

**Ron DeSantis**  
GOVERNOR



**Meredith Ivey**  
ACTING SECRETARY

March 20, 2023

The Honorable Sandra Harris  
Mayor, Miami Shores Village  
10050 Northeast 2nd Avenue  
Miami Shores, Florida 33138

Dear Mayor Harris:

The Department of Economic Opportunity (“Department”) has completed its review of the proposed comprehensive plan amendment for Miami Shores Village (Amendment No. 23-01ER), which was received and determined complete on January 23, 2023. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified an objection and have included recommendations regarding measures that can be taken to address the objection. We are also providing four comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is “In Compliance” as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

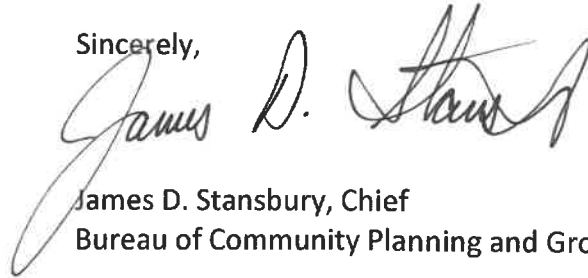
The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of the Department’s attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://www.Twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Department staff is available to assist the Village to address the objection and comments. If you have any questions related to this review, please contact Yazmin Valdez, Planning Analyst, by telephone at (850) 717-8524 or by email at [Yazmin.Valdez@DEO.MyFlorida.com](mailto:Yazmin.Valdez@DEO.MyFlorida.com).

Sincerely,

A handwritten signature in black ink that reads "James D. Stansbury". The signature is written in a cursive style with a large, sweeping initial "J".

James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/yv

Enclosures: Objections, Recommendations, and Comments Report  
Procedures for Adoption  
Reviewing Agency Comments

cc: Claudia C. Hasbun, AICP, Planning, Zoning & Resiliency Director, Miami Shores Village  
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

**Objections, Recommendations and Comments Report  
Proposed Comprehensive Plan Amendment  
Miami Shores 23-01ER**

The Department of Economic Opportunity has identified an objection and four comments regarding Miami Shores Village's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the Village could take to resolve issues of concern. If the Village adopts the plan amendment without adequately addressing the objection, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the Village to address the objection and comments.

**Objection 1): Distribution of mixed uses:**

The proposed amendment re-introduces the Mixed-Use land designation with two sub-designations providing different levels of mixed-use. While the proposed amendment includes the types of uses, densities, and intensities allowed at each sub-designations, it does not provide the percentage distribution among the mix of uses or any other standards to guide the distribution of uses. Section 163.3177(6)(a)3.,h., F.S., requires that the future land use element provide guidelines for implementing mixed-use development, including the types of uses allowed, the percentage distribution among the mix of uses, or other standards. The proposed amendment does not provide the percentage distribution among the mix of uses and therefore, does not meet the criteria of Section 163.3177(6)(a)3.h., F.S. Furthermore, without this criteria the future land use plan element is not meaningful and predictable pursuant to Section 163.3177(1), F.S.

**Authority:** Section 163.3177(6)(a)3.h., F.S.; Section 163.3177(1), F.S.; and Section 163.3184, F.S.

**Recommendation:** Prior to adoption, the Village must include a percentage distribution among the mix of uses or other standard to ensure meaningful and predictable standards and to be consistent with Section 163.3177(6)(a)3.h., F.S., and Section 163.3177(1), F.S.

**Comment 1) Capital Improvements Element - Capital Improvements Schedule:**

The Village's proposed amendment does not incorporate an updated Five-Year Schedule of Capital Improvements into the Village's Comprehensive Plan. The Five-Year Schedule of Capital Improvements is a required component of the Capital Improvements Element and must be updated on an annual basis pursuant to Sections 163.3177(3)(a)4., and (3)(b), F.S. The Village should consider revising the amendment to incorporate the updated Five-Year Schedule of Capital Improvements, which identifies capital improvement projects to be implemented in the first five (5) years following adoption of the Capital Improvements Plan and include the entity

responsible for the projects, into the Capital Improvements Element. Alternatively, the Village could update its Schedule in a future amendment pursuant to Section 163.3177(3)(b), F.S.

**Comment 2) Map Series – Coastal High Hazard Area (CHHA) Map:**

Pursuant to Section 163.3178(2)(h), F.S., the CHHA is defined as the area below the elevation of the Category 1 storm surge line as established by Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge modeling. The proposed amendment does not include an updated future land use map that shows the Coastal High Hazard Area (CHHA) as required by Section 163.3177(6)(a)10.,c.,VI., F.S. Prior to adoption, an updated CHHA map should be included with the date and correct data source of the CHHA data utilized in the map legend. The 2017-2018 SLOSH model data may be obtained from the Florida Division of Emergency Management or the County's Emergency Management Division. Department staff can also assist the Village in obtaining the required data.

**Comment 3) Planning Horizon:**

The proposed amendment does not reflect an updated planning horizon for the Village's Comprehensive Plan. Section 163.3177(5)(a), F.S., requires comprehensive plans to establish at least two (2) planning periods, one covering the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process. Prior to adoption, the amendment should be revised to incorporate appropriate planning horizons. The Plan must cover at least two planning periods, one covering at least the first 5-year period occurring after the Plan's adoption and one covering at least a 10-year period. Alternatively, updated planning horizons can be included in subsequent EAR-based amendments.

**Comment 4 Coordinate with External Agencies:**

Village to continue to coordinate with the commenting agencies, including Miami-Dade County and FDOT to resolve their comments. The Village has previously noted a public notice issue related to this proposed amendment. This issue should be resolved before adoption.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR STATE COORDINATED REVIEW**

**Section 163.3184(4), Florida Statutes**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**”

(<https://fldeo.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR STATE COORDINATED REVIEW**

**Section 163.3184(4), Florida Statutes**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://floridajobs.secure.force.com/cpl/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.



**From:** [Gordon, Glennika](#)  
**To:** [DCPexternalagencycomments](#); [hasbunc@msvfl.gov](mailto:hasbunc@msvfl.gov)  
**Cc:** [Stansbury, James](#); [isabelc@sfrpc.com](mailto:isabelc@sfrpc.com); [Kathe Lerch](#); [Jerry.Bell@miamidade.gov](mailto:Jerry.Bell@miamidade.gov)  
**Subject:** [EXTERNAL] - Village of Miami Shores, DEO #23-1ER, Comments on Proposed Comprehensive Plan Amendment  
**Date:** Monday, February 13, 2023 2:08:12 PM

---

Dear Ms. Powell:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the Village of Miami Shores (Village). The package includes amendments to the Future Land Use Element and the Future Land Use Map. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District requests that the Village forward a copy of the adopted amendments to the District at the following email mailbox [address: SFLOCALGOVPLAN@sfwmd.gov](mailto:SFLOCALGOVPLAN@sfwmd.gov). Please contact me if you have any questions or need additional information.

Sincerely,

**Glennika D. Gordon, AICP**

**Policy and Planning Analyst**

South Florida Water Management District

Water Supply Implementation Unit

3301 Gun Club Road

West Palm Beach, FL 33406

Phone: 561-682-2544

Fax: 561-681-6264

E-Mail: [ggordon@sfwmd.gov](mailto:ggordon@sfwmd.gov)

**From:** [Plan\\_Review](#)  
**To:** [Powell, Barbara; DCPexternalagencycomments](#)  
**Cc:** [Plan\\_Review](#)  
**Subject:** [EXTERNAL] - Miami Shores 23-01ER Proposed  
**Date:** Friday, February 17, 2023 4:25:06 PM  
**Attachments:** [image002.png](#)

---

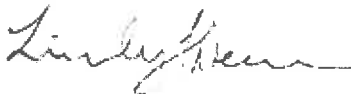
To: Barbara Powell, Deputy Bureau Chief, Plan Review and Processing

Re: Miami Shores 23-01ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

1000 NW 111<sup>th</sup> Avenue  
Miami, FL 33172

JARED W. PERDUE, P.E.  
SECRETARY

February 20, 2023

Ms. Claudia C. Hasbun, AICP  
Planning, Zoning & Resiliency Director  
Miami Shores Village  
10050 NE 2nd Avenue  
Miami Shores, FL 33138

**Subject: Comments for the Miami Shores Comprehensive Plan Amendment  
FDEO #23-01ER**

Dear Ms. Hasbun:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation, District Six, reviewed the proposed amendment to Miami Shores' Comprehensive Plan. The amendments would resolve discrepancies between the Future Land Use Element and the Future Land Use Map (FLUM), as well as increase density in the Mixed Use Miami Shores Downtown District and the Mixed Use – Neighborhood districts.

Because of the proposed amendment's proximity to I-95, which is a Strategic Intermodal System (SIS) facility, a quantitative assessment of the amendment's maximum potential transportation impacts upon the roadway is necessary. Consistent with Section 163.3177(3)(a)3 and s. 163.3177(3)(a)(4), F.S., the District requests that the Village provide transportation analysis to document the maximum potential impact the proposed additional traffic will have upon the transportation network. This should include the following:

- Clarification of the maximum allowable development intensity under the proposed land uses should be provided.
- The net new increase in potential daily and peak hour vehicular trips given the proposed amendment must be assigned to the roadway network based on a reasonable trip distribution.

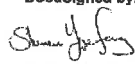
Ms. Claudia C. Hasbun  
February 20, 2023  
Page 2

- Based on the distributed net new potential trips, a peak hour capacity analysis of the surrounding roadway network, including all SIS facilities, must be performed to ascertain if the net new trips associated with the proposed amendment significantly impact the roadway network.
- The findings from these analyses should be summarized and appropriately documented to facilitate subsequent review.
- If roadway deficiencies are identified, the Village will need to demonstrate the long term adequacy of transportation facilities to meet established acceptable levels of service, as required by ss. 163.3177(3)(a)3., and 163.3177(6)(a)8., Florida Statutes. The Village will also need to include a plan for how it will correct existing facility deficiencies and meet the identified needs of the projected transportation system based on data, analysis, and associated principles and strategies as required by ss.163.3177(6)(b)1.e., Florida Statutes.

In addition, the District's number one priority is safety for all road users with an ultimate goal of zero fatalities and serious injuries. It is recommended that Miami Shores continue to identify and address the safety needs of all modes of travel, including public transportation. The District encourages the Village to include pedestrian and bicycle facilities to promote a safe walkable and connected community consistent with ss. 163.3177, Florida Statutes.

Thank you for coordinating on the review of this proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at [shereen.yeefong@dot.state.fl.us](mailto:shereen.yeefong@dot.state.fl.us) or at 305-470-5393.

Sincerely,

DocuSigned by:  
  
R08CD067559541D...  
Shereen Yee Fong  
Transportation Planner IV

Ms. Claudia C. Hasbun

February 20, 2023

Page 3

Cc: Daniel Iglesias, P.E., Florida Department of Transportation, District 6  
Dat Huynh, P.E., Florida Department of Transportation, District 6  
Kenneth Jeffries, Florida Department of Transportation, District 6  
Barbara Powell, Department of Economic Opportunity  
Isabel Cosio Carballo, South Florida Regional Planning Council  
Kathe Lerch, South Florida Regional Planning Council



Department of Regulatory and Economic Resources  
Planning Division, Metropolitan Planning Section  
111 NW 1 Street • Suite 1250  
Miami, Florida 33128-1902  
305-375-2835 Fax: 305-375-2560  
[www.miamidade.gov/planning](http://www.miamidade.gov/planning)

February 22, 2023

Claudia C. Hasbun, AICP, Planning, Zoning & Resiliency Director  
Miami Shores Village  
10050 NE 2 Avenue  
Miami Shores, Florida 33138

Re: Re-Transmittal of State Coordinated Review of Proposed Miami Shores Village Comprehensive Plan Amendment (Future Land Use Element and Future Land Use Map) (DEO 23-01ER)

Dear Ms. Hasbun:

The Miami-Dade County Department of Regulatory and Economic Resources (Department) has reviewed the proposed Miami Shores Village Comprehensive Plan amendments to the Future Land Use Element and Future Land Use Map. Our review is conducted to identify points of consistency or inconsistency with the goals, objectives, policies, and relevant provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP), and whether the proposed amendments impact County public facilities and services. The amendment proposes to amend certain discrepancies between the text in the Future Land Use Element (FLUE) and the Future Land Use Map (FLUM) of the Comprehensive Plan, and irregularities in the single family and multifamily FLUM categories, among other irregularities and discrepancies within the Comprehensive Plan.

On September 1, 2022, the Miami-Dade County Board of County Commissioners adopted Ordinance No. 22-106 (Miami-Dade Legislative Item File No. 22025) (the "SMART Corridor Ordinance"), which amended Chapter 33C of the Miami-Dade County Code of Ordinances ("Code"). The SMART Corridor Ordinance requires municipalities along the SMART Corridors to comply with the minimum floor area ratio and other standards set forth in subsection 33C-3.3(A)(2) by either demonstrating that their existing standards and procedures comply with the new requirements or adopting new standards or procedures. For municipalities located along the Northeast Corridor, including the Village of Miami Shores, the deadline to demonstrate compliance is July 31, 2024. It is hereby noted that the portions of the proposed amendments that increase maximum densities and intensities and provide for mixed use at certain locations in the Village, including properties within ½ mile of the Northeast SMART Plan Corridor, are supportive of the County's CDMP policies for higher intensity and mixed-use developments within SMART Plan Corridors and, if adopted, may be used to help demonstrate compliance with Section 33C-3.3 of the Code. Additionally, the Department of Public Housing and Community Development has reviewed the proposed amendments and indicates that, if adopted, they may be used as a basis to help determine that the Village has adopted a workforce housing development program in accordance with the County's Workforce Housing Ordinance, as was required by December 31, 2022 (Section 33-193.7 of the Code).

Based on the information provided and the CDMP's goals, objectives and policies, the proposed amendment is generally consistent with the County's CDMP. Further, The Office of Historic Preservation and the Miami-Dade County Water and Sewer Department (WASD) offer the following courtesy comments, below, for your review. The Division of Environmental Resources Management (DERM) has offered comments in the attached Memorandum.

Office of Historic Preservation:

- Policy 6.32: The OHP recommends that the Village maintain a list of designated historic resources and conduct regular site visits to avoid the "loss of historic resources." If demolition by neglect, per Village HP ordinance Chapter 11, Sec 11-7(a), demolition by neglect is prohibited.
- Policy 6.3: "Historic resources shall continue to be protected through designation by the County or the State." The Village has enacted its own preservation ordinance. Per Miami Shores Village Code of Ordinances Chapter 11: Historic Preservation, specifically 11-4(c), the Village Historic Preservation Board has the authority to recommend designations to the Village Council. Neither Miami-Dade County nor the State have a process for designating historic resources within the jurisdiction of Miami Shores Village. Therefore, the OHP recommends the policy be amended as follows: "Historic resources shall continue to be protected through designation by the Village of Miami Shores."
- In furtherance of the above referenced policies, the OHP Office recommends that the Village implement additional policies, strategies, and actions that promote the Village's significant architectural history and direct future redevelopment to be consistent with goals, objectives, and policies that encourage preservation of historic structures. The OHP further recommends that the Village continue to identify properties of historic, architectural, cultural, and archaeological significance for local designation.

Water and Sewer Department

The Miami-Dade Water and Sewer Department has reviewed the *re-transmittal* of the state coordinated review of the proposed Miami Shores Village comprehensive plan amendment (future land use element and future land use map) and provides the following comments:

- The Village of Miami Shores is mostly within WASD's water and sewer service area. The area north of Biscayne Canal is within North Miami's water and sewer service area. The water supply is provided by the Hialeah-Preston Water Treatment Plant, and the wastewater is transmitted to the South District Wastewater Treatment Plant for treatment and disposal. Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP. In addition, there is adequate sewer treatment and disposal capacity at the WWTP, consistent with Policy WS-2 A (2) of the CDMP. The village of Miami Shores is mostly on septic.
- In addition, please note the following comments:
  - Infrastructure Element: The County adopted a new Level of Service for water and sewer of 139 gallons per capita per day (gpcd) and 122 gpcd for sewer, respectively.
  - Water Element: The 2022 systemwide annual average finished water flow is 318.01 mgd, and the total permitted plant capacity is 463.93 mgd.

Miami Shores Village 23-01ER  
February 22, 2023  
Page 3 of 3

If you or your staff have any questions, please contact me at [Jerry.Bell@miamidade.gov](mailto:Jerry.Bell@miamidade.gov) or Garrett Rowe, Chief, Metropolitan Planning Section, at [Garrett.Rowe@miamidade.gov](mailto:Garrett.Rowe@miamidade.gov) or you may call the office at 305-375-2835.

Sincerely,



Jerry Bell, AICP  
Assistant Director for Planning

JB:GR:smd

Attachment

c: Ray Eubanks, Florida DEO  
Maria Valdes, WASD  
Sarah Cody, Office of Historic Preservation  
Christine Velazquez, DERM



# Memorandum



**Date:** February 16, 2023

**To:** Jerry Bell, Assistant Director  
RER Planning Division

**From:** Rashid Istambouli, P.E. Senior Division Chief  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "R. Istambouli".

**Subject:** Proposed ordinance to amend Future Land Use Element ("FLUE") text and Future Land Use Map ("FLUM") of the Miami Shores Village 2025 Comprehensive Plan

---

The Division of Environmental Resources Management (DERM) staff has reviewed the proposed amendment of the Miami Shores Village ("the Village") Comprehensive Master Plan to address discrepancies between the text of the Future Land Use Element ("the FLUE") and the Future Land Use Map ("the FLUM") of the Comprehensive Plan.

DERM offers the following comments regarding compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code).

#### Public Water Supply

Miami-Dade County Water and Sewer Department (MDWASD) supplies and distributes potable water to most of Miami Shores Village. A small residential portion, north of Biscayne Canal and west of the railroad tracks, is located within the City of North Miami franchised water service area. Any proposed land use within the Village is required to connect to public water pursuant to Chapter 24 of the Code.

The source of water for the Village is the Hialeah/Preston Water Treatment Plant which is owned and operated by MDWASD. At this time the plants have sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

#### Sanitary Sewer System

Most of the Village is located within the MDWASD franchised sewer service area. A small residential portion, north of Biscay Canal and west of the railroad tracks, is located under the City of North Miami franchised sewer service area.

There are no sewer gravity mains within the MDWASD service area within the Village's limits. Furthermore, all the residential properties within the MDWASD service area are served by onsite sewage treatment and disposal systems (OSTDSs). Some small, non-residential portions of the Village, located in the MDWASD service area are served by public sewers via private pump stations connected to MDWASD sewers force mains. The sewer flow in these areas is directed to public pump stations 30-002 and then to the North District Wastewater Treatment plant or to pump station 30-1259, then to pump station 30-0346 and then to the North District Wastewater Treatment Plant. These public structures are owned and operated by MDWASD and are currently working in compliance with the USEPA/FDEP Consent Decree (Case: N0. 1:12-cv-24400-FAM, effective December 6, 2013) between the Environmental Protection Agency and Miami Dade County.

The Village's portion under the City of North Miami sewer service area is connected to the public sewers system via private pump stations. The sewer flow is then directed to MDWASD pump station 30-0347 and then to the North District Wastewater Treatment Plant.

Please note that the Board of County Commissioners adopted an ordinance related to new septic tank standards in July 2022 and an ordinance related to revised feasible distance provisions in October 2022.

Any future construction within development area shall comply with the requirements mandated by the New Consent Decree Case: NO. 1:12-cv-24400-FAM, effective Dec 6, 2013.

DERM will evaluate the feasibility of connecting to the public water and sanitary sewer system prior to DERM approval of any future development orders (zoning site plan, tentative plat applications, building permits) that proposes development within the Village's boundaries. In accordance with the requirements of section 24-43.4 of the Code. The water main shall be evaluated and upsized if required based on the proposed development and existing domestic and fire water flow demands. If a private sanitary sewer pump station is required, the station shall be designed pursuant to the requirements of section 24-42.2 of the Code and Chapter 62-604, Florida Administrative Code.

All wastewater collection and/or transmission systems serving more than one parcel shall be public. Private systems will be limited to one building on one parcel connecting directly to a public system without traversing other parcels.

Any future construction within the development area shall comply with the requirements mandated by the Federal Consent Decree Case: NO. 1:12-cv-24400-FAM, effective Dec 6, 2013 with the goal of eliminating all Sanitary Sewer Overflows (SSOs) and Prohibited Bypasses.

when public sanitary sewer is not available for connection, future development within the Village shall comply with the requirements of section 24-42.7 of the Code for the installation of onsite sewage treatment disposal systems (OSTDS) and lot size and/or sewage loading requirements of section 24-43.1 of the Code.

All public wastewater collection and transmission systems shall be protected from flood waters and inflow by having all mechanical and electrical equipment and all system openings placed above the Base Flood Elevation plus applicable freeboard and sea level rise. Freeboard and sea level rise are independent and cumulative (e.g., for a BFE of 8-feet with 24-inch freeboard and 24-inch Sea Level Rise requirements, all openings shall be above 12-feet). Openings include, but are not limited to, all manholes, pump station wet wells, and system vents. When the required minimum elevations (BFE + Freeboard + Sea Level Rise) cannot be attained for system openings (e.g., manholes, wet wells), openings shall be elevated to be protected from a 10-yr storm and include water-tight and bolted covers/hatches. The entire assembly, structure, ring, frame, etc., shall be Water-Tight to sustain as a minimum, a water column pressure equivalent to the difference between opening elevation and minimum required elevation (BFE + Freeboard + Sea Level Rise). Freeboard shall be no less than 12-inches for substantial systems and 24-inches for essential systems. Sea Level Rise shall be, at a minimum, IPCC Median at 50 years. For example, for a BFE of 8-feet, an essential system manhole opening shall be set at or above 8-feet + 24-inches + 21-inches or 11-feet 9-inches, or include a water-tight bolted cover. Essential systems are those that serve essential facilities (e.g., hospitals) or are required to include an emergency generator. All others are substantial systems.

#### Water Management

Any amendment to the Land Use Element that allows the increase in density, or the reduction of permeable areas, may impact the Stormwater Management Level of Service (Drainage Element) and shall be evaluated due to possible impacts.

Miami Shores Village should ensure that approval of transfer of density for any development does not negatively impact the Stormwater Management Level of Service.

The Village needs to ensure that the level of flood protection service provided to residents is maintained or improved.

Additionally, DERM offers the following comments for language proposed regarding stormwater management and flood protection:

PROPOSED LANGUAGE	DERM COMMENTS
<p>Policy 5.1:  The Village shall <del>implement any</del> <u>upgrade its drainage system so that storm water outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES) standards program which that may now or may be in the future be applicable to the Village under relevant inter-local agreements with Miami-Dade County based on NPDES rules or otherwise, to the extent financially feasible, meet the standards of Sections 62-302.500 and 62- 600.520, FAC.</u></p>	<p>In the objective of controlling pollution that is inherent in stormwater runoff, Miami Shores Village must comply with the state NPDES MS4 permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs may include but not be limited to water sampling and monitoring, educational and outreach, street sweeping, drainage infrastructure inspection and maintenance, drainage systems design and construction, and the implementation of various other best management practices. Stormwater is often carried through drainage pipes to outfalls into large bodies of water. This water is often not filtered or treated before being discharged and can contaminate our canals, rivers, lakes, and eventually Biscayne Bay. The water quality treatment improvements to protect Biscayne Bay should include and not limited to:  Prevention: Avoiding the discharge of pollutants.  Reduction: Reducing or redirecting of pollutants.  Treatment: Capturing and treating pollutants.</p>
<p>Policy 5.2:  Following completion of any improvements pursuant to Policy 5.1 above, the Village shall monitor <del>the Village' its</del> <u>stormwater drainage system to determine what additional actions may be necessary to improve the storm drainage system.</u></p>	<p>Miami Shores Village will need to identify specific plans and evaluate potential future projects that will mitigate flooding and reduce pollution to enhance the water quality of Biscayne Bay.  The Village will identify system deficiencies and areas needing capital improvements, updating system operations and maintenance, facilitating agency coordination, developing regulations, and proposing funding for future projects.</p>
<p>Objective 13: Flood Risk Reduction.  <del>Miami Shores</del> <u>The Village will continue to promote the use of development and</u></p>	<p>The Village must ensure the flood protection level of service provided to residents is maintained or improved.</p>

<p>redevelopment principles, strategies and engineering solutions contained in the Florida Building Code. <u>The Village shall insure consistency and coordination with objectives and policies of the Coastal Management Element and with the Land Development Regulations Zoning Code</u> and the Flood Damage Prevention Ordinance in order to:</p> <p>A. reduce the over-all flood risk resulting from or associated with high-tide events, storm surge, flash floods, storm water runoff and the impacts related to sea-level rise.</p>	<p>According to Section 24-48.1(1)(b) of the Code, a Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County and eventually into Biscayne Bay.</p> <p>Any new development or redevelopment involving 2 acres or more of impervious area or 10 acres to the total area shall require a DERM Surface Water Management General Permit (SWMGP) for the construction and operation of the required surface water management system.</p> <p>Estimation of the impact of current sea level rise (SLR) projections on the infrastructure capacity and performance. The Village should implement the Miami-Dade County Flood Criteria minimum seawall elevation of 6.0 feet NAVD88 which applies to all coastal areas.</p>
--	--

In the objective of controlling pollution that is inherent in stormwater runoff, Miami Shores Village must comply with the state NPDES joint permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs may include but not be limited to water sampling and monitoring, educational and outreach, street sweeping, drainage infrastructure inspection and maintenance, drainage systems design and construction, and the implementation of various other best management practices.

For compliance with Miami-Dade County stormwater disposal requirements, all stormwaters shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements or development within any parcels or subdivisions will require a review and approval by DERM, demonstrating with signed and sealed engineering calculations, that the required retention of stormwater on site is being achieved with a properly engineered stormwater management system and that the proposed development, grading and drainage improvement shall not negatively impact adjacent, upstream, or downstream properties.

#### Environmental Monitoring and Restoration

The Village is advised that for properties with records of environmental contamination, any development, drainage, and dewatering plans shall also require review and approval from the Environmental Monitoring and Restoration Division of DERM as it relates to environmental contamination issues.

Any contaminated portion of these sites that is proposed to be sold, transferred or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for this development. If any contaminated portion of a site proposed to be sold, transferred or dedicated to the County, please note that all soil, groundwater or surface water contaminants, solid waste, and methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or

manage the proposed property, and for example, would include PROS for a park and DTPW for road right-of-way.

Please note that the presence of any such contamination, solid waste, or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the county declining to accept the proposed dedication. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after public hearing.

If an applicant elects to address soil contamination, groundwater contamination, solid waste and methane via a No Further Action with Conditions, each individual property owner will be required to execute a restrictive covenant. Please note that nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans.

#### Natural Resources

Future coastal development and visual corridors shall comply with Code and Miami-Dade County's Shoreline Development Review Ordinance requirements. Pursuant to section 24-48.1 of the Code, any work in, on, over, or upon tidal waters or coastal wetlands requires a Miami-Dade County Class I permit prior to the work being performed. Additionally, section 24-48.24 of the Code states that it shall be unlawful for any person to construct, place, install, maintain, permit, allow, suffer or cause the construction, placement, installation, maintenance or existence of any fixed structure in, on, over or upon any of the tidal waters of Miami-Dade County which does not have a water-dependent use.

The Village is advised that pursuant to section 24-48.1 of the Code, any work on the beach below the Mean High Water Line would require a Miami-Dade County Class I permit to be obtained prior to the work being performed. DERM recommends that the applicant contact the Coastal Resources Section at [dermcr@miamidade.gov](mailto:dermcr@miamidade.gov) or (305) 372-6575 for any questions regarding their permitting procedures and requirements.

Planning of future development must include the preservation of specimen trees as well. Specimen trees (trees with a trunk diameter at breast height of 18 inches or greater) are protected by section 24-49.2(II) of the Code and any site plan approval within the Village must be consistent with the County requirements to preserve specimen trees. The approval of the proposed text amendments shall not be construed as an approval to remove specimen trees due to a determination of unreasonable loss of usable space pursuant to section 24-49.2(4)(II)(2)(b) of the Code.

The Village is advised that pursuant to section 24-49.9 of the Code, which applies countywide including within municipalities, all prohibited plant species shall be removed prior to any development. In addition, developed areas shall be maintained to prevent the growth and accumulation of prohibited species.

#### Drainage and Flood Protection

DERM notes that proposed Policy 5.3 is not consistent with Miami-Dade County's drainage policy of full onsite retention of the 5-year, 1-day storm. It assumes that all future developments have access to offsite outfalls to the canals and Biscayne Bay. Policy 5.3 should be revised as follows:

*The Village shall maintain and enforce storm water management standards which require that future development provide for on-site storm water retention of at least to the standards cited in Objective 5 the first one inch (1") of stormwater on site and permit no more runoff after development than before development of a site, consistent with Chapter 24 of the Miami-Dade County Code.*



Please note that the County is proposing revisions to the stormwater retention criteria in section 24-42 of the Code to require onsite retention of the 10-year, 15-minute storm (1.32") for single family residential development and 10-year, 12-hour storm (7.0") for all other developments. An on-site retention of one inch assumes the new development has access to an outfall.

Additionally, DERM offers the following comments regarding drainage and flood protection:

1. According to the DERM records, there are contaminated properties in the Village. The applicant is advised that according to section 24-48.1(1)(f) of the Code, Class VI permits are required for the installation of a drainage system for any project that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials. Please contact the Pollution Remediation Section at (305) 372-6700 or [dermpcd@miamidade.gov](mailto:dermpcd@miamidade.gov) regarding further information about the contaminated sites within the area.
2. Pursuant to section 24-48.1(1)(b) of the Code, a Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County.
3. As per section 24-48.1(1)(c) of the Code, Class III permits are required for work in, on, upon, or contiguous to nontidal lakes, canals, rivers, and other water areas and waterfronts under the direct control of Miami-Dade County by virtue of ownership, dedication by plat, right-of-way easement, reservation, or right-of-way and access agreement or instrument.
4. Any construction activities that require dewatering will require a Class V permit, according to section 24-48.1(1)(e) of the Code. Class V permits are required for any dewatering of groundwater, surface water, or water that has entered into an underground facility, excavation, or trench.
5. Any new development or redevelopment involving 2 acres or more of impervious area or 10 acres to the total area shall require a DERM Surface Water Management General Permit (SWMGP) for the construction and operation of the required surface water management system.
6. For compliance with Miami-Dade County stormwater disposal requirements, all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements within the parcels will require review and approval by DERM. The road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.
7. Any proposed development shall comply with county and federal flood criteria requirements.

The Village of Miami Shores is advised to contact the DERM Water Control Section at (305)372-6681 or [dermwatercontrol@miamidade.gov](mailto:dermwatercontrol@miamidade.gov) for further information regarding permitting procedures and requirements.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305)372-6764.