulkheads, including the minimum filling or dredging necessary for installation, at the mean high water line or no more than [[~~12~~]]>>18<< inches waterward of their existing location.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

MAG for GBK

Prepared by:

Abbie Schwaderer-Raurell
Cristina M. Rabionet

Prime Sponsor: Commissioner Kevin Marino Cabrera
Co-Sponsors: Commissioner Raquel A. Regalado
Commissioner Micky Steinberg