

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION -

CASE NO. 07-17332 CA13

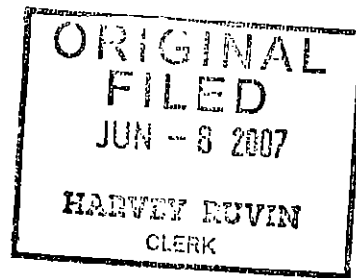
THE VIZCAYANS, INC., a Florida Not-for-
Profit Corporation, and ALVAH H.
CHAPMAN, JR., BETTY B. CHAPMAN, and
CATHY L. JONES, individually and as
Members of The Vizcayans, Inc.,

Plaintiffs,

vs.

CITY OF MIAMI, a Florida Municipal
Corporation, and TRG MH Venture Ltd,

Defendants.



**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER FLORIDA
STATUTE 163.3215, THE CONSTITUTIONS OF THE UNITED STATES AND THE
STATE OF FLORIDA, AND THE COMMON LAW**

Plaintiffs, THE VIZCAYANS, INC., ALVAH H. CHAPMAN, JR., BETTY B. CHAPMAN, and CATHY L. JONES, (collectively "Plaintiffs"), by and through undersigned counsel, sue Defendants, CITY OF MIAMI, ("Miami" or the "City ") and TRG-MH Venture Ltd, ("TRG") collectively "Defendants" pursuant to Fla. Stat. Sec. 163.3215, and the common law and allege as follows:

NATURE OF THE ACTION

1. Plaintiffs challenge the changes in land use and zoning, as well as the approval and issuance by the City of a Major Use Special Permit ("MUSP") for a high-rise condominium development (the "Project"). The Project will include approximately 225

residential units in three buildings built on the water's edge to heights of 228 feet, 275 feet, and 308 feet respectively. The Project will have recreational amenities, approximately 642 parking spaces, and other amenities. It will be located at approximately 3663 South Miami Avenue, Miami Florida (the "Parcel"). The Plaintiffs also claim they were denied the due process of law as a result of numerous procedural irregularities and bring actions in private and public nuisance to enjoin defendant TRG from beginning construction of the Project.

2. Taken together, the actions of the City in causing and not abating these irregularities after having been informed of them by the Plaintiffs, show the Plaintiffs' objections to the Project had no meaningful effect on the process and as a result, TRG may now build three high-rise luxury waterfront condominiums with restricted public access, in an area far removed from any similar development, on land which has until now been used as a hospital parking and lot, in violation of the City of Miami's Neighborhood Comprehensive Plan, a copy of which is attached as Exhibit A, and in a manner that violates public rights, causes harm and inconvenience to the public in general, and substantially interferes with the rights of neighboring property owners to use their property.

3. The MUSP, which describes the Project, was approved by the City Commission on April 26, 2007 in a Development Order that took the form of a Resolution from the City Commission, File No. 06-0106mu. It was signed by the Mayor on May 7, 2007 and "rendered" by the City Clerk on May 10, 2007 (the "Development Order").

The basis for Plaintiffs' challenge is that, as approved, the Project:

- a. materially alters the use, density and intensity of real property in the CITY ;

- b. is inconsistent with the CITY 's adopted Comprehensive Plan; and
- c. harms Plaintiffs to a greater degree than the larger community, causing Plaintiffs to seek a declaration, temporary, and permanent injunction against the issuance of any development orders, permits, and/or other development approvals, pursuant to the Development Order.

JURISDICTION AND VENUE

4. The Circuit Court has jurisdiction of the subject matter of this action pursuant to §§ 163.3215, 86.011 and 26.012 (3), Fla. Stat. (2005).

5. Jurisdiction over this matter is appropriate pursuant to Fla. Stat § 163.3215(3).

6. Venue is proper in this Court because the real property at issue (the Parcel) is located within the City of Miami, ("Miami") , Florida.

7. Plaintiffs are entitled to declaratory relief pursuant to Fla. Stat. § 86.021 and the Miami-Dade County Home Rule Charter's Citizens' Bill of Rights as they have demonstrated: that they have an actual, present and practical need for the declaration; that the declaration deals with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts; that the Plaintiffs have a legal right that is dependent on facts and the law applicable to the facts; that the Plaintiffs have an actual present, adverse and antagonistic interest in this matter as to the City; that these interests are properly before this Court; and that the relief the Plaintiffs seek is not merely the giving of legal advice or that the answers sought are the result of curiosity.

PARTIES AND FACTUAL BACKGROUND

8. Plaintiffs ALVAH H. CHAPMAN, JR. and BETTY B. CHAPMAN (“the Chapmans”) are individuals residing at 1690 South Bayshore Lane, Apartments A and B, Miami, Florida, in the City of Miami, Miami-Dade County, Florida.

9. Plaintiff CATHY L. JONES (“Jones”) is an individual residing at 3 Grove Isle, Miami, Florida, in the City of Miami, Miami – Dade County, Florida.

10. The Chapmans and Jones are members of the VIZCAYANS INC., a private nonprofit corporation chartered in Florida in 1957 and operated continuously, from 1957 to the present, within the City of Miami, at 3251 South Miami Avenue, for the sole purpose of raising funds to aid in the preservation, restoration and maintenance of Vizcaya Museum and Gardens (“Vizcaya”), and otherwise supporting and advocating for Vizcaya.

11. Vizcaya was the winter residence of American industrialist James Deering from Christmas 1916 until his death in 1925. In 1952, Vizcaya was acquired by then Dade County, subsequently opened as a public historic house museum and continuously operated as such to the present by Miami-Dade County.

12. The Vizcaya Museum and Gardens Trust (“Trust”) is a public board, created by Article LXXXI, Sections 2-1111 – 1122, of the Code of Miami-Dade County, which exercises powers delegated to it by the Board of County Commissioners to operate Vizcaya and generate funds for its restoration and preservation.

13. The Vizcayans is a private, independent, nonprofit corporation that is authorized and empowered to act independently of the Trust and Miami-Dade County and is not an agency or instrumentality of the County. The Vizcayans has contracted with Miami-Dade County—through the Trust—for specified activities, including raising funds to preserve and restore Vizcaya, and associated activities as set forth in its mission statement and in its operating agreement with the Trust. The Trust and The Vizcayans act as public and private partners for the benefit of Vizcaya and acknowledge that each is autonomous of the other. The Vizcayans has been recognized for its work in restoring the Vizcaya museum by national and state organizations including the National Trust for Historic Preservation, the Florida Trust for Historic Preservation, and the National Recreation and Parks Association.

14. Vizcaya is a National Historic Landmark, and is one of Miami-Dade County's premier tourist attractions. Vizcaya joins other Landmarks like Mount Vernon, the Statue of Liberty, and Monticello. Vizcaya is designated as a significant historic property by the City, Miami-Dade County, the State of Florida, the United States Department of the Interior, National Park Service.

15. The Vizcayans is exempt from federal income tax under 28 U.S.C. section 501(c)(3) of the Internal Revenue Code and classified as a publicly supported entity under 28 U.S.C. section 509(a)(2). The current mission statement of The Vizcayans provides: "The Vizcayans engage broad participation in the preservation and advancement of Vizcaya as an accredited museum and a National Historic Landmark through financial support, advocacy and other activities. The Corporation is the private sector partner to the public sector Vizcaya Museum and Gardens Trust and works cooperatively and collaboratively with the Trust to

advance the mission of Vizcaya.” The Vizcayans engage in no business activity unrelated to its mission.

16. The Chapmans are people who reside and own property in the City of Miami. The Parcel, and the Project authorized by the Development Order, are directly visible from the residence of the Chapmans and will utilize the same public infrastructure as that utilized by the Chapmans. The Chapmans submitted comments and objections to the City Commission about the proposed Development Order during its consideration of the item. Because of the proximity of the Parcel to the Chapman’s residence and the development on the Parcel which the Development Order authorizes, the Chapmans will suffer adverse effects, exceeding in degree the general interest of all persons in receiving community good and to have protected their interests under the State, County and City comprehensive plans.

17. Jones is a person who resides and owns property in the City . The Parcel, and any development on it which is authorized by the Development Order, are directly visible from the residence of Jones and will utilize the same public infrastructure as that utilized by Jones. She submitted comments and objections to the City Commission about the proposed Amendment during its consideration. Because of the proximity of the Parcel to Jones’s residence and the development on the Parcel which the Development Order authorizes, Jones will suffer adverse effects, exceeding in degree the general interest of all persons in receiving community good shared and to have protected their interests protected by the State, County and City comprehensive plans.

18. The Vizcayans is a juridical entity that resides and operates a business within the City of Miami. Because of the proximity of the Parcel to Vizcaya, the development on the Parcel which the Amendment authorizes, and the negative affects of such development on Vizcaya and the public, cultural and educational activities which occur weekly at Vizcaya, the Vizcayans will suffer adverse effects, exceeding in degree the general interest of all persons in receiving community good and to have protected their interests under the State, County and City comprehensive plans. The Vizcayans submitted comments and objections to the City Commission about the proposed Development Order during its consideration by the City .

19. Defendant, The City of Miami is a political subdivision of the State of Florida with administrative offices at 3500 Pan American Avenue, Miami, Florida 33143.

20. Defendant, TRG-MH Venture , Ltd, ("TRG") is a Florida limited partnership, with its principal place of business at 2828 Coral Way, Penthouse Suite, Miami, Florida.

PROCEDURAL HISTORY

21. Mercy Hospital, Inc. ("Mercy") owns over 40 acres in the Coconut Grove area of the City of Miami, along the southeast side of South Bayshore Drive and South Miami Avenue, which is designated a "scenic transportation corridor" by the City and cannot be widened. Mercy's approximate 40 acres, along with Vizcaya, were a part of the original Deering estate.

22. The designated means of ingress and egress to and from the Parcel is over a private road with total right-of-way of approximately 40 feet. This private road serves a

number of purposes: employee access to Mercy Hospital; the Hospital's emergency entrance; access to two commercial, non-hospital structures on Mercy's property; and public vehicular, pedestrian, and bicycle access to Biscayne Bay. Up[on information and belief, the Amendment will add traffic to this already over-traveled and unsafe private road.

23. To the east of Mercy's property lies Biscayne Bay, to the west and south lies the mainly single-family residential neighborhood of Coconut Grove, and to the north lies LaSalle Academy (a high school) and, of course, Vizcaya, and beyond Vizcaya, more single-family residences.

24. The Parcel that is the subject of the Development Order and this proceeding lies on the southwestern corner of Mercy's property at approximately 3663 South Miami Avenue, Miami, Florida. There is a small stretch of multifamily buildings, none higher than ten stories, to the southwest of the Parcel. The following map depicts Mercy's property, including the Parcel (which is outlined in white), how it abuts Biscayne Bay, and its close proximity to Vizcaya and the residences of the Chapmans and Jones:



25. Article III, Section 33D-31, et seq. Miami-Dade County Code, entitled “Shoreline Development Review” requires that all projects located within the area between Biscayne Bay’s shoreline and the closest public roadway must undergo review by a committee of professional persons, who are not County or municipal employees, known as the Shoreline Development Review Committee. That Committee is charged with requiring a minimum set back for all new and renovated construction, of between 35 and 75 feet from the shoreline, and with assuring public access to the Bay for all citizens, as mandated by County Code and by the

adopted County Comprehensive Plan. The only public access to the waterfront to be provided by the Project would be as part of some improvement and landscaping on an existing public baywalk. However, upon information and belief, actual access to the baywalk will be limited to a long private road, with no sidewalk access for pedestrians from the nearest public road, and with no public parking on the Parcel.

26. In 1993, Florida's Department of Community Affairs (DCA") issued Mercy a Final Order regarding a Binding Letter of Vested Rights and a Binding Letter of Development of Regional Impact status concerning existing and future development on Mercy's property. The 1993 Binding Letter vests hospital and hospital-related uses, which Mercy planned in 1993. When it sought the 1993 Binding Letter, Mercy did not describe or propose any non-hospital-related uses on its approximate 40 acres. Consequently, when it issued the 1993 Binding Letter, DCA did not vest or approve any non-hospital-related uses on Mercy's campus. The 1993 Binding Letter requires that any future modifications to the hospital uses authorized in the Binding Letter must first be reviewed by the DCA and evaluated under the Growth Management Act's statutory criteria to determine whether, considered cumulatively with the non-vested portions of the 1993 plan, the modified use can be approved and developed.

27. On information and belief, sometime in 2004, 2005, or 2006, Mercy entered into a contract to sell the Parcel to the TRG, a limited partnership whose majority ownership traces back to the Related Group of Florida ("Related"), a developer of high-rise condominiums throughout the South Florida area.

28. On or about May 31, 2006, TRG and Mercy filed a joint application with the City to change the land use designation of the Parcel under the Future Land Use Map ("FLUM") of the City of Comprehensive Neighborhood Plan ("City Comprehensive Plan") from "Major Institutional, Public Facilities, Transportation and Utilities" to "High Density Multifamily Residential." The City Comprehensive Plan defines those classifications as follows:

Major Institutional, Public Facilities, Transportation and Utilities: Areas designated as "Major Institutional, Public Facilities, Transportation and Utilities" allow facilities for federal, state and local government activities, major public or private health, recreational, cultural, religious or educational activities, and major transportation facilities and public utilities. Residential facilities ancillary to these uses are allowed to a maximum density equivalent to "High Density Multifamily Residential" subject to the same limiting conditions.

High Density Multifamily Residential: Areas designated as "High Density Multifamily Residential" allow residential structures to a maximum density of 150 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements. Higher densities may be allowed as shown for these specially-designated areas:

Little Havana Target Area	200 units per acre
Southeast Overtown/Park West	300 units per acre
Brickell, Omni, and River Quadrant	500 units per acre

Supporting services such as offices and commercial services and other accessory activities that are clearly incidental to principal uses are permitted; community-based residential facilities (14 clients or less, not including drug, alcohol or correctional rehabilitation facilities) will be allowed pursuant to applicable state law; community-based residential facilities (15+ clients), places of worship, primary and secondary schools, and day care centers for children and adults may be permissible in suitable locations.

29. Concurrent with their request for a change in land use designation, TRG and Mercy concurrently filed companion applications (a) to change the zoning for the Parcel to allow high-density, multifamily residential use and (b) for a Major Use Special Permit ("MUSP"), which permits large-scale development projects under the City's Zoning Ordinance. The stated purpose of the three combined applications is to permit Related to construct the Project on the Parcel.

30. TRG and Mercy's applications represented the Parcel as comprising approximately 6.723 net acres and 11.44 gross acres. Though TRG, Mercy, and the City use the 6.723 net acres to characterize the Amendment as a small-scale comprehensive plan amendment, they use the 11.44 acres to calculate the size, density, and floor area ratio ("FAR") of what will be built on the Parcel. The total size of the massive structures to be built on the Parcel is approximately 900,000 square feet, nearly double the size of a structure that would normally be permitted on a parcel of 6.723 acres. Exhibit B includes both a graphical depiction and a spread sheet of data describing the Parcel, which were both prepared by the Developer's architect, submitted to the City, and incorporated into City write-ups and presentation of the Project through the City's review and approval process, which culminated in the Development Order .

31. Section 163.3174(1), Florida Statutes, requires every municipality to designate a body that will constitute that municipality's local planning agency. The City has designated its Planning Advisory Board as the City's local planning agency.

32. When companion applications for comprehensive plan and zoning amendments are filed with the City (as here), section 62-31(b)(4) of the Miami City Code

requires the Planning Advisory Board to hold a public hearing concerning the proposed amendment to the City Comprehensive Plan before the Miami Zoning Board holds a hearing concerning the proposed Miami zoning atlas amendment.

33. There is a good reason for the foregoing mandatory scheduling requirement: planning policies such as the City's Comprehensive Plan and planning methodologies look at larger, neighborhood or area contexts in which development occurs, areas to which proposed development should be channeled and areas from which proposed development should be directed. Zoning is more property-specific than planning and should follow, or occur only in the context of, a proper planning process.

34. On September 11, 2006, the Miami Zoning Board considered TRG and Mercy's request to change zoning for the Parcel to R-4, Multifamily High-Density Residential. The Zoning Board recommended DENIAL of the requested rezoning. The Zoning Board review occurred nine days before the Planning Advisory Board considered the comprehensive plan amendment application on September 20, 2006.

35. Pursuant to section 62-31(d) of the City Code, the Planning Advisory Board provided its recommendation to the City Commission that the requested comprehensive plan amendment be DENIED by Resolution PAB-06-080.

36. Having received DENIAL recommendations from both the Zoning Board and the Planning Advisory Board, the application for the Amendment went before the City Commission, where various parties presented extensive evidence in opposition to the Amendment.

37. Before the City Commission held hearings on the Amendment (City File No. 06-010601lu), the associated zoning change (City File No. 06-01060zc), and the request for a MUSP (City File No. 06-01060mu), notices were sent out containing a flawed legal description, which did not close and thus failed to adequately describe any parcel of land, never mind the Parcel that is the subject of this action..

38. As a result of the flawed legal description described above, neither the public notice nor the legislation associated with the requested changes based in land use, zoning, or special use permits have properly identified which parcel of land in the City 's Future Land Use Map is being changed from its existing use to High Density Multifamily Residential. For the same reason, the legislation associated with the zoning change does not identify which parcel of land is being changed to R-4, and the application for a MUSP does not identify which parcel of land is receiving that permit.

39. At the City Commission's hearings, objections were made by historic preservation organizations, such as the Dade Heritage Trust, the Villagers, the Miami-Dade Historic Preservation Board, the United States Department of the Interior's National Park Service, and the National Trust for Historic Preservation. All expressed their strong views that the planned high-rise project which is the subject of the Development Order would, as the National Park Service put it:

loom over Vizcaya and its historic gardens, compromising the historic integrity of the property and its environment because the height and scale of the new development is not visually compatible with the historic property, a historic site of national importance. The National Park Service strongly supports local efforts to minimize the impact of adjacent new developments on Vizcaya so

that the historic character of this [National Historic Landmark], including its vistas, will not be diminished.

40. Indeed, Miami-Dade County's Manager and Attorney stated in their March 20, 2007 Memorandum that the "sensory perception of being transported to a different time and place," which Vizcaya's garden uniquely creates, "is crucial to the historic conception and visitor experience of Vizcaya," yet the development planned would "compromise" that and "diminish [its] historic integrity." A representative of the Miami-Dade County Planning Department, now acting Director Subrata Basu, represented at the public hearing before the City Commission which considered the applications for the Amendment, the zoning change, and the MUSP, by an Assistant Miami-Dade County Attorney, expressed similar views and presented a report which cited the negative impacts to Vizcaya which the Project would create if it were permitted by the City's approval of the Development Order.

41. Coconut Grove area residents, including Plaintiffs, presented additional opposition to the proposed Development Order at the City Commission's hearings. Expert testimony was also presented as to the planned Project's violation of good planning practices and the comprehensive plans enacted under the Growth Management Act.

42. Also present at the City Commission's hearings were numerous persons wearing yellow t-shirts, which appeared to convey the message that the individuals wearing those yellow t-shirts supported the Project. Upon information and belief, however, and unbeknownst to the City Commission at that time, these individuals had been paid to attend the City Commission's hearings wearing the yellow t-shirts, in what was essentially a paid

advertisement of support, despite the fact that their compensation was not disclosed to the Commission as required by City Ordinance.

43. Although the possibility that the individuals wearing yellow t-shirts had been compensated to attend the hearing before the City Commission was called to the attention of the City Commission with a request that the Commission investigate the truth of the allegation to determine whether a City Resolution prohibiting the practice, Resolution R-07-0130 dated March 8, 2007) had been violated, the City Commission refused to conduct an investigation.

44. Despite the opposition of citizens, experts' testimony, and the negative recommendation from the City's local planning agency, the Planning Advisory Board, the City Commission nevertheless passed the requested Amendment to the City Comprehensive Plan and approved the Development Order on first reading on January 25, 2007 and at its second reading on April 26, 2007, and adopted the Development Order on April 26, 2007.

45. On April 27, 2007, one of the City's Commissioners recommended to the Mayor that he veto the Project because it failed to comply with the requirements of section 2210 and 2211 of the City's zoning ordinance. Specifically, the Commissioner for the Coconut Grove neighborhood in which the Project would be built explained that:

- The proposed change is not in harmony with the established land use pattern.
- The proposed change is not related to adjacent and nearby districts, and no evidence is in the record showing it is.
- The change suggested is out of scale with the needs of the neighborhood and the City, and no competent evidence was presented to the contrary.
- The proposed change does not maintain the same or similar population density pattern and does increase and overtax the load on streets and on public facilities.
- The proposed change will create an adverse impact on traffic both in the short

- term, during construction, and during the life of any multifamily high rise residential development, due to traffic generated by residents, visitors, and the myriad of service people required to support the dense development allowed.
- The change will negatively affect public safety to a greater extent than the existing classification.
- The testimony from uncompensated neighbors shows overwhelming concern over the negative impact on already congested streets in the immediate neighborhood.
- There are no changed conditions which make the passage of the proposed change necessary.
- The proposed change will not positively influence living conditions in the neighborhood and in fact will negatively influence quality of life and living conditions in the immediate neighborhood as well as throughout the Grove.
- The proposed change will have a negative impact on light and air to adjacent areas as the existing classification.
- The proposed change will have a negative impact on property values in the adjacent neighborhood.
- The proposed change will not contribute to the improvement or development of adjacent property.
- The proposed change does not convey the same treatment to the individual owner as to owners within the same classification and the immediate area and does not further the protection of the public welfare.
- There are absolutely no reasons why the use of this site is unfairly limited under existing zoning.
- It would not be difficult for the developer to find other adequate sites in the surrounding area for the proposed use in districts already permitting such use.

46. On May 7, 2007, the Mayor wrote a letter back to the commissioner explaining that he would approve the Amendment, the zoning change, and the Development Order, by declining to exercise his veto and explained that in discussions he, the Mayor, had with the Project developer, TRG, the developer had agreed to include twelve conditions that, in the Mayor's view, would mitigate the harms identified by the commissioner.

47. On May 7, 2007, the City's Mayor signed an order adopting the Amendment, the zoning change, and the Development Order.

48. The Ordinance was signed and attested to, or “rendered” by the City Clerk on May 10, 2007.

49. Despite having been rendered in May 10, 2007, the City Clerk continued to identify the Development Order as “Incomplete (changes necessary) – pending final review and approval by City Attorney” until June 6, 2007. See www.miamigov.com/cmc (viewed on June 6, 2007). On June 7, 2007, the City Clerk’s internet web site reported that the Development Order had been reviewed and approved by the City Attorney. *Id.*(last viewed on June 7, 2007) Upon information and belief, the most recent copy of the Development Order includes changes to the Project negotiated in the mayor’s ex parte communications with TRG.

50. Section 163.3184, Florida Statutes, provides for DCA review of local comprehensive plan amendments to ensure they are consistent with the Growth Management Act and its attendant State Comprehensive Plan. Such review furthers the Growth Management Act’s vision of Florida’s vertically integrated planning scheme.

51. Section 163.3187, however, exempts from DCA review those local comprehensive plan amendments that are so small they do not need to be reviewed for overall plan consistency. One of the threshold requirements for these small-scale comprehensive plan amendments is they must “involve[] a use of 10 acres or fewer.” § 163.3187(1)(c), Fla. Stat.

52. Notably, the City Commission has treated the Amendment as a small-scale comprehensive plan amendment under section 163.3187(1)(c), Florida Statutes. Section 3(b) of the Ordinance states that the Amendment:

involves a residential land use of 10 acres or less and a density of less than 10 units per acre or involves other land use categories, singularly or in combination with residential use, of 10 acres or less and does not, in combination with other changes during the last year, produce a cumulative effect of having changed more than 60 acres through the use of "Small Scale development" procedures.

53. Here, the City , on the one hand, classified the Amendment as small-scale because the net lot area is 6.723 acres while, on the other hand, it allowed TRG and Mercy the use of 11.44 acres of gross area for their sizing and development of the Project on the Parcel. Under the plain language of section 163.3187(1)(c), the planned Project "involves a use" of 11.44 acres, well more than the 10-acre small-scale amendment threshold. Clear evidence that the Project "involves a use" of over 10 acres can be found in TRG and Mercy's own MUSP application and in all City presentations and write-ups about the Project, which calculate the allowable FAR for the project by utilizing the Parcel's 11.44 gross lot area that includes a "use" of, among other things, an existing private road, a new private road, and water area. The developer's own derivation of the net lot area and the gross area are identified in Exhibit B, which was filed with the City as part the defendants MUSP application

54. By adopting the Amendment as a small-scale amendment under section 163.3187, the City Commission has bypassed the critical and mandatory consistency review required to be undertaken by Florida's Department of Community Affairs ("DCA") for all local comprehensive plan amendments in Florida. Hence, the DCA – the state-designated land planning agency – never reviewed the Amendment to ensure its consistency with the Growth Management Act before the Amendment's adoption.

55. Hence, it is apparent that the Amendment approved the Project to be built on an 11.44 gross acre Parcel, which uses 11.44 acres to define what and how much can be built on the Parcel, that was wrongly characterized as a 6.723 acre amendment to the City 's comprehensive plan in order to ensure the Amendment would escape the critical and mandatory review by the DCA for consistency with the Growth Management Act.

56. In addition, the DCA never reviewed or evaluated the proposed development project to determine whether it was a permissible change to the 1993 Binding Letter as to Mercy's property concerning authorized uses of the subject Parcel.

57. Pursuant to the provisions of Fla. Stat. Sec 163, which govern the preparation, adoption and implementation of local government comprehensive plans, the City Comprehensive Plan was adopted as Ordinance 10544 on February 9, 1989 and has been amended by the City Commission through May 6, 2004, to govern land use and development decisions within the City .

58. Consistent with its practice of avoiding such oversight (the City has not transmitted any of its numerous approvals of small scale amendments to DCA since the middle of 2004), the City also failed in its statutory obligation to transmit its findings regarding this Project to the DCA. By improperly characterizing a large scale amendment as a small scale amendment and then failing to transmit its decision on that small scale amendment to the DCA as required by Fla. Stat. 163.3187 and Fla. Admin. Code 9J-11.015, the City has effectively eliminated the possibility of any meaningful substantive review of its decisions and eviscerated the intended effect of Florida state law.

59. On June 4, 2007, the Plaintiffs filed a petition with Florida's Division of Administrative Hearings, requesting review of the City's land use decisions.

The Project is Inconsistent with the Growth Management Act, and All Relevant Comprehensive Plans

60. The Growth Management Act requires that each local government in Florida adopt a comprehensive plan consistent with the Act. See generally §§ 163.3161-.3215, Fla. Stat.; Fla. Admin. Code R. 9J-5. The intent of the law is to "encourage and assure cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional and state government in accord with applicable provisions of law," Fla. Stat. § 163.3161(4) and, that "adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with the act." Fla. Stat. 163.3161(5) The key purposes and intents of the Growth Management Act are to:

- "guide and control future development";
- "encourage the most appropriate use of land, water, and resources, consistent with the public interest";
- "deal effectively with future problems which may result from the use and development of land";
- "preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare";
- "prevent the overcrowding of land and avoid undue concentration of population";

- “facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements for services”;
- “conserve, develop, utilize, and protect natural resources within their jurisdictions”;
- “protect human, environmental, social, and economic resources”; and
- “maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.”

§§ 163.3161(2)-(3), (7), Fla. Stat. The Act is to be “construed broadly to accomplish its stated purposes and objectives.” § 163.3194(4)(b), Fla. Stat.

61. When local governments develop their comprehensive plans pursuant to the Act, they must do so “in conformity with the provisions of this act.” § 163.3161(6), Fla. Stat.

Hence, the future land use element of every local comprehensive plan must:

designat[e] proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. . . . Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. . . . The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.

§ 163.3177(6)(a), Fla. Stat. Local governments must strictly comply with section 163.3177(6)(a)'s requirements specifically to establish the extent, location, and intensity of future land uses. *See, e.g., Village of Key Biscayne v. Dep't of Cmty. Affairs*, 696 So. 2d 495, 495 (Fla. 3d DCA 1997).

62. The local comprehensive plan's allocation of future land uses must be based upon:

surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplied, public facilities, and services; [and] the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

§ 163.3177(6)(a), Fla. Stat. This general data and analysis requirement is supplemented by the specific data and analysis requirements in other sections of the Growth Management Act and the Act's implementing regulations, Rule 9J-5 of the Florida Administrative Code, concerning such things as:

- “the availability of facilities and services identified in the traffic circulation, transportation, and sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge elements”;
- “the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for use, including where available: . . . Natural resources; and Historic resources.”
- determining “historically significant housing listed on the . . . National Register of Historic Places” and inventorying “impacts of development and redevelopment proposed in the future land use element on historic resources and sites in the coastal planning area”;
- identification and analysis of natural resources, including bays, areas of possible erosion, and areas of important marine and wildlife;

See, e.g., Fla. Admin. Code R. 9J-5.006(2), 9J-5.010(1), 9J-5.012(2), 9J-5.013(1), 9J-5.019(3).

63. The Future Land Use Map (“FLUM”) for each local comprehensive plan must reflect these relevant plan policies. The meaningful link between the textual provisions of a plan and the actual land uses allowed on the ground is supplied by Rule 9J-5.005(5)(b), which requires that each FLUM “reflect goals, objectives, and policies within all elements and each such map.”

64. These overall comprehensive plan requirements naturally apply to comprehensive plan amendments, as well. Indeed, Rule 9J-5.005(2) requires that plan amendments be “based upon relevant and appropriate data and the analyses applicable to each element.” There data must be “collected and applied in a professionally acceptable manner.” Fla. Admin. Code R. 9J-5.005(2)(a). The Rule further describes the quality of the data as “the best available” and meeting “professionally accepted standards for such methodologies.” Fla. Admin. Code R. 9J-5.005(2)(c).

65. Here, the Project approved by the City is inconsistent with the Growth Management Act and Rule 9J-5 because (1) no data or analyses support the Project and (2) no goals, objectives, and policies support the Project. In fact, this Project is contrary to many of the goals, objectives, and policies of the State, County, and City comprehensive plans. The City ignored the best available data, both written and live testimony before the City Commission, which demonstrated the adverse affects the of the Project and the goals, objectives, and policies of the City Comprehensive Plan the Amendment would violate.

66. The City adopted the Amendment simply to realize the “highest and best use” of the Parcel, rather than seeking orderly predictable growth and the protection of the public, as well as the natural and economic resources in the City , and rather than following the mandates of the City Comprehensive Plan.

67. The City failed to demonstrate the economical feasibility of the Amendment on public resources, as required by the Growth Management Act. The City produced no relevant data about the suitability of the Amendment in connection with the land required to accommodate projected residential or industrial growth, or the specific need for redevelopment.

68. In adopting the Amendment, the City failed to draw a rational nexus between the projected population and the total residential land allocated within the planning time frame of the City Comprehensive Plan. The City is over-allocating residential lands, and permitting high-intensity uses in an otherwise low-intensity area on the shore of Biscayne Bay, simply because a developer has requested that it do so. In fact, the City ’s approval of this project facilitates high-density, luxury residential development (even though there is no demonstrated shortage of available land in existing high-density residential use areas), at the expense of an area previously designated for use as a major public or private health facility (even though there is a demonstrated existing and growing need for additional and improved healthcare facilities in the area). The City has allowed property values and speculation to drive its future land use planning and zoning decisions rather than those stated purposes and objectives in the City Comprehensive Plan, as required by the Growth Management Act.

69. Maximum land use densities must be used to judge whether proposed projects are supported by data and analysis. The City's evaluation of the Project consisted solely of conclusions without analysis. Moreover, neither Related and Mercy nor the City presented professionally acceptable data and analysis that the Amendment complies with the Growth Management Act requirements.

70. In fact, as a prime example, the City Commission – evidenced by the statements of Commissioners Sanchez and Spence-Jones during the Amendment's consideration – did not base their decisions on the criteria required by law. Commissioners, instead, based their decision, at least in part, on what they subjectively believed would be in the financial interests of Mercy Hospital.

The State Comprehensive Plan

71. Consistent with the Growth Management Act, the State enacted its Comprehensive Plan. See §§ 187.101-.201, Fla. Stat. Section 187.201 sets forth the specific goals and policies constituting the State Comprehensive Plan.

72. The Amendment adopted by the City is inconsistent with a number of the specific goals and policies in section 187.201.

73. Section 187.201(8)(a) sets forth the State's goal with respect to COASTAL AND MARINE RESOURCES and provides that development in coastal areas must not endanger public safety or important natural resources. The policies in section 187.201(8)(b) include:

- protecting “coastal resources, marine resources, and dune systems from the adverse effects of development”;
- developing and implementing “a comprehensive system of coordinated planning, management, and land acquisition to ensure the integrity and continued attractive image of the coastal area”;
- encouraging “land and water uses which are compatible with the protection of sensitive coastal resources”; and
- giving “priority in marine development to water dependent uses over other uses.”

74. Section 187.201(18)(a) sets forth the State’s goal with respect to CULTURAL AND HISTORICAL RESOURCES and provides that “Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.” The policies in section 187.201(18)(b) include:

- stimulating “increased private sector participation and support for historical and cultural programs”; and
- ensuring “that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of governments and that such programs and projects are carried out in a manner which recognizes the preservation of historic resources.”

75. Section 187.201(21)(a) sets forth the State’s goal with respect to THE ECONOMY and provides that “Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.” One of the policies in section 187.201(21)(b) is that the State and its local governments must:

- “Maintain, as one of the state’s primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.”

76. Section 187.201(23)(a) sets forth the State’s goal with respect to TOURISM and provides that “Florida will attract at least 55 million tourists annually by 1995

and shall support efforts by all areas of the state wishing to develop or expand tourist-related economies.” One of the policies in section 187.201(23)(b) is to:

- “Promote awareness of historic places and cultural and historic activities.”

77. Section 187.201(25)(a) sets forth the State’s goal with respect to PLAN IMPLEMENTATION and provides that “[s]ystematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.” One of the policies in section 187.201(25)(b) is to:

- “Ensure that each agency’s functional plan and management process is designed to achieve policies and goals of the state plan consistent with state law.”

78. The Project is inconsistent with this State Comprehensive Plan.

The County Comprehensive Plan

79. Consistent with the Growth Management Act, Miami-Dade County enacted its Comprehensive Development Master Plan (“County Comprehensive Plan”) in Section 23A-1 of the Miami-Dade County Code and codified same in Sections 2-113, 2-113.1, and 2-114. The current County Comprehensive Plan is maintained in an Appendix report by the County’s Planning and Zoning Department.

80. The County Comprehensive Plan applies to the Project both because the Project directly fronts Biscayne Bay and because the County owns Vizcaya and has adopted strong measures to protect such historical properties.

81. Part I of the County Comprehensive Plan sets forth its LAND USE ELEMENT with a goal to “provide the best possible distribution of land use and services to meet the physical, social, cultural and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities.” Objective LU-6 provides that “Miami-Dade County shall protect, preserve, ensure the proper management, and promote public awareness of historical, architectural and archaeologically significant sites and districts in Miami-Dade County.” The policies consistent with this goal include:

- LU-6A – Miami-Dade County shall continue to identify, seek appropriate designation, and protect properties of historic, architectural and archaeological significance.
- LU-6B – Miami-Dade County shall place increased emphasis on districts, thematic groups and multiple resource listings with local as well as National Register historic sites.
- LU-6I – Miami-Dade County shall pursue efforts with other local, State and federal agencies to develop policies that recognize the importance of designated historic resources and that comply with the provisions of the County’s Historic Preservation Ordinance.

82. Part II of the County Comprehensive Plan sets forth its TRANSPORTATION ELEMENT with a goal to “develop and maintain an integrated multimodal transportation system in Miami-Dade County to move people and goods in a manner consistent with overall countywide land use and environmental protection goals.” This County-wide goal is important given the County’s undertaking with respect to mass-transit and other traffic services, which serve the City and on which the City relies in the Transportation element of the City Comprehensive Plan and in measuring the impacts on Transportation levels of service arising from the project.

83. The TRAFFIC CIRCULATION SUB-ELEMENT's goal is to "develop, operate and maintain a safe, efficient and economical traffic circulation system in Miami-Dade County that provides ease of mobility to all people for all goods, is consistent with desired land use patterns, conserves energy, and protects the natural environment." Objectives in furtherance of this goal include

- Objective TC-1 – It is desirable that all roadways in Miami-Dade County operate at level of service (LOS) C or better. By the year 2010 no roadways in Miami-Dade County should operate at a level of service lower than the base level of service standard contained herein.
- Objective TC-5 – The traffic circulation system will protect community and neighborhood integrity.

84. Part VI of the County Comprehensive Plan sets forth its RECREATION AND OPEN SPACE Element with a goal to "develop, program, and maintain a comprehensive system of parks and recreational open spaces offering quality and diversity in recreational experiences while preserving and protecting viable natural, historical and cultural resources, unimpaired, for present and future generations."

85. Objective ROS-6 of the Recreation and Open Space Element is to "[m]aintain and continue to implement the comprehensive resources management program for the acquisition and site specific management of environmentally sensitive lands, coastal areas and historic sites within Miami-Dade County parks." One of the policies relevant to this objective is:

- ROS-6B – Those portions of park properties containing important natural, historic, or archaeological resources will be developed and managed for long term viability and integrity of the resource. Miami-Dade County shall use all practical means to assure that land in vicinity of such park properties is developed for a use that is compatible with the protection of the natural,

historic or archaeological resources. Through its park and recreation programs the County shall, wherever feasible, acquire and reuse historic buildings and sites to benefit the public. Opportunities for public access to the resources will be developed in a manner consistent with the conservation or preservation of the resource.

86. Part VII of the County Comprehensive Plan sets forth its Coastal Management Element with a goal to, among other things, “provide for the conservation, environmentally sound use and protection of all natural and historic resources.”

87. Objective CM-5 of the Coastal Management Element is that “Miami-Dade County shall increase the amount of shoreline devoted to water-dependent, water-related, and publicly accessible uses.” The policies relevant to this objective include:

- CM-5A – A wide range of public water-oriented opportunities shall be provided at the water’s edge within the Coastal Area in Miami-Dade County. Through its Shoreline Development Review process, the County shall continue to afford greater visual and physical public access to the coastal bays and their tributaries.
- CM-5B – The County shall place a high priority on maintaining existing water-dependent uses (i.e., uses which cannot exist or occur without association with coastal or estuarine water masses), and water related uses by the public identifying appropriate, environmentally compatible new areas for such activities. Priority will be given in land planning by Miami-Dade County for water-dependent land uses along the shoreline.
- CM-5D – New developments, larger than single family or duplex residences within the County’s Shoreline Development Review Boundary shall be water dependent, water related, or at a minimum should included environmentally compatible shoreline access facilities such walkways, piers, and viewing areas with landscaping grouped or spaced for views of an from the water, as provided for in Chapter 33D of the Code of Miami-Dade County, as we may be amended from time to tie. By 2010, the County will evaluate the effectiveness of the Shoreline Development Review process and develop compliance strategies if necessary.

88. Objective CM-9 of the Coastal Management Element is that:

- Miami-Dade County shall continue to orient its planning, regulatory, and service programs to direct future population concentrations away from the Coastal High Hazard Area (CHHA) and FEMA "V" zone. Infrastructure shall be available to serve the existing development and redevelopment proposed in the Land Use Element and population in the CHHA, but shall not be built, expanded, or oversized to promote increased population in the coastal high risk area.

89. The policies relevant to this objective include:

- CM-9C – Miami-Dade County shall consider undeveloped land in areas most vulnerable to destructive storm surges for public or private recreational uses and open space, including restoration of coastal natural areas.
- CM-9F – Public expenditures that subsidize new or expanded infrastructure that would encourage additional population growth in the Coastal High Hazard Areas shall be prohibited. New public facilities shall not be built in the Coastal High Hazard Area, unless they are necessary to protect the health and safety of the existing population or for the following exceptions: public parks, beach or shoreline access; resource protection or restoration; marinas or Ports; or roadways, causeways and bridges necessary to maintain or improve hurricane evacuation times. Potable water and sanitary sewer facilities shall not be oversized to subsidize additional developments in the Coastal High Hazard Area.
- CM-9H – Rise in sea level projected by the federal government shall be taken into consideration in all future decisions regarding the design, location, and development of infrastructure and public facilities in the County.

90. Part VIII of the County Comprehensive Plan is its INTERGOVERNMENTAL COORDINATION ELEMENT with a goal to "use intergovernmental coordination as a major means of ensuring consistency among local, county and regional government plans and policies and of implementing Miami-Dade County's Comprehensive Development Master Plan." Objective ICE-1 is to "[m]aintain and improve coordination of planning, development and impact assessment among governmental entities with applicable responsibilities within Miami-Dade County's area of concern." Policy ICE-1A, consistent therewith, is to "[m]ake full use of the coordination mechanisms built into the

intergovernmental review and comment provisions of the Local Government Comprehensive Planning and Land Development Regulation Act to seek consistency between the Miami-Dade County Comprehensive Development Master Plan (CDMP) and the local comprehensive plans of Miami-Dade municipalities,” the local City comprehensive plan being, of course, required by, linked to and governed by “the State” and subject to such intergovernmental review and comment provisions.

91. Notably, policy ICE-3H provides, in part, that “Miami-Dade County will similarly review and approve changes to the land use, development and zoning of properties that surround facilities of countywide significance, as listed in the Table 3, in an effort to maintain or improve the compatibility and transition between the adjoining properties and the facilities.” Vizcaya is identified as one of those facilities of countywide significance in Table 3, and the County’s Manager and Attorney expressed their opinion that the development permitted by the Amendment “could diminish [Vizcaya’s] historic integrity.”

92. The Project is not consistent with the applicable sections of the County’s Comprehensive Plan.

The City ’s Comprehensive Plan

93. As required by the Growth Management Act, the City enacted the current Miami Neighborhood Comprehensive Plan (“City Comprehensive Plan”) through Ordinance 10544 in February 1989, and the City Comprehensive Plan has been amended numerous times thereafter.

94. Goal LU-1 provides that the City “[m]aintain a land use pattern that (1) protects and enhances the quality of life in the City ’s residential neighborhoods . . . and (6) protects and conserves the City ’s significant natural resources.”

95. Objective LU-1.1 is to “[e]nsure that land and development regulations are consistent with fostering a high quality of life in all areas, including the timely provision of public facilities that meet or exceed the minimum level of service (LOS) standards adopted in the Capital Improvements Element (CIE) of the Miami Comprehensive Neighborhood Plan.” The policies relevant to this objective include:

- Policy LU-1.1.3 – The City ’s zoning ordinance provides for protection of all areas of the City from: (1) the encroachment of incompatible land uses . . .
- Policy LU-1.10: The City ’s land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations . . .

96. Policy HO-1.1.9 of the City Comprehensive Plan, which similarly provides that “[t]he City ’s land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations.” The City Comprehensive Plan has already expressed, in Policy HO-2.1.4 that “[t]he City will continue to promote the development of new, high quality, dense urban neighborhoods along the Miami River, in Central Brickell and in Southeast Overtown/Park West.” Those areas, close to Metrorail and Metromover, are the areas in the City Comprehensive Plan allocated for high-density residential development, not Coconut Grove, which, in contrast, is protected by a special zoning provision known as the “Coconut Grove Neighborhood Conservation District.”

97. Objective LU-1.5 is that “[l]and development regulations will protect the City ’s unique natural and coastal resources, and its historic and cultural heritage.” The policies relevant to this objective include:

- Policy LU-1.5-1 – Development orders in the City will be consistent with the goals, objectives and policies contained in the Natural Resource Conservation and Coastal Management elements of the Miami Comprehensive Neighborhood Plan.
- Policy LU- 1.5-2 – Land use regulations and development policies will be consistent with the intent and purpose of Miami-Dade County’s Waterfront Charter Amendment, Shoreline Development Review Ordinance, and the rules of the Biscayne Bay Aquatic Preserve Management Area

98. Goal LU-2 provides that the City should “[p]reserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of Miami’s historic, architectural and archaeological resources.” Objective LU-2.4, in furtherance of that lofty goal, seeks to “[i]ncrease the number of historic structures that have been preserved, rehabilitated or restored, according to the U.S. Secretary of the Interior’s Standards for Rehabilitation.” Policy LU-2.4.4, in turn, provides that “[t]he City will continue to work with other local governments that have title to properties of major historic or architectural significance to ensure the conservation, preservation and adaptive and sensitive reuse of such properties.”

99. Goal TR-1, concerning TRANSPORTATION, is to “[m]aintain an effective and cost efficient traffic circulation network within the City that provides transportation for all persons and facilitates commercial activity, and which is consistent with, and furthers, neighborhood plans, supports economic development, conserves energy, and protects and enhances the natural environment.” The Project is inconsistent with this goal because, instead of

maintaining effective and cost-efficient traffic circulation, the Project inhibits effective and efficient traffic circulation.

Objective TR-1.1 provides that:

All arterial and collector roadways under County and State jurisdiction that lie within the City 's boundaries will operate at levels of service established by the respective agency. All other City streets will operate at levels of service that are consistent with an urban center possessing an extensive urban public transit system and characterized by compact development and moderate-to-high residential densities and land use intensities, and within a transportation concurrency exception area (TCEA). The City will monitor the levels of service arterial and collector roads to continue to develop and enhance transportation strategies that promote public transit and minimize the impacts of the TCEA.

100. The policies enacted to further this goal and objective include Policy TR-1.1.2, which defines how to measure transportation levels of service and provides that “[i]ssuance of development orders for new development or significant expansion of existing development shall be contingent upon compliance with these LOS standards, subject to the modifications described in subparagraphs 1.1.2.1 through 1.1.2.3 below, and any applicable provisions of the Urban Infill Concurrency Exception Area.” Those subparagraphs provide:

- 1.1.2.1: Where no public mass transit exists, and private passenger vehicles are the only vehicular mode available for travel on the facility: minimum LOS E (100 percent of capacity) using 1.6 persons-per-vehicle as the practical capacity City of a private passenger vehicle.
- 1.1.2.2: Where local bus mass transit service on minimum 20-minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 120 percent capacity .
- 1.1.2.3: Where express bus transit and/or rapid rail transit service on minimum 20-minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 150 percent capacity .

101. Objective TR-1.4 provides that “[t]he City ’s street network will be utilized to protect and enhance the character of the City ’s residential neighborhoods and neighborhood commercial centers through coordination with the Land Use Plan and adopted Neighborhood plans and recommendations.”

102. Goal PR-1, concerning PARKS, RECREATION AND OPEN SPACE, is to “[p]rovide adequate opportunities for active and passive recreation to all City residents.” Consistent therewith, objective PR-1.1 is to “[i]ncrease public access to all identified recreation sites, facilities and open spaces including the Miami River and beaches and enhance the quality of recreational and educational opportunities for all age groups and handicapped persons within the City ’s neighborhoods.” The policies in furtherance of this objective include:

- Policy PR 1.1.11 – Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development to maintain public access to the coastal and Miami River shorelines.
- Policy PR 1.1.13 – The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations.

103. Goal CM-1, concerning COASTAL MANAGEMENT, is to “[m]aintain, protect, and enhance the quality of life and appearance of Miami’s coastal zone including the preservation of natural resources as well as the enhancement of the built environment.”

104. Goal CM-2 is to “[i]mprove public awareness, appreciation, and use of Miami’s coastal resources by preserving traditional water-dependent and water-related uses, ensuring adequate public access to such uses, and minimizing user conflicts.” Consistent therewith, objective CM-2.1 provides that “[w]here feasible, increase physical, and visual public

access to Biscayne Bay and the City 's shoreline." The policies in furtherance of this objective include:

- Policy CM-2.1.1 – Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development or redevelopment to maintain public access to the coastal and Miami River shorelines.
- Policy CM-2.1.7 – The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations.

105. Goal CM-5 is to "[p]reserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of Miami's historic, architectural and archaeological resources."

106. Goal NR-1, concerning NATURAL RESOURCE CONSERVATION, is to "[m]aintain, preserve, enhance and restore the quality of natural resources within the context of the City 's urban environment." Consistent therewith, policy NR-1.1.6 under objective NR-1.1 is that, "[t]hrough land development regulations, ensure that development or redevelopment within the coastal zone will not adversely affect the natural environment or lead to a net loss of public access to the City 's natural resources."

107. Section 163.3187(2), Florida Statutes, requires that "[c]omprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2)." Section 163.3177(2), in turn, provides that "[c]oordination of the several elements of the local comprehensive plan shall be the major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan economically feasible." Rule 9J-5.005(5)(a), Florida Administrative Code,

further provides that “[t]he required elements and any optional elements shall be consistent with each other.” And Rule 9J-5.005(5)(b) provides that “[e]ach map depicting future conditions must reflect goals, objectives, and policies within all elements and each such map must be contained within the comprehensive plan.”

Indeed, the Miami Comprehensive Plan itself states at page 13 that:

The Future Land Use Plan Map is a planning instrument designed to guide the future development and distribution of land uses within the City in a manner that is consistent with the goals, objectives and policies of the Miami Comprehensive Neighborhood Plan (MCNP)....Land development regulations and policies are to be consistent with the Future Land Use Plan Map.

Land Use Objective LU-1.6 reinforces the state law requiring comprehensive plans to be consistent with the entire plan: “Regulate the development or redevelopment of real property within the City to insure consistency with the goals, objectives and policies of the Comprehensive Plan.” Policy LU-1.6.1 goes further: the “Interpretation of the Future Land Use Plan Map” section of this element, which follows these land use goals, objectives and policies, establishes the activities and facilities allowed within each land use category appearing on the Future Land Use Plan Map, and the City’s land development regulations shall be consistent with this section of the Miami Comprehensive Neighborhood Plan.

108. Here, the Project materially alters the use, density, and intensity of use on the Parcel in a manner inconsistent with the City Comprehensive Plan and its above-cited goals, objectives, and policies. Taken as a whole, the provisions of the City Comprehensive Plan say that the City must only approve projects that:

- Do not allow encroachment of incompatible land uses.
- Focus intense development around centers of activity.
- Preserve natural, coastal, and historic resources.
- Maximize the public's access to those resources.
- Maintain public access to coastal land.
- Enhance the appearance of Miami's coastal zone.
- Increase the public's physical and visual access to Biscayne Bay and the City's shoreline.
- Preserve the heritage of Miami and its historic resources.

The City's amendments to its Comprehensive Plan must be consistent with the Growth Management Act, which as described above requires that Florida's intergovernmental planning effort be implemented in a manner that:

- Ensures the public's right to reasonable access to beaches.
- Protects coastal resources from the effects of development.
- Implements a comprehensive system of coordinated planning to ensure the integrity and continued attractive image of the coastal area.
- Gives priority in the development of coastal areas to water dependent uses over other uses.
- Ensured that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of government and that such programs and projects are carried out in a manner which recognizes the preservation of historic resources.
- Maintains, as one of the state's primary economic assets, the environment, including clean water, beaches, and historic landmarks.

109. The Project is not consistent with the intergovernmental planning effort required by the Growth Management Act.

The Vested DRI for Mercy

110. The Project concerns land use on property currently owned by Mercy, which property is the subject of a vested rights order issued in 1993 by the DCA, under section 380.06(20), Florida Statutes. When the DCA issued its vested rights letter, it acknowledged that the development of certain identified projects had vested and that although certain other projects had not vested, they would not be required to undergo DRI review under section 380.06.

111. The 1993 vested rights letter specifically noted, however, that the portion of the development that had not vested would have to be considered cumulatively with any future additional development. In other words, the 1993 vested rights order required that before approval, the effect of Projects such as this one be considered cumulatively with all of the non vested changes identified in the letter.

112. Upon receiving, and not appealing, the 1993 vested rights letter, Mercy accepted that any future additional development on its 40 acre campus “would be considered cumulatively” with the non-vested development described in the vested rights order.

113. Substantial deviations from the plan approved in a vested rights letter require review and approval by the DCA. Section 380.06(19)(b) explains that such review is triggered by a number of events, including an increase in the number of dwelling units by either five percent or 50 dwelling units. § 380.06(19)(b)(9), Fla. Stat. The Project involves the building of more than 225 condominium units on land that was the subject of Mercy’s vested rights letter, DCA review of the Project was required before approval by the City Commission, but has not occurred.

STANDING

114. Section 163.3215, Florida Statutes (2004) sets forth the standing requirements for enforcing a local comprehensive plan, and provides, in pertinent part:

Any aggrieved or adversely affected party may maintain a *de novo* action for declaratory, injunctive or other relief against any local government granting or denying an application for, or to prevent such local government from taking any action on, a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan adopted under this part. The *de novo* action must be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever occurs later.

Section 163.3215(3), Fla. Stat. (2004).

115. Section 163.3125, Florida Statutes, defines an “aggrieved or adversely affected party” as:

Any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order.

116. “As a remedial statute, Section 163.3215 allows an adversely affected third party to maintain an action to determine whether a development order is consistent with the

[local] comprehensive plan.” *Payne v. City of Miami*, 30 Fla. L. Weekly D 2601 (Fla. 3d DCA November 16, 2005)(internal quotations omitted).

117. The Comprehensive Plan protects and furthers Plaintiffs’ interests in preserving and protecting the quality of life in Coconut Grove and preserving and enhancing the general appearance and character of Coconut Grove, by: controlling large scale and/or intensive land development which negatively impacts Coconut Grove, though Coconut Grove:

- Not allowing encroachment of incompatible land uses.
- Focusing intense development around centers of activity.
- Preserving natural, coastal, and historic resources.
- Maximizing the public’s access to those resources.
- Maintaining public access to coastal land.
- Enhancing the appearance of Miami’s coastal zone.
- Increasing the public’s physical and visual access to Biscayne Bay and the City’s shoreline.
- Preserving the heritage of Miami and its historic resources.

118. The Development Order is inconsistent with the City Comprehensive Plan because it authorizes a different use and greater intensity of use, which uses are inconsistent with, and do not further the adopted policies, objectives and goals of the City Comprehensive Plan, or of the Coconut Grove Neighborhood Conservation District, which applies to among other areas, north Coconut Grove, the entire Mercy campus, and the Parcel. thus adversely affecting the Plaintiffs’ interests protected by the City Comprehensive Plan, the use and enjoyment of their homes, and the quality of life in the vicinity of the Project.

119. Plaintiffs are uniquely harmed and negatively impacted by the Development Order, more than the general public, because they relied on the protection of the

Comprehensive Plan to protect the appearance and character of the Coconut Grove, Vizcaya, and their environs, and their quality of life, all of which shall be severely and negatively impacted by the proposed Project.

120. Pursuant to Fla. Stat. Sec. 163.3215(2), Plaintiffs are aggrieved and adversely affected with the requisite legal standing to bring this action because they will suffer adverse affects, exceeding in degree to the general interest in the community good shared by all persons, as a result of the City 's approval of the Development Order.

121. Based on the foregoing, Plaintiffs will suffer "special damages" as a result of the City 's actions in approving the Development Order.

122. Plaintiffs are adversely impacted by the Development Order to a greater extent than the community in general, and have standing to bring this action.

COUNT I
DECLARATORY RELIEF
INCONSISTENCY WITH CITY COMPREHENSIVE PLAN
(AGAINST THE CITY OF MIAMI)

123. Plaintiffs readopt and re-allege paragraphs 1 through 122, as if fully set forth and incorporated herein.

124. This is a count for declaratory relief pursuant to Fla. Stat. Chapter 86.

125. A controversy has arisen between the Plaintiff and the City resulting in the Plaintiffs being in doubt of their rights.

126. The City 's approval of the requested land use change, accompanying rezoning, and issuance of the Development Order is inconsistent with the objectives, policies and goals of the City 's Comprehensive Plan.

127. As required by the Growth Management Act, the State of Florida, the County of Miami-Dade, and the City have each implemented a comprehensive plan, intended to encourage the various governmental entities in the state to work cooperatively, and in a coordinated fashion, to achieve the objectives of the Growth Management Act. See §§ 187.101-.201, Fla. Stat. Section 187.201 sets forth the specific goals and policies constituting the State Comprehensive Plan.

128. Section 187.201(8)(a) sets forth the State's goal with respect to COASTAL AND MARINE RESOURCES and provides that development in coastal areas must not endanger public safety or important natural resources. The policies in section 187.201(8)(b) consistent therewith include:

- protecting "coastal resources, marine resources, and dune systems from the adverse effects of development";
- developing and implementing "a comprehensive system of coordinated planning, management, and land acquisition to ensure the integrity and continued attractive image of the coastal area";
- encouraging "land and water uses which are compatible with the protection of sensitive coastal resources"; and
- giving "priority in marine development to water dependent uses over other uses."

129. The Project is inconsistent with this State Comprehensive Plan goal and its policies. Public access to the coastline will be significantly restricted by the security measures planned for the development. The Project is in no way part of a comprehensive coordinated

system designed to conserve and protect coastal resources and maintain an attractive coastal image. Rather, the City 's approval of this Project permits an unprincipled and unprecedented expansion of the concrete and glass skyline previously reposed by the Miami Comprehensive Plan to the downtown and Brickell areas of the City into the scenic and historic Coconut Grove area, which is presently dominated by low-intensity single-family residential use. In place of a shoreline that is now largely open to the public with unlimited views of Biscayne Bay, the Project would create a privately held luxury enclave which, through the use of a private road and gated access, virtually eliminates both physical and visual access to the bay for all but a privileged few residents of the two hundred and twenty five planned luxury residences. Last, the development permitted by the Project does not give the requisite priority to water-dependent uses.

130. Section 187.201(18)(a) sets forth the State's goal with respect to CULTURAL AND HISTORICAL RESOURCES and provides that "Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence." The policies in section 187.201(18)(b) consistent therewith include:

- stimulating "increased private sector participation and support for historical and cultural programs"; and
- ensuring "that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of governments and that such programs and projects are carried out in a manner which recognizes the preservation of historic resources."

131. The Project is plainly inconsistent with this State Comprehensive Plan goal and its policies. Instead of stimulating support for, and ensuring consideration is given to

the preservation of Vizcaya, the only National Historical Landmark in the City and one of only three in Miami-Dade County, the City ignored Vizcaya when it planned for the development on the Parcel and approved the Project. The Project permits out-of-scale development that would loom over Vizcaya's landmarked gardens, both day and night, thereby compromising the historic integrity and atmosphere of Vizcaya Museum and Gardens. Indeed, the Vizcaya Gardens were purposely planned to direct the scenic views away from the City and the eventual high-rise developments in the Brickell and downtown Miami corridor and towards the low-density residential areas of Coconut Grove. Yet, the development of this Project, will irrevocably spoil the gardens which have been granted National Historic Landmark and National Register of Historic Places status.

132. Section 187.201(21)(a) sets forth the State's goal with respect to THE ECONOMY and provides that "Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents." One of the policies in section 187.201(21)(b) consistent therewith is that the State and its local governments must:

- "Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources."

133. Again, the Project is plainly inconsistent with this State Comprehensive Plan goal and its policy. Instead of maintaining the only National Historic Landmark in the City and one of only three in the County, the Project permits the desecration of one of its principal attractions – the peaceful solitude of Vizcaya's gardens – by authorizing three looming high-rise towers obstructing its gardens' historic atmosphere. Significantly, the United States Department

of the Interior National Park Service, the Miami-Dade Historic Preservation Board, the Miami-Dade County Planning Department expressed strong views that the Project “out of scale with the area” and would “diminish the historic integrity of Vizcaya.” Even the City of Miami’s Planning Department determined that the proposal was out of scale with the area. Despite the City’s lip service, however, the City Commission approved the Project, which accomplishes that very diminution of Vizcaya’s historic integrity.¹

134. Section 187.201(23)(a) sets forth the State’s goal with respect to TOURISM and provides that “Florida will attract at least 55 million tourists annually by 1995 and shall support efforts by all areas of the state wishing to develop or expand tourist-related economies.” One of the policies in section 187.201(23)(b) consistent therewith is to:

- “Promote awareness of historic places and cultural and historic activities.”

135. The Project is inconsistent with this State Comprehensive Plan goal and its policy. Vizcaya is a tourist attraction in the City, in part due to its historic nature and in part due to the nature of the gardens created by John Deering and his architects. The Project, and the consequences for historic Vizcaya, is inconsistent with this goal and policy.

¹ Florida Statute 163.3215 defines the type of actions that may be brought to determine whether local government action is consistent with comprehensive plans. To the extent the Court determines that the provisions of State law requires the City to make decisions that do not conflict with the County’s comprehensive plan, as the Plaintiffs believe it must, the County plan specifically requires that all practical means will be used to assure that land in the vicinity of historic resources is developed for a use that is compatible with the protections of historic resources such as Vizcaya. See County Plan section ROS-6B, *supra*. The Project is clearly inconsistent with this mandate

136. Section 187.201(25)(a) sets forth the State's goal with respect to PLAN IMPLEMENTATION and provides that "[s]ystematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement." One of the policies in section 187.201(25)(b) consistent therewith is to:

- "Ensure that each agency's functional plan and management process is designed to achieve policies and goals of the state plan consistent with state law."

137. As required by the Growth Management Act, and consistent with the State's comprehensive plan, the City enacted the City Comprehensive Plan that is designed to achieve the same goals. Among other things, the City Comprehensive Plan, which requires the following:

138. Goal LU-1 provides that the City "[m]aintain a land use pattern that (1) protects and enhances the quality of life in the City's residential neighborhoods . . . and (6) protects and conserves the City's significant natural resources." The introduction of three massive structures, consuming a large amount of previously open Bayfront shoreline into what has until now been a quiet residential neighborhood, does not enhance the quality of life in the City's residential neighborhoods, or conserve its natural resources. The Project violates the objectives and policies that explain how the City will implement this goal.

139. Objective LU-1.1 is to "[e]nsure that land and development regulations are consistent with fostering a high quality of life in all areas, including the timely provision of public facilities that meet or exceed the minimum level of service (LOS) standards adopted in the

Capital Improvements Element (CIE) of the Miami Comprehensive Neighborhood Plan.” The policies relevant to this objective include:

- Policy LU-1.1.3 – The City ’s zoning ordinance provides for protection of all areas of the City from: (1) the encroachment of incompatible land uses . . .
- Policy LU-1.10: The City ’s land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations.

140. The Project is inconsistent with this objective of the City Comprehensive Plan and its policies. It does not protect the Coconut Grove area of the City from the encroachment of incompatible land uses. To the contrary, it Project embodies exactly the sort of encroachment sought to be proscribed, for the first time on isolated spot of land, which is outside the area where high-density development was allowed but restricted exclusively to the Brickell and downtown corridors. Moreover, the Project’s high-density residential development is not in close proximity to the City ’s Metrorail and Metromover stations which, naturally, are concentrated in the Brickell and downtown areas to which such high-density residential development has heretofore been channelled and directed by the City’s Comprehensive Plan.

141. The Project is also inconsistent with Policy HO-1.1.9 of the City Comprehensive Plan, which similarly provides that “[t]he City ’s land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations.” Indeed, the City Comprehensive Plan has already expressed, in Policy HO-2.1.4 that “[t]he City will continue to promote the development of new, high quality, dense urban neighborhoods along the Miami River, in Central Brickell and in

Southeast Overtown/Park West.” Those areas, close to Metrorail and Metromover, are the areas in the City Comprehensive Plan allocated for high-density residential development, not Coconut Grove, which, in contrast, is protected by a special zoning provision known as the “Coconut Grove Neighborhood Conservation District.”

142. Objective LU-1.5 is that “[l]and development regulations will protect the City’s unique natural and coastal resources, and its historic and cultural heritage.” The policies relevant to this objective include:

- Policy LU-1.5-1 – Development orders in the City will be consistent with the goals, objectives and policies contained in the Natural Resource Conservation and Coastal Management elements of the Miami Comprehensive Neighborhood Plan.
- Policy LU- 1.5-2 – Land use regulations and development policies will be consistent with the intent and purpose of Miami-Dade County’s Waterfront Charter Amendment, Shoreline Development Review Ordinance, and the rules of the Biscayne Bay Aquatic Preserve Management Area

143. The Project is inconsistent with this objective of the City Comprehensive Plan and its policies. The Coconut Grove area of the City where the Project is proposed to be built has a unique historic and cultural heritage, and the Project does not protect that heritage. Instead, the Project vitiates any protection of that historic and cultural heritage, by allowing high-density uses in an otherwise low-density area and by compromising the historic integrity of Vizcaya.

144. Goal LU-2 provides that the City should “[p]reserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of Miami’s historic, architectural and archaeological resources.” Objective LU-2.4, in furtherance of that lofty goal, seeks to “[i]ncrease the number

of historic structures that have been preserved, rehabilitated or restored, according to the U.S. Secretary of the Interior's Standards for Rehabilitation." Policy LU-2.4.4, in turn, provides that "[t]he City will continue to work with other local governments that have title to properties of major historic or architectural significance to ensure the conservation, preservation and adaptive and sensitive reuse of such properties."

145. The Project is completely inconsistent with this goal and its attendant objective and policy. As previously stated, the County owns a property of major historic significance, Vizcaya, that is so historic it was designated a National Historical Landmark by the United States Department of the Interior, and it is specially protected under the County's Comprehensive Plan. Yet, the Project, in the words of the National Park Service, "compromis[es] the historic integrity of the property and its environment because the height and scale of the new development is not visually compatible with the historic property." The County came to the same conclusion, noting that the County Comprehensive Plan provides for protection of the historic Vizcaya facility and concluding that the Project would impact "one of the most prominent attributes of Vizcaya, the view from the house and the garden" and thereby "diminish [its] historic integrity."

146. Goal TR-1, concerning TRANSPORTATION, is to "[m]aintain an effective and cost efficient traffic circulation network within the City that provides transportation for all persons and facilitates commercial activity, and which is consistent with, and furthers, neighborhood plans, supports economic development, conserves energy, and protects and enhances the natural environment." The Project is inconsistent with this goal because, instead of maintaining effective and cost-efficient traffic circulation, it inhibits it.

Objective TR-1.1 provides that:

All arterial and collector roadways under County and State jurisdiction that lie within the City 's boundaries will operate and levels of service established by the respective agency. All other City streets will operate at levels of service that are consistent with an urban center possessing an extensive urban public transit system and characterized by compact development and moderate-to-high residential densities and land use intensities, and within a transportation concurrency exception area (TCEA). The City will monitor the levels of service arterial and collector roads to continue to develop and enhance transportation strategies that promote public transit and minimize the impacts of the TCEA.

147. The policies enacted to further this goal and objective include Policy TR-1.1.2, which defines how to measure transportation levels of service and provides that “[i]ssuance of development orders for new development or significant expansion of existing development shall be contingent upon compliance with these LOS standards, subject to the modifications described in subparagraphs 1.1.2.1 through 1.1.2.3 below, and any applicable provisions of the Urban Infill Concurrency Exception Area.” Those subparagraphs provide:

- 1.1.2.1: Where no public mass transit exists, and private passenger vehicles are the only vehicular mode available for travel on the facility: minimum LOS E (100 percent of capacity) using 1.6 persons-per-vehicle as the practical capacity City of a private passenger vehicle.
- 1.1.2.2: Where local bus mass transit service on minimum 20-minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 120 percent capacity .
- 1.1.2.3: Where express bus transit and/or rapid rail transit service on minimum 20-minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 150 percent capacity .

148. The area affected by the Project is inconsistent with this objective of the City Comprehensive Plan and its policies. The area cannot withstand, with the limits provided above, the increase in traffic permitted by the Project.

149. Objective TR-1.4 provides that “[t]he City ’s street network will be utilized to protect and enhance the character of the City ’s residential neighborhoods and neighborhood commercial centers through coordination with the Land Use Plan and adopted Neighborhood plans and recommendations.” The Project is inconsistent with this objective because of the unreasonable and out-of-scale traffic congestion it creates.

150. Goal PR-1, concerning PARKS, RECREATION AND OPEN SPACE, is to “[p]rovide adequate opportunities for active and passive recreation to all City residents.” Consistent therewith, objective PR-1.1 is to “[i]ncrease public access to all identified recreation sites, facilities and open spaces including the Miami River and beaches and enhance the quality of recreational and educational opportunities for all age groups and handicapped persons within the City ’s neighborhoods.” The policies in furtherance of this objective include:

- Policy PR 1.1.11 – Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development to maintain public access to the coastal and Miami River shorelines.
- Policy PR 1.1.13 – The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations.

151. The Project is inconsistent with this goal of the City Comprehensive Plan and its objective and attendant policies. The Project, which is not water-dependent, impedes public access to and visibility of Biscayne Bay. It also fails to enhance – indeed, upsets – the quality of recreational and educational programs at nearby Vizcaya.

152. Goal CM-1, concerning COASTAL MANAGEMENT, is to “[m]aintain, protect, and enhance the quality of life and appearance of Miami’s coastal zone including the

preservation of natural resources as well as the enhancement of the built environment.” The Project is inconsistent with this goal. It permits out-of-scale land use in the coastal area of Coconut Grove that disrupts – rather than maintaining, protecting, and enhancing – the appearance of that coastal area.

153. Goal CM-2 is to “[i]mprove public awareness, appreciation, and use of Miami’s coastal resources by preserving traditional water-dependent and water-related uses, ensuring adequate public access to such uses, and minimizing user conflicts.” Consistent therewith, objective CM-2.1 provides that “[w]here feasible, increase physical, and visual public access to Biscayne Bay and the City’s shoreline.” The policies in furtherance of this objective include:

- Policy CM-2.1.1 – Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development or redevelopment to maintain public access to the coastal and Miami River shorelines.
- Policy CM-2.1.7 – The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations.

154. The Project is inconsistent with this goal of the City Comprehensive Plan and its objective and attendant policies. The Project is not water-dependent or water-related and, through the use of private roads without public parking and gated access to the Project, actually restricts – rather than increases – physical and visual public access to Biscayne Bay and the City’s shoreline.

155. Goal CM-5 is to “[p]reserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of

Miami's historic, architectural and archaeological resources." As explained in detail above, the Project is inconsistent with this goal.

156. Goal NR-1, concerning NATURAL RESOURCE CONSERVATION, is to "[m]aintain, preserve, enhance and restore the quality of natural resources within the context of the City 's urban environment." Consistent therewith, policy NR-1.1.6 under objective NR-1.1 is that, "[t]hrough land development regulations, ensure that development or redevelopment within the coastal zone will not adversely affect the natural environment or lead to a net loss of public access to the City 's natural resources." The Project is inconsistent with this goal and its objective and attendant policy because, as discussed above, it allows land use that adversely affects public access to the City 's natural resources.

157. Section 163.3187(2), Florida Statutes, requires that "[c]omprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2)." Section 163.3177(2), in turn, provides that "[c]oordination of the several elements of the local comprehensive plan shall be the major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan economically feasible." Rule 9J-5.005(5)(a), Florida Administrative Code, further provides that "[t]he required elements and any optional elements shall be consistent with each other." And Rule 9J-5.005(5)(b) provides that "[e]ach map depicting future conditions must reflect goals, objectives, and policies within all elements and each such map must be contained within the comprehensive plan."

Indeed, the Miami Comprehensive Plan itself states at page 13 that:

The Future Land Use Plan Map is a planning instrument designed to guide the future development and distribution of land uses within the City in a manner that is consistent with the goals, objectives and policies of the Miami Comprehensive Neighborhood Plan (MCNP)....Land development regulations and policies are to be consistent with the Future Land Use Plan Map.

Land Use Objective LU-1.6 reinforces the state law requiring comprehensive plans to be consistent with the entire plan: "Regulate the development or redevelopment of real property within the City to insure consistency with the goals, objectives and policies of the Comprehensive Plan." Policy LU-1.6.1 goes further: the "Interpretation of the Future Land Use Plan Map" section of this element, which follows these land use goals, objectives and policies, establishes the activities and facilities allowed within each land use category appearing on the Future Land Use Plan Map, and the City's land development regulations shall be consistent with this section of the Miami Comprehensive Neighborhood Plan.

158. Here, in violation of this stated purpose, the Project materially alters the use, density, and intensity of use on the Parcel in a manner inconsistent with the City Comprehensive Plan and its above-cited goals, objectives, and policies. Taken as a whole, the provisions of the City Comprehensive Plan say that the City must only approve projects that:

- Do not allow encroachment of incompatible land uses.
- Focus intense development around centers of activity.
- Preserve natural, coastal, and historic resources.
- Maximize the public's access to those resources.
- Maintain public access to coastal land.
- Enhance the appearance of Miami's coastal zone.
- Increase the public's physical and visual access to Biscayne Bay and the City's shoreline.

- Preserve the heritage of Miami and its historic resources.

The City's amendments to its Comprehensive Plan must be consistent with the Growth Management Act, which as described above requires that Florida's intergovernmental planning effort be implemented in a manner that:

- Ensures the public's right to reasonable access to beaches.
- Protects coastal resources from the effects of development.
- Implements a comprehensive system of coordinated planning to ensure the integrity and continued attractive image of the coastal area.
- Gives priority in the development of coastal areas to water dependent uses over other uses.
- Ensured that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of government and that such programs and projects are carried out in a manner which recognizes the preservation of historic resources.
- Maintains, as one of the state's primary economic assets, the environment, including clean water, beaches, and historic landmarks.

159. The Project is not consistent with the intergovernmental planning effort required by the Growth Management Act, the City's Neighborhood Comprehensive Plan, or to the extent their provisions govern the decisions of the City, the State and County's Comprehensive Plans.

160. Accordingly, the City cannot contend that its action in approving the Development Order is consistent with the City's Comprehensive Plan.

161. Plaintiffs have no adequate remedy at law, and there is an actual, practical and present need for declaratory judgment to determine the rights of the parties before large sums of money are invested implementing the Development Order.

162. Pursuant to Chapter 86, Florida Statutes, this Court has jurisdiction to declare rights or other legal relations between these parties.

163. Plaintiffs own property, live, work and devote their time, resources and energy to protecting and preserving the neighborhoods and historic properties in the vicinity of the Project. Plaintiffs request that this Court settle and afford relief from the Plaintiffs' insecurity and uncertainty with respect to their rights and status regarding the issuance of the Amendment and the Development Order contrary to the City's Comprehensive Plan.

WHEREFORE, the Plaintiffs respectfully request that the Court issue a declaration that the Development Order is inconsistent with the City's Comprehensive Plan and therefore not valid. No other legal remedy is available to the Plaintiffs in the resolution of this controversy.

COUNT II
INJUNCTIVE RELIEF
INCONSISTENCY WITH CITY COMPREHENSIVE PLAN
(AGAINST THE CITY OF MIAMI)

164. Plaintiffs readopt and re-allege paragraphs 1 through 122 as if fully set forth and incorporated herein.

165. This is a count for permanent injunctive relief to enjoin the implementation of the Development Order which is the subject of this action.

166. Unless restrained, the City will issue further development permits authorizing the development of the Project in violation of the Comprehensive Plan.

167. Immediate and irreparable injury, loss and damage will result to the Plaintiffs by this action of the City because allowing the Project to be built would directly and substantially decrease the quality of life for residents of Coconut Grove and substantially interfere with the significant historicity and character of Vizcaya and its historic gardens

168. A simple declaration that the Development Order is inconsistent with the City's Comprehensive Plan (although warranted), is not, standing alone, an adequate remedy. Section 163.3215(3), Florida Statutes. specifically provides for injunctive relief and granting such injunctive relief in this case is in the public interest.

WHEREFORE, the Plaintiffs respectfully request that the Court issue an order enjoining the City from issuing any further development permits authorizing the construction of the Project.

COUNT III
DENIAL OF DUE PROCESS OF LAW
(AGAINST THE CITY OF MIAMI)

169. Plaintiffs readopt and re-allege paragraphs 1 through 122 as if fully set forth and incorporated herein.

170. This is a count requesting that the Court find that the Plaintiffs have been denied the due process of law guaranteed to them by the constitutions of both the United States, Amend. XIV, U.S. Const, and the State of Florida, Art. I, sec. 9, Fla. Const., and that as a result of that deprivation, the Development Order rendered by the City is void.

171. The Plaintiffs have certain substantive rights under the laws of the State of Florida, including but not limited to the Growth Act, the State Comprehensive Plan, the County Comprehensive Plan, the City Comprehensive Plan, and the Zoning Code of Miami.

172. The Plaintiffs rely upon these laws and the procedural safeguards they include to ensure that Plaintiffs are not deprived of their substantive property rights without adequate notice and a meaningful opportunity to be heard by a decision maker.

173. In this case, the notice provided to the public regarding the proposed land use changes, rezoning, and major use special permit in support of the Project was not adequate. Specifically, the notice the City provided to the public (including the Plaintiffs here) contained a flawed description of the parcel of land that was being considered by the City for a land use change, rezoning, and a major use special permit in support of the Project.

174. As a result of the inadequate notice provided by the City, the Plaintiffs were not able to determine in a timely manner the exact parcel of land that would be subject to a Development Order for the Project.

175. The Plaintiffs nevertheless submitted numerous comments both in writing and orally while appearing at the public hearings the City held on the Development Order for the Project.

176. In addition to the Plaintiffs' comments, numerous experts and other witnesses opposed the Development Order for the Project, but all of these comments were overwhelmed by procedural irregularities of such magnitude that the plaintiffs did not receive a

meaningful opportunity to be heard and the legislative process here is not entitled to a presumption of correctness.

177. The procedural irregularities that took place during the course of the City's deliberations on the Project include, but are not limited to:

a. The County's Shoreline Development Review Committee reviewed the Project based upon a legal description that misrepresented and minimized the amount of Biscayne Bay shoreline that would be devoted to the Project.

b. Contrary to City Code requirements, the Miami Zoning Board considered the Project proposal before the City's Planning Advisory Board and without the benefit of input from the City's Planning Advisory Board.

c. A large number of persons were paid to attend hearings of the City Commission at which the Project proposal was considered; these people wore yellow tee shirts that created the false impression of strong support for the Project.

d. Being informed that people were being paid to create the appearance of support in violation of City ordinances, which cause Commission action to become void under such circumstances, the City Commission failed to investigate.

e. After the City Commission voted in favor of the Development Order but before the Mayor's time to veto the proposal had expired, a Commissioner requested that the Mayor veto the Development Order. The Mayor instead engaged in ex parte communications with TRG, which discussions led the Mayor to approve the Development Order and impose

conditions on the project that he independently believed would mitigate the harms caused by the Project.

f. The Development Order was signed by the Mayor on May 7, 2007 and rendered on May 10, 2007, but the City Attorney did not approve it until June 7, 2007. Upon information and belief, changes were made to the Development Order to reflect the condition negotiated by the Mayor's with TRG during ex parte conversations described above.

g. After TRG mischaracterized the land use change as a small-scale amendment only involving 6.7 acres rather than a large scale amendment including 11.4 acres, and encouraged the City Commission to enact an ordinance that amends Miami's "FLUM" in a way that did not require DCA review, the City failed to even transmit its resultant "small-scale" Amendment to the DCA as required by Florida law.

178. As a result of the City's failure to provide adequate notice of the changes it was considering, the Commission's failure to enforce the rules it has implemented to ensure the fairness of its own proceedings, and the Mayor's use of the ten days during which he could veto the Development Order to engage in ex parte communications with the developer, which led to the imposition of conditions the Mayor independently believed adequate to mitigate the harm imposed by the project, without providing the public or the Plaintiffs any notice or opportunity to comment on the new revised Development Order before putting it in place, the plaintiff's here have been denied the due process of law.

179. The City , having implemented the Development Order without providing the public or the Plaintiffs with adequate notice of the proposal or a meaningful opportunity to be heard, has deprived the plaintiffs here of substantive legal rights without the due process of law.

WHEREFORE, the Plaintiffs respectfully request that the Court enter a finding that the Plaintiffs have been denied the due process of law and that the Court reverse, set aside, quash, and vacate the Development Order.

COUNT IV
INJUNCTIVE RELIEF
PRIVATE NUISANCE
(AGAINST TRG)

180. Plaintiffs readopt and re-allege paragraphs 1 through 122 as if fully set forth and incorporated herein

181. This is a count alleging that if TRG builds the Project as proposed, it would impose a private nuisance on its neighbors in Coconut Grove.

182. If TRG were to build the Project on the Parcel, it would be using the Parcel in a manner that disrupts the unique and historic atmosphere of Vizcaya and the Coconut Grove environs surrounding it, thereby causing a substantial interference with the Plaintiffs' free use, possession, and enjoyment of their property..

183. The Plaintiffs live in those environs and have come to rely upon the protections of the Coconut Grove Neighborhood Conservation District and numerous provisions of the State, County, and City Comprehensive Plans, to preserve that unique environment and historicity of Coconut Grove.

184. If TRG were to build the Project, the disruption to Coconut Grove and Vizcaya would substantially interfere with the health, comfort, enjoyment, and property rights of the Plaintiffs, as well as the right to the free use, possession, and enjoyment of their property.

185. Plaintiffs will suffer irreparable harm under this Development Order as it allows a development that does not conform with the law and, if built, will permanently alter the unique and historic atmosphere of Vizcaya and the Coconut Grove neighborhoods surrounding it, in violation of the City 's comprehensive plan.

186. Absent an order from this Court finding that the Development Order is either void or was issued unlawfully and enjoining any development pursuant to that order, the plaintiffs will have no adequate remedy at law and TRG will be able to lawfully build the Project on the Parcel

187. The public interest will be served by prohibiting TRG from building the Project and permanently destroying the unique and historic atmosphere of Vizcaya and the Coconut Grove neighborhoods surrounding it.

188. The injury suffered by the Plaintiffs, if the Project is permitted to be built far outweighs any injury to TRG and its speculative desire to earn a profit.

WHEREFORE, The Plaintiffs respectfully request that this Court permanently enjoin TRG from building the Project.

COUNT V
INJUNCTIVE RELIEF
PUBLIC NUISANCE
(AGAINST TRG)

189. Plaintiffs readopt and re-allege paragraphs 1 through 122 as if fully set forth and incorporated herein

190. This is a count requesting that the Court find that the construction of the Project would be a public nuisance and enjoin TRG from erecting the buildings approved in the Project.

191. If TRG were to build the Project on the Parcel, it would be erecting a building that undermines public order and annoys the community by frustrating the public's reliance on Florida's Growth Management Act and the interlocking system of plans it mandates, all of which purport to protect the residents of Coconut Grove and those who appreciate the historicity of Vizcaya and upon which the Plaintiffs have relied for the purpose of protecting themselves, their property, and their neighborhoods from annoyances such as the Project.

192. If TRG were to build the Project as allowed by the Development Order, the plaintiffs, who both live in the immediate vicinity of the project and are founding members of the Vizcayans, who support, maintain, protect, and preserve the historical treasure that is Vizcaya, would suffer special and serious injury, Their injury is different in type and scope from that because the historically protected tree covered neighborhood streets of single family homes with ready access to the water in Coconut Grove, in which they live and to which they devote their time, treasure and talents, would be forever altered. Three large steel and glass buildings, isolated from the rest of the community, would by a private road with gated access, would tower

over them, intruding by their sheer bulk and height into the serene historic gardens of the Vizcaya estate. At the same time, the Project would block their views of Biscayne Bay and create excessive traffic concerns on the historically protected road running outside Vizcaya.

193. All of the special injuries suffered by the Plaintiffs will be caused solely by the defendants erecting the Project as approved by the City in violation of its own comprehensive plan.

194. Plaintiffs will suffer irreparable harm under this Development Order as it allows a development that does not conform with the law and, if built, will permanently change the nature of Coconut Grove and Vizcaya, in violation of the City's and County's comprehensive plans.

195. Unless this Court finds that the Development Order to have been issued unlawfully and enjoins any development pursuant to that order, the law would permit TRG to build the Project on the Parcel.

196. For all of the reasons described above, the public interest will be served by prohibiting TRG from building the Project.

197. The injury suffered by the Plaintiffs if the Project is built far outweigh any possible injury to TRG and its speculative desire for profits.

WHEREFORE, the Plaintiffs respectfully request that the Court issue a permanent injunction enjoining TRG from building the Project.

A REAL CONTROVERSY EXISTS REQUIRING RELIEF

198. How does the City's Development Order protect and enhance a high quality of life in Coconut Grove in compliance with Goal LU-1 and Objective LU-1.1?

199. How does the City's Development Order preserve and enhance the general appearance and character of Coconut Grove in compliance with Policy HO-1.1.5 and Policy HO-1.2.7?

200. How does the City's Development Order protect Coconut Grove from the encroachment of incompatible land uses in compliance with Policy LU-1.1.3?

201. How does the City's Development Order encourage high density development in close proximity to Metrorail and Metromoveer stations in compliance with Policy HO-2.1.4?

202. How does the City's Development Order protect the unique natural and coastal resources and its historical and cultural heritage in compliance with Objective LU-1.5?

203. How does the City's Development Order preserve and protect the heritage of the through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of a historic and architectural resource such as Vizcaya in compliance with Goal LU-2?

204. How does the City's Development Order control large scale land development which negatively impacts Coconut Grove in compliance with Policy HO-1.1.7?

205. How does the City's Development Order maintain protect and enhance the quality of life and appearance of Coconut Grove's coastal zone including the preservation of natural resources as well as the enhancement of the built environment in compliance with Goal CM-1?

206. How does the City's Development Order increase physical and visual public access to Biscayne Bay and Coconut Grove's shoreline in compliance with Objective CM-2.1?

207. How does the City's Development Order encourage development of compatible land uses in the vicinity of Coconut Grove in compliance with Policy HO-1.1.7 and Policy HO-1.2.7?

208. How does the Development Order ensure that development or redevelopment within the coastal zone will not adversely affect the natural environment or lead to a net loss of public access to Coconut Grove's natural resources. in compliance with Policy NR-1.1.6?

209. Plaintiffs seek a declaration that the specific type, nature, and extent of development that has been authorized by the Development Order and whether that Development Order is not consistent with the goals, policies, and objectives of the City's comprehensive plan..

210. Plaintiffs also seek a declaratory judgment that the process the city used in approving the Development Order denied the plaintiffs the due process of law.

211. Plaintiffs also seek a determination that building the Project as approved would be both a public and a private nuisance..

212. For the reasons set forth above, a real controversy has arisen between Plaintiffs and Defendant regarding their respective rights and duties under the Development Orders, which subject Plaintiffs to the risk of irreparable injury unless the relief sought herein is granted; and for which Plaintiffs have no adequate legal remedy.

213. If Defendant and persons acting under it proceed during the pendency of this action, irreparable injury to Plaintiffs will result in that:

- d. the Project will set a precedent allowing for more equally intensive development in close proximity to low-density, residential property in Coconut Grove and near Vizcaya and destroying a historic and architectural resource; and
- e. the character, quality, aesthetic appeal, safety, and environmental integrity of the area forever will be degraded.

214. The Court should therefore intercede while it remains equitable and just to do so, before Plaintiffs' rights to contest the approval have been irreparably injured.

215. Plaintiffs have a clear legal right to seek review as alleged in this action on whether, now or in the future, a power, privilege or right exists; no adequate remedy at law exists; irreparable harm may result if no injunction is issued.

216. Plaintiffs have no adequate remedy at law.

217. Plaintiffs have complied with all conditions precedent to their right to maintain this proceeding.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that this Court:

- f. invalidate the City's approval of the Development Order and issue both a temporary and a permanent injunction against the City's issuance of any development orders, permits, and/or other development approvals, pursuant to the Project by the owner and/or developer.
- g. enjoin Defendant TRG and all persons acting under it from using said property or making improvements thereon, for development of it in any manner ;
- h. reverse, set aside, quash and vacate the Development Order;
- i. award costs of this action to Plaintiffs; and
- j. grant Plaintiffs such other and further relief as the Court may deem just and proper.

Respectfully submitted,

SHOOK HARDY & BACON, LLP
Attorneys for the Plaintiffs
201 South Biscayne Boulevard, Suite 2400
Miami, FL 33131

Tel: (305) 358-5171

Fax: (305) 358-7470

By: _____

Stephen J. Darmody

Fla. Bar No. 469289

Darrell W. Payne

Fla. Bar No. 773300

Daniel B. Rogers

Fla. Bar No. 195634

Exhibit A

Volume 1 of the
MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN
GOALS OBJECTIVES POLICIES

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LIST OF AMENDING ORDINANCES

The Miami Comprehensive Neighborhood Plan was adopted in 1989 and substantially amended in 1991 in response to Florida Department of Community Affairs review comments. The ordinance adopting the Comprehensive Plan, including subsequent text amendments (only), are as follows:

Ordinance	Date of Adoption	Description of Ordinance
10544	February 9, 1989	Adopted the MCNP 1989-2000 with modifications that supersedes the MCNP (September 1985) and Addendum, provided support documents are not adopted with the plan.
10700	January 11, 1990	Amended the definition of the Land Use Element to refine the definitions of Residential, Office and Industrial; amended the Housing Element Objective 1.3 and Policy 1.3.4 and deleted Policy 1.3.5 pertaining to community-based residential facilities, adult congregate living facilities, family homes and family group and group homes; and corrected a scrivener's error.
10701	January 11, 1990	Amended the Drainage Sub-Element, Policy No. 2.1.3, specifying which storm sewers in the city will be designed for a 1-in-5 year event and establishing a specific LOS standard for the remainder of the storm sewers; Coastal Management Sub-Element, Policy 4.1.2, defining and designating the Coastal High-Hazard Area within the city; and adopted consistent LOS standards in both the Drainage Sub-Element and Policy No. 1.2.3 (d) of the CIP Element.
10832	January 24, 1991	Amended the MCNP Future Land Use; Interpretation of Future Land Use Maps; Housing; Sanitary and Storm Sewers; Natural Groundwater Aquifer Recharge; Potable Water; Solid Waste Collection; Transportation; Ports, Aviation & Related Facilities; Parks, Recreation & Open Space; Coastal Management; Natural Resource Conservation; and Capital Improvements and Intergovernmental Coordination elements.
10833	January 24, 1991	Amended the MCNP Future Land Use Map Plan by changing land use designations that affect approximately 5-percent of the total land area of the City.
11207	December 1, 1994	Allowed professional offices, tourist & guest homes, and museums within historic districts/structures within single family, duplex and medium density multi-family residential areas.
11242	March 27, 1995	Allowed small-scale, limited commercial uses as accessory uses within medium, density multi-family areas.
11496	May 22, 1997	Allowed professional offices, tourist & guest homes, museums, and private clubs or lodges within historic districts/structures within single family, duplex and medium density multi-family residential areas; density and intensity restricted to the structure(s).

Ordinance	Date of Adoption	Description of Ordinance
11779	March 23, 1999	Amended the MCNP Future Land Use; Housing; Sanitary and Storm Sewers; Natural Groundwater Aquifer Recharge; Potable Water; Solid Waste Collection; and Parks, Recreation & Open Space elements according to 1995 EAR-based recommendations.
11781	March 23, 1999	Amended the Interpretation of Future Land Use Map to conditionally include residential uses to the general commercial land use designation.
11782	March 23, 1999	Amended the MCNP Interpretation of the Future Land Use Map to add "Restricted Parks and Recreation" and "Marine Facilities" land use classifications.
11864	November 16, 1999	Amended the MCNP Future Land Use Element to adopt the designation of an "urban infill" area to meet State requirements regarding school siting and co-location.
11961	September 14, 2000	Amended the MCNP Future Land Use Element, Policy LU-1.1.11, to exclude Virginia Key, Watson Island, and the uninhabited islands of Biscayne Bay having a "conservation" land use and zoning classification from the Urban Infill Area.
12332	February 27, 2003	Amended the Transportation Element of the MCNP in accordance with recommendations of the 1995 Evaluation and Appraisal Report; revisions to the "Report of Sufficiency Issues with Responses by the City of Miami" in response to the Florida Department of Community Affairs; affirmation of the designation of an "urban infill" area adopted by Ordinance 11864; and in accordance with the designation of an "urban streets" category of public thoroughfares.
12333	February 27, 2003	Amended the Parks, Recreation and Open Space Element of the MCNP to include specific goals associated with a new park in Little Haiti.
12346	March 27, 2003	Amended the MCNP Interpretation of the Future Land Use Map to add a "Light Industrial" land use classification.
12442	November 25, 2003	Rescinded Ordinance Nos. 12332, 12333 and 12346; updated the Transportation Element, added policies associated with a new park in Little Haiti, and added the "Light Industrial" land use classification.
12445	November 25, 2003	Amended the Future Land Use Element of the MCNP to include the designation of "Regional Activity Centers" within the City of Miami.
12446	November 25, 2003	Amended the Future Land Use Element of the MCNP to designate the Buena Vista Regional Activity Center, and amended the Future Land Use Map to designate the Florida East Coast (FEC) Buena Vista Yard as a Regional Activity Center.

Ordinance	Date of Adoption	Description of Ordinance
12536	May 6, 2004	Amended the Intergovernmental Coordination Element of the MCNP in accordance to recommendations from the 1995 Evaluation and Appraisal Report; amended the Future Land Use Element by deleting an objective and policies related to Intergovernmental Coordination by transferring them into the Intergovernmental Coordination Element.
12635	December 4, 2004	Amended the Coastal Management, Natural Resource Conservation and Capital Improvements elements of the MCNP in accordance to recommendations from the 1995 Evaluation and Appraisal Report.
12741	November 3, 2005	Amended the Future Land Use Element of the MCNP and the Future Land Use Map to designate the Downtown Miami Master Plan an Urban Central Business District.
12786	March 23, 2006	Amends certain policies of the Future Land Use, Housing, Parks Recreation & Open Space, Coastal Management and Capital Improvements elements of the MCNP to incorporate language necessary to implement the Miami 21 project.

FUTURE LAND USE

Goal LU-1: Maintain a land use pattern that (1) protects and enhances the quality of life in the city's residential neighborhoods; (2) fosters redevelopment and revitalization of blighted or declining areas; (3) promotes and facilitates economic development and the growth of job opportunities in the city; (4) fosters the growth and development of downtown as a regional center of domestic and international commerce, culture and entertainment; (5) promotes the efficient use of land and minimizes land use conflicts; and (6) protects and conserves the city's significant natural and coastal resources.

Objective LU-1.1: Ensure that land and development regulations are consistent with fostering a high quality of life in all areas, including the timely provision of public facilities that meet or exceed the minimum level of service (LOS) standards adopted in the Capital Improvements Element (CIE) of the Miami Comprehensive Neighborhood Plan.

Policy LU-1.1.1: Development orders authorizing new development or redevelopment that results in an increase in the density or intensity of land use shall be contingent upon the availability of public facilities and services that meet or exceed the minimum LOS standards adopted in the CIE.

Policy LU-1.1.2: The City's Planning Department, with the assistance of various City departments and agencies, shall be responsible for monitoring the current and projected LOS provided by public facilities. The Planning Department shall perform the required concurrency review of proposed development for submittal to the State Department of Community Affairs (DCA), as required by Florida statutes and administrative rules

Policy LU-1.1.3: The City's zoning ordinance provides for protection of all areas of the city from: (1) the encroachment of incompatible land uses; (2) the adverse impacts of future land uses in adjacent areas that disrupt or degrade public health and safety, or natural or man-made amenities; and (3) transportation policies that divide or fragment established neighborhoods.

Policy LU-1.1.4: The City will increase its code enforcement efforts by 10% each year and continue the enforcement of performance standards with the intent of preserving and enhancing neighborhood environmental conditions.

Policy LU-1.1.5: [Reserved]

Policy LU-1.1.6: The City's street and storm sewer improvement projects will provide curb and gutter, and street landscaping, unless deemed to be physically or economically infeasible.

Policy LU-1.1.7: Land development regulations and policies will allow for the provision of adequate neighborhood shopping, recreation, day care, entertainment, and other neighborhood oriented support activities.

Policy LU-1.1.8: The City's Planning Department will be responsible for coordinating the City's land development regulations and policies with those of Miami-Dade County and adjacent municipalities.

Policy LU-1.1.9: The City will maintain low to moderate density uses in the West Flagami area of the city (as shown on Figure III.1 of Volume II – Data and Analysis of the MCNP) as necessary to protect the secondary aquifer recharge area. (See Natural Groundwater Aquifer Recharge Policy AR-1.2.1.)

Policy LU-1.1.10: The City's land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations, consistent with the Station Area Design and Development Plan for each station. (See Transportation Policy TR-1.5.2 and Housing Policy HO-1.1.9.)

Policy LU-1.1.11: The City hereby adopts designation of the City, excluding Virginia Key, Watson Island and the uninhabited islands of Biscayne Bay that have a land use and zoning classification of Conservation, as shown on "Attachment A," as an Urban Infill Area pursuant to Miami-Dade County's designation of an Urban Infill Area lying generally east of the Palmetto Expressway and including all of the City of Miami. Within this area, the concentration and intensification of development around centers of activity shall be emphasized with the goals of enhancing the livability of residential neighborhoods and the viability of commercial areas. Priority will be given to infill development on vacant parcels, adaptive reuse of underutilized land and structures, and the redevelopment of substandard sites. Maintenance of transportation levels of service within this designated Urban Infill Transportation Concurrency Exception Area shall be in accordance with the adopted Transportation Corridors level of service standards set forth in Policies TR-1.1.2 and 1.1.3 of the Transportation Element of the MCNP.

Policy LU-1.1.12: In order to encourage the development and maintenance of educational facilities in the City of Miami, the City's Land Use policies permit schools in all land use classifications except Conservation, Restricted Parks and Recreation, and Industrial. During pre-development program planning and site selection activities, the City shall coordinate with Miami-Dade Public Schools and continue to seek, where feasible and mutually acceptable, to co-locate schools with other facilities such as parks, libraries, and community centers to the extent possible.

Objective LU-1.2: Promote the redevelopment and revitalization of blighted, declining or threatened residential, commercial and industrial areas.

Policy LU-1.2.1: The City defines blighted neighborhoods as areas characterized by the prevalence of older structures with major deficiencies and deterioration, high residential vacancies, widespread abandonment of property, litter and poor

maintenance of real property. Declining neighborhoods are defined as areas characterized by the prevalence of structures having minor deficiencies, a general need for improvements in real property, significant declines in real property values, high vacancy rates in commercial structures and increasing difficulty in obtaining insurance. Neighborhoods threatened with decline are defined as areas characterized by significant but infrequent property maintenance neglect, an aging housing stock, declining property values, general exodus of traditional residents and influx of lower income households.

Policy LU-1.2.2: The City's land development policies will be consistent with affordable housing objectives and policies adopted in the Housing element of the Miami Comprehensive Neighborhood Plan.

Policy LU-1.2.3: The City's residential, commercial and industrial revitalization programs will continue to place highest priority on protecting neighborhoods threatened with declining conditions, second priority to reversing trends in declining areas, and third priority to removing blighted conditions, and the City will continue its efforts to secure federal and state aid in developing comprehensive redevelopment programs.

Policy LU-1.2.4: The City will continue to adhere to its established policies regarding Community Redevelopment Districts and will continue to implement plans for the Omni and Southeast Overtown/Park West as Community Redevelopment Districts.

Policy LU-1.2.5: The City will continue to develop information programs on the availability of redevelopment opportunities within the city.

Objective LU-1.3: The City will continue to encourage commercial, office and industrial development within existing commercial, office and industrial areas; increase the utilization and enhance the physical character and appearance of existing buildings; and concentrate new commercial and industrial activity in areas where the capacity of existing public facilities can meet or exceed the minimum standards for Level of Service (LOS) adopted in the Capital Improvement Element (CIE).

Policy LU-1.3.1: The City will continue to provide incentives for commercial redevelopment and new construction where such redevelopment will contribute to the improvement in the built environment. Such incentives may be offered through the building facade treatment program, Community Development Block Grant (CDBG) funds, and other redevelopment assistance programs.

Policy LU-1.3.2: The City will continue to encourage the expansion of existing buildings and new construction through the private sector by assisting in making available commercial loan funds for rehabilitation and small business loans and seed moneys, particularly to local minority businesses and encouraging the maximum participation, especially through public/private partnerships, of financial institutions, chambers of commerce, the Beacon Council, other business organizations, property

owners and residents of the areas. Priority areas include, but are not limited to, Edison Center, Southeast Overtown/Park West, the Garment District, Little River Industrial District, Little Haiti, and the Omni Area Redevelopment District.

Policy LU-1.3.3: [Reserved]

Policy LU-1.3.4: The City will continue to work with the Miami-Dade County School Board to ensure the expansion of educational facilities in areas that are easily accessible by public transit and facilitate the expansion of job training/job placement programs offered to youths (full time and summer terms) and low-income persons.

Policy LU-1.3.5: The City will continue to promote through land development regulations, the creation of high intensity activity centers which may be characterized by mixed-use and specialty center development.

Policy LU-1.3.6: The City will continue to encourage a diversification in the mix of industrial and commercial activities and tenants through strategic and comprehensive marketing and promotion efforts so that the local economy is buffered from national and international cycles.

Policy LU-1.3.7: The City will continue to use the City's Enterprise Zone and Tax Increment Financing district strategies to stimulate economic revitalization, and encourage employment opportunities.

Policy LU-1.3.8: The City will continue to work with appropriate State and County agencies to direct training programs and other technical assistance, to support minority and semi-skilled residents of the city.

Policy LU-1.3.9: The City will continue to concentrate Community Development efforts in small geographic areas that have special opportunities and/or potential for redevelopment such as the Little Haiti commercial district, Latin Quarter, Little River Industrial District, Southeast Overtown/Park West, the Garment District, Allapattah Industrial District and Downtown Flagler Street, consistent with implementation of small-area action plans that have the support of neighborhood residents and business owners.

Policy LU-1.3.10: The City will increase code enforcement efforts by 10% each year and consider the adoption and enforcement of performance standards appropriate to preserve and enhance the physical condition and appearance of commercial and industrial areas in the city.

Policy LU-1.3.11: The City's land use regulations will provide incentives for the inclusion of day care facilities near major employment centers.

Policy LU-1.3.12: The City's land use regulations will permit neighborhood-based health care facilities.

Policy LU-1.3.13: [Reserved]

Policy LU-1.3.14: The City will continue to enforce urban design guidelines for public and private projects.

Objective LU-1.4: Continue the growth of Downtown Miami, expand its role as a center of domestic and international commerce, further its development as a regional center for the performing arts and other cultural and entertainment activities and develop an urban residential base.

Policy LU-1.4.1: [Reserved].

Policy LU-1.4.2: The City will continue to investigate and, where appropriate, create management districts, funded by special assessments to provide extra services and special events needed to attract visitors and residents to the Flagler Street retail core, and other special retail shopping areas in downtown.

Policy LU-1.4.3: The City will continue to promote an active pedestrian sidewalk environment along the ground floor frontage of buildings on "pedestrian streets" through land development regulations.

Policy LU-1.4.4: The City will continue to support Miami-Dade County in construction of a regional performing arts center in downtown.

Policy LU-1.4.5: [Reserved]

Policy LU-1.4.6: [Reserved]

Policy LU-1.4.7: The City will continue to enforce regulations within downtown to ensure that retail signage is of high quality and consistent with the design and development objectives for downtown.

Policy LU-1.4.8: The City will continue to enforce land development regulations as necessary in order to encourage rehabilitation and sensitive, adaptive reuse of historic properties and older structures in downtown, and to exempt rehabilitation projects from Development of Regional Impact (DRI) mitigation fees.

Policy LU-1.4.9: The City will continue to promote rehabilitation and adaptive reuse of vacant and underutilized spaces and provide incentives for rehabilitation of older buildings in downtown.

Policy LU-1.4.10: The City will continue to develop modifications to existing regulations with the intent of providing greater flexibility in the design and implementation of mixed-use developments within the general downtown area and particularly along the Miami River.

Policy LU-1.4.11: The City will continue to streamline the development application for development approvals to simplify and standardize the process, while ensuring that the regulatory intent of the approvals is maintained.

Policy LU-1.4.12: The City will continue to implement the Downtown DRI development orders for downtown and Southeast Overtown/Park West, and seek approval for future increments of development in a timely manner.

Objective LU-1.5: Land development regulations will protect the city's unique natural and coastal resources, and its historic and cultural heritage.

Policy LU-1.5.1: Development orders in the city will be consistent with the goals, objectives and policies contained in the Natural Resource Conservation and Coastal Management elements of the Miami Comprehensive Neighborhood Plan.

Policy LU-1.5.2: Land use regulations and development policies will be consistent with the intent and purpose of Miami-Dade County's Waterfront Charter Amendment, Shoreline Development Review Ordinance, and the rules of the Biscayne Bay Aquatic Preserve Management Area.

Objective LU-1.6: Regulate the development or redevelopment of real property within the city to insure consistency with the goals, objectives and policies of the Comprehensive Plan.

Policy LU-1.6.1: The "Interpretation of the Future Land Use Plan Map" section of this element, which follows these land use goals, objectives and policies, establishes the activities and facilities allowed within each land use category appearing on the Future Land Use Plan Map, and the City's land development regulations shall be consistent with this section of the Miami Comprehensive Neighborhood Plan.

Policy LU-1.6.2: [Reserved]

Policy LU-1.6.3: The City's Planning Department shall review all proposals to amend the City's zoning ordinance and any other land development regulations, and shall report as to the consistency between any proposed amendment and the Miami Comprehensive Neighborhood Plan, to the Planning Advisory Board, the City's "local planning agency," which will then forward its recommendation to the City Commission for approval and adoption.

Policy LU-1.6.4: Any proposal to amend the City's zoning ordinance that has been deemed to require an amendment to the Future Land Use Plan Map by the Planning Department, shall require a concurrency review and a finding from the Planning Department that the proposed amendment will not result in a LOS that falls below the adopted minimum standards, and will not be in conflict with any element of the Miami Comprehensive Neighborhood Plan. Based on its evaluation, and on other relevant planning considerations, the Planning Department will forward a recommended action

on said amendment to the Planning Advisory Board, which will then forward its recommendation to the City Commission.

Policy LU-1.6.5: The City may continue to use special district designations as a land development regulation instrument for the purpose of accomplishing specific development objectives in particular areas of the city.

Policy LU-1.6.6: The City will continue to enforce signage regulations to ensure the quality of life in the city's neighborhoods.

Policy LU-1.6.7: [Reserved]

Policy LU-1.6.8: The City's land development regulations and policies will allow for the provision of open space in development projects in both residential and commercial areas.

Policy LU-1.6.9: The City's land development regulations will establish mechanisms to mitigate the potentially adverse impacts of future development.

Policy LU-1.6.10: The City's land development regulations and policies will allow for the provision of safe and convenient on-site traffic flow and vehicle parking.

Policy LU-1.6.11: The City's land development regulations and policies will insure that areas designated conservation are protected from development other than that which promotes its passive appreciation.

Objective LU-1.7: Encourage recreational development within designated recreation use areas, concentrating activities where the capacity of existing public facilities can serve development meeting adopted LOS standards.

Policy LU-1.7.1: The City's land development regulations will direct recreational activities to areas of the city where facilities and services are available.

Goal LU-2: Preserve and protect the heritage of the City of Miami through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of Miami's historic, architectural and archaeological resources. (See Coastal Management Goal CM-5.)

Objective LU-2.1: Maintain, update and amplify the City of Miami portion of the Miami-Dade County Historic Survey, which identifies and evaluates the city's historic, architectural and archaeological resources. (See Coastal Management Objective CM-5.1.)

Policy LU-2.1.1: The City will continue to identify potential historic districts and conduct further surveys of contributing and noncontributing buildings. (See Coastal Management Policy CM-5.1.1.)

Policy LU-2.1.2: The City will continue to develop and implement a computerized database of all relevant information for all 3,358 sites in the Miami-Dade County Historic Survey. This listing will show, in three categories, all properties of historic, architectural or archaeological significance; together with their priority ranking for presentation. (See Coastal Management Policy CM-5.1.2.)

Objective LU-2.2: Protect archaeological resources within the city from destruction and loss.

Policy LU-2.2.1: The City will pursue the designation of significant archaeological zones under the Historic Preservation Article of the City Code.

Policy LU-2.2.2: The City will continue to cooperate with the Miami-Dade County Archaeologist in monitoring building activity near sites known to be, or having a significant likelihood of being, areas of archaeological significance.

Policy LU-2.2.3: The City will require, as part of the building permit application, pursuant to State law, that the Miami-Dade County Archaeologist be notified of construction schedules in significant archaeological zones, and where potentially significant historical or archaeological artifacts are uncovered during construction, permit State and local archaeological officials the opportunity of surveying and excavating the site.

Policy LU-2.2.4: The City will consider the need for adopting an ordinance levying civil penalties for failure to report the discovery of an archaeological site during construction.

Objective LU-2.3: Encourage the preservation of all historic and architectural resources that have major significance to the city by increasing the number of nationally and locally designated sites by five percent each year for the period 1996-2001.

Policy LU-2.3.1: The City will continue to review nominations to the National Register of Historic Places through the Certified Local Government Program. (See Coastal Management Policy CM-5.1.4.)

Policy LU-2.3.2: The City had designated 67 historic sites and five historic districts pursuant to the Historic Preservation Article of the City Code. An additional 26 sites (or groups of multiple sites) and six districts have been identified as potentially worthy of designation. Of these, the City will designate 10 individual sites and two districts by 2001. (See Coastal Management Policy CM-5.1.3.)

Objective LU-2.4: Increase the number of historic structures that have been preserved, rehabilitated or restored, according to the U.S. Secretary of the Interior's Standards for Rehabilitation. (See Coastal Management Objective CM-5.2.)

Policy LU-2.4.1: The City will encourage the conservation, rehabilitation, restoration and adaptive reuse of historic and architecturally significant housing resources through low interest housing rehabilitation loans that may be offered by City agencies.

Policy LU-2.4.2: The City will continue to utilize the U.S. Secretary of the Interior's Standards for Rehabilitation as the minimum standards for preservation of historic properties. To receive public financial support from the City, designated privately owned structures must meet these standards. (See Coastal Management Policy CM-5.2.1.)

Policy LU-2.4.3: The City currently owns nine historic sites and other potential archaeological sites. If it is deemed in the public interest for the City to transfer title of City properties of historic, architectural or archaeological significance, such transfers will include restrictive covenants to ensure the protection and preservation of such properties. (See Coastal Management Policy CM-5.2.2.)

Policy LU-2.4.4: The City will continue to work with other local governments that have title to properties of major historic or architectural significance to ensure the conservation, preservation and adaptive and sensitive reuse of such properties.

Objective LU-2.5: Increase public awareness of the historical, architectural, archaeological resources and cultural heritage of the city, and public policy and programs to protect and preserve this heritage, through public information and education programs.

Policy LU-2.5.1: The City will continue to develop a series of publications relating to historic preservation in general and the city's historic resources in particular.

Policy LU-2.5.2: The City will maintain an historic marker program for designated properties and other key areas, and will publish same.

Policy LU-2.5.3: [Reserved]

Policy LU-2.5.4: The City will continue to provide information on the city's historic, architectural and cultural heritage for inclusion in public information, economic development promotion and tourism materials. (See Coastal Management Policy CM-5.1.5.)

Goal 3: Encourage urban redevelopment in identified Urban Infill Areas and Urban Redevelopment Areas.

Objective 3-1: Promptly review and act on petitions for land use plan amendments and rezoning of property in Urban Infill Areas or Urban Redevelopment Areas to facilitate redevelopment.

Policy LU-3.1.1: Review existing zoning regulations to determine if they provide adequate flexibility to promote redevelopment with a mix of uses in Urban Infill Areas or Urban Redevelopment Areas and, if not, revise said existing zoning regulations or adopt new zoning regulations to promote redevelopment.

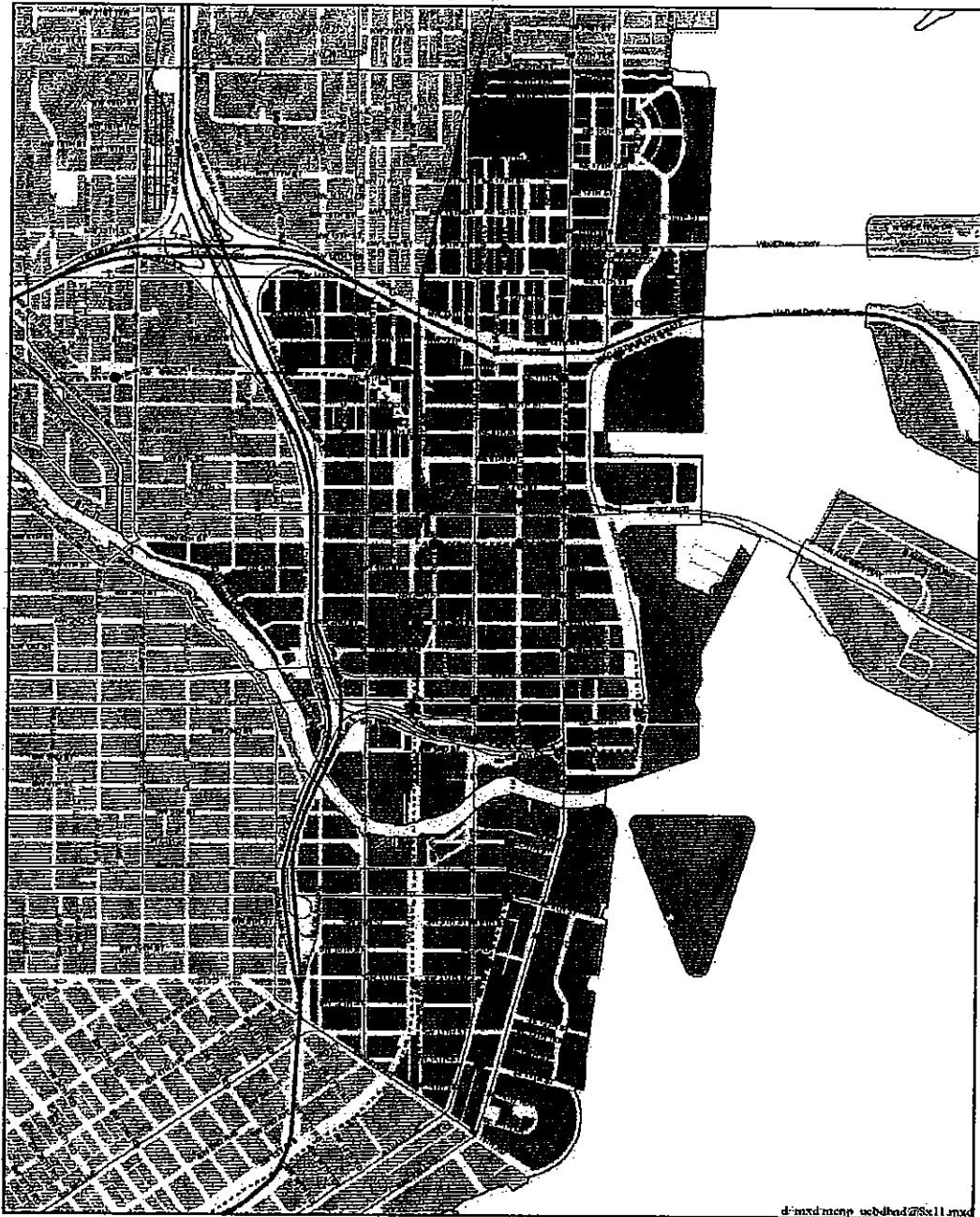
Policy LU-3.1.2: Create Regional Activity Centers if appropriate in Urban Infill Areas and Urban Redevelopment Areas to facilitate mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form. The permitted uses and density and intensity of uses within a RAC shall be governed by the underlying future land use map designations of the subject property, except as otherwise limited by the designation of the RAC in the comprehensive plan. A designated RAC shall routinely provide service to, or be regularly used by, a significant number of citizens of more than one county; contain adequate existing public facilities as defined in Rule 9J-5, F.A.C., or committed public facilities, as identified in the capital improvements element of the City's comprehensive plan; and shall be proximate and accessible to interstate or major arterial roadways.

Policy 3.1.3: Designate the Downtown Miami Master Plan area an Urban Central Business District on order to increase the Development of Regional Impact threshold for development within those portions of downtown Miami that are not already in the DRI area.

Urban Central Business District

An Urban Central Business District (UCBD) identifies the single urban core area within the City of Miami. The UCBD shall be consistent with the Comprehensive Plan and Future Land Use Map, shall contain mass transit service as defined in Chapter 9J-5, F.A.C., and shall contain high intensity, high density multi-use development to include: retail; professional and

URBAN CENTRAL BUSINESS DISTRICT MAP



governmental office uses; cultural, recreational and entertainment facilities; high density residential; hotels and motels; and appropriate industrial activities.

In accordance with Chapter 28-24.014(10)(a), F.A.C., the guidelines and standards of development, a designated Urban Central Business District within the City of Miami shall:

1. Increase the threshold for residential, hotel, motel, office, or retail development by fifty-percent (50%);
2. Increase the threshold for applicable multi-use guidelines and standards by one-hundred percent (100%), provided that one land use of the multi-use development is residential and the residential development amounts to not less than thirty-five percent (35%) of the City of Miami's applicable residential threshold; and
3. Increase the threshold for resort or convention hotel development by one hundred-fifty percent (150%).

The following area has been designated an Urban Central Business District (UCBD) on the City of Miami Future Land Use Map (FLUM):

The Downtown Miami Master Plan

The Downtown Miami Master Plan was adopted by the Miami City Commission by Resolution Number 89-990 on October 26, 1989. The Downtown Miami Master Plan contains approximately 1,354 acres and is bounded on the north by: Northwest 20th Street on the north; Biscayne Bay, including Brickell Key (Claughton Island), on the east; Southwest 15th Road on the south; and Interstate 95, the Miami River, Northwest 5th Street, Interstate 395 and the Florida East Coast Railroad right-of-way on the west (see the Future Land Use Map for exact boundaries).

Permitted Uses:

Permitted uses within the Urban Central Business District shall be those of the underlying land use classification within the current Downtown Miami Master Plan, which includes: Central Business District; Major Institutional Public Facilities, Transportation & Utilities; Office; Restricted Commercial; General Commercial; Industrial; Recreation; High-Density Multifamily Residential; and Medium-Density Multifamily Residential (see descriptions in Interpretation of the Future Land Use Map).

The following minimum and maximum development thresholds shall apply:

The following numerical guidelines and standards shall be applied within the City of Miami's Urban Central Business District according to Chapter 28-24.014(11), F.S.:

1. A development that is at or below eighty-percent (80%) of all numerical thresholds shall not be required to undergo development-of-regional-impact review.

2. A development that is between eighty-percent (80%) and one-hundred (100%) percent of a numerical threshold shall be presumed to not require development of regional impact review.
3. A development that is at one-hundred percent (100%) or between one-hundred percent (100%) and one-hundred twenty percent (120%) of a numerical threshold shall be presumed to require development-of-regional-impact review.
4. A development that is at or above one-hundred twenty percent (120%) of any numerical threshold shall be required to undergo development-of-regional-impact review.

Regional Activity Centers

Regional Activity Center (RAC). A Regional Activity Center designation is intended to encourage and promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities.

In accordance with Chapter 28-24.014(10)(b)2, F.A.C., a Regional Activity Center in the City of Miami shall be a compact, high intensity, high density multi-use area designated as appropriate for intensive growth as an urban infill or urban redevelopment area by the City and may include: residential use; commercial; office; cultural and community facilities; recreational and entertainment facilities; hotels or motels; transportation facilities; utilities; and appropriate industrial activities. The major purposes of this designation are to facilitate mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form.

For an area to qualify as a Regional Activity Center, the following criteria must be met:

1. The type of land uses permitted within each Regional Activity Center and the density of residential uses shall be specified herein and within the City of Miami Land Use Plan.
2. Regional Activity Centers shall include mixed land uses of regional significance.
3. Regional Activity Centers shall consist of active pedestrian environments through high quality design of public spaces and buildings that create an appropriate human scale at street level and provide for connectivity of places through the creation of a system of pedestrian linkages.
4. Each Regional Activity Center shall be a defined geographical area of no less than 20 acres and shall be delineated on the City of Miami Future Land Use Plan Map.
5. Regional Activity Centers shall be proximate and accessible to interstate or major arterial roadways.

The following area has been designated Regional Activity Center within the City of Miami Land Use Plan:

Buena Vista Yards Regional Activity Center

The Buena Vista Yards Regional Activity Center is designated to be a Chapter 380 Regional Activity Center and, subject to amendment of the Strategic Regional Policy Plan for South Florida by the South Florida Regional Planning Council, as a regional development district (a geographic area specifically designated as highly suitable for increased threshold intensity) for the purpose of increasing DRI thresholds.

General Location:

South of Northeast 36th Street, North of Northeast 29th Street, East of North Miami Avenue and West of the Florida East Coast Railroad (FEC) right-of-way; excluding certain properties located along Northeast 29th Street. (See Future Land Use Map for exact boundaries).

Permitted Uses:

Permitted uses shall be as for the underlying land use classification; however, the following minimum and maximum development thresholds shall apply:

Residential: 2,000 units minimum / 4,500 units maximum

Commercial: 500,000 s.f. minimum / 1,200,000 s.f. maximum

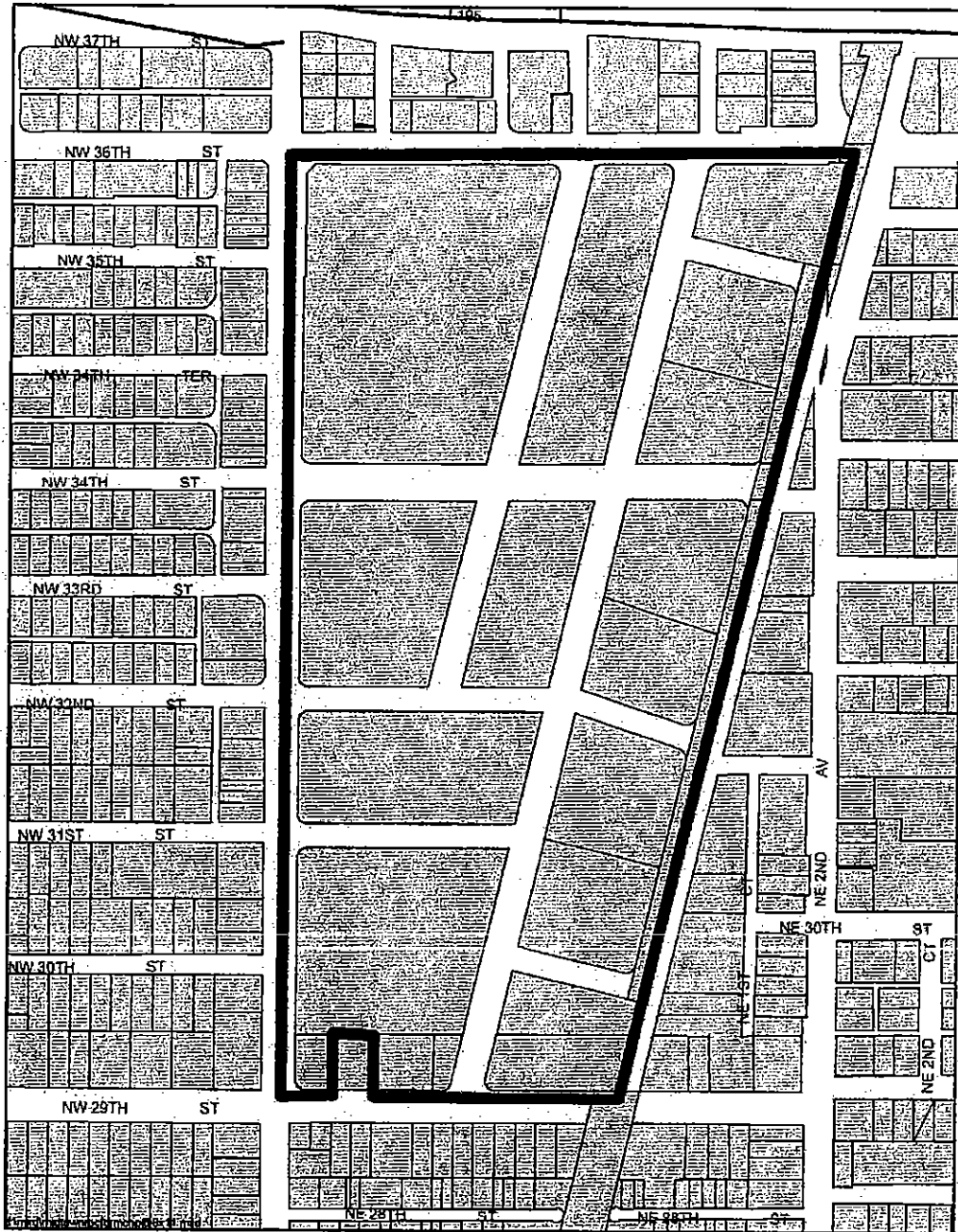
Office: 80,000 s.f. minimum / 100,000 s.f. maximum

Compatibility:

The City shall develop and implement design standards to address compatibility of development within the Buena Vista Regional Activity Center with the surrounding area, which design standards should further the following concepts:

- New streets and avenues should connect to the existing street grid.

REGIONAL ACTIVITY CENTER MAP BUENA VISTA YARDS



Sidewalks, as principal pedestrian thoroughways, should be designed to create a comfortable outdoor public space to accommodate a range of active and passive pedestrian activities.

- Buildings should have ground floor uses that activate the street and relate new development to surrounding areas.
- The context and scale of new development should be reflected in new building design, including the setting back of upper floors in order to accommodate height while maintaining human scale at the pedestrian level.

Objective 3-2: [Reserved]

Policy LU-3.2.1: [Reserved]

Policy LU-3.2.2: [Reserved]

Interpretation of the Future Land Use Plan Map

The Future Land Use Plan Map is a planning instrument designed to guide the future development and distribution of land uses within the city in a manner that is consistent with the goals, objectives and policies of the Miami Comprehensive Neighborhood Plan (MCNP).

The Future Land Use Plan Map is a generalized map that does not depict areas of less than 2 acres. The Planning Director is responsible for making all determinations of concurrency as defined in state statutes, and will also interpret the map based on all applicable state laws and administrative regulations and on the consistency between the proposed change or changes and the goals, objectives and policies expressed in the MCNP. The Planning Director will also determine whether or not proposed zoning changes require an amendment to the comprehensive plan.

Land development regulations and policies are to be consistent with the Future Land Use Plan Map. The land development regulations further define and describe all requirements applicable to zoning categories contained under each land use designation, permitting the treatment of new development according to the particular conditions existing in different areas, and always consistent with the goals, objectives and policies of the MCNP, and specifically with the Land Use Element and its Future Land Use Plan Map. The land use designations are general designations that may include more than one zoning category. All activities and uses within each designation are compatible with each other by virtue of their scale, intensity and character, or by additional conditions required by the land development regulations, more specifically by the City Zoning Ordinance, which describes special districts in order to achieve more definite goals and objectives.

The land use designations that appear in the Future Land Use Plan Map are arranged following the "pyramid concept" of cumulative inclusion, whereby subsequent categories are inclusive of those listed previously except as otherwise noted. These designations, and the uses allowed¹ in them, are defined as follows:

Conservation: This land use designation is restricted to environmentally sensitive areas that are to be left in an essentially natural state. Only activities that reinforce this character are allowed. Public access to these areas, including off-street parking, may be limited when unregulated access may present a threat to wildlife and plant life within such areas.

Restricted Parks and Recreation: The primary intent of this land use classification is to conserve the green spaces of a park while allowing access and uses which will not interfere with the preservation of any significant environmental features which may exist within the park in question.

This land use designation allows only open space and park uses with limited recreational uses up to a maximum Floor Area Ratio ("FAR") of 0.65. Such limited recreational uses shall be permissible when deemed to be an integral part of a park's character and when designed and integrated within the park in such a manner as to conserve the openness or green space of the park. Some of the recreational uses deemed to be appropriate include nature trails, interpretive centers, picnic areas, playgrounds, canoe trails and launches, small concession stands, restrooms, and other passive recreational uses whose scale and manner of operation are similar in nature to those described herein.

¹ "Allowed" or "permitted" uses are allowed by right; "permissible" or "limited" uses are candidates for inclusion, subject to an interpretation of consistency by the Planning Director and a grant of special exception by the Zoning Board.

Lands under this designation with specific qualities that make them desirable for commercial photography shall be allowed to be used in this manner conditionally, and only when it is determined that conducting such commercial photography will not endanger significant environmental features within the area. [Added 3/23/99 by Ordinance 11782.]

Recreation: This land use designation only allows public parks and recreation uses. Within parks, such recreation uses permit educational and cultural facilities such as museums, art galleries and exhibition space, and marine and marina facilities. Supporting social and entertainment services (restaurants, cafes, retailing), public health (clinics and day care centers) and public safety (police facilities) and entertainment facilities may also be permissible provided that such activities and facilities are an integral part of the parks design or of the recreational function.

Marine Facilities: This land use designation is intended to apply to waterfront properties which are primarily public properties and intended to be developed and utilized in a manner which will facilitate public access to waterfront activities. Permissible uses within this designation include marine and marina facilities, marine stadiums, waterfront specialty centers (including restaurants, cafes and retailing), recreational activities including water theme parks, cultural, educational and entertainment facilities and accessory hotel accommodations with maximum FAR limitations between the range of 0.65 to 1.72 and a maximum density of 130 hotel units per acre; the higher FAR may be approved only upon demonstration and finding that the application of the higher limitations will not adversely affect access. Permanent living facilities are not permitted within this classification. [Added 3/23/99 by Ordinance 11782.]

Single Family Residential: Areas designated as "Single Family Residential" allow single family structures of one dwelling unit each to a maximum density of 9 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements.

Supporting services such as foster homes and family day care homes for children and/or adults; and community based residential facilities² (6 clients or less, not including drug, alcohol or correctional rehabilitation facilities also will be allowed pursuant to applicable state law. Places of worship, primary and secondary schools, child day care centers and adult day care centers are permissible in suitable locations within single family residential areas.

Professional offices, tourist and guest homes, museums, and private clubs or lodges are allowed only in contributing structures within historic sites or historic districts that have been designated by the Historical and Environmental Preservation Board and are in suitable locations within single family residential areas, pursuant to applicable land development regulations and the maintenance of required levels of service for such uses. Density and intensity limitations for said uses shall be restricted to those of the contributing structure(s).

Duplex Residential: Areas designated as "Duplex Residential" allow residential structures of up to two dwelling units each to a maximum density of 18 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance

² A "Community based residential facility" provides room (with or without board), resident services, and twenty-four hour supervision. Such a facility functions as a single housekeeping unit. This category includes adult congregate living facilities, facilities for physically disabled and handicapped persons, for developmentally disabled persons, for non dangerous mentally ill persons and for dependent children, as licensed by the Florida Department of Health and Rehabilitative Services (FHRS), and juvenile and adult residential correctional facilities, including halfway houses, as licensed or approved by an authorized regulatory agency.

of required levels of service for facilities and services included in the City's adopted concurrency management requirements.

Community based residential facilities (14 clients or less, not including drug, alcohol or correctional rehabilitation facilities) also will be allowed pursuant to applicable state law. Places of worship, primary and secondary schools, child day care centers and adult day care centers are permissible in suitable locations within duplex residential areas.

Professional offices, tourist and guest homes, museums, and private clubs or lodges are allowed only in contributing structures within historic sites or historic districts that have been designated by the Historical and Environmental Preservation Board and are in suitable locations within duplex residential areas, pursuant to applicable land development regulations and the maintenance of required levels of service for such uses. Density and intensity limitations for said uses shall be restricted to those of the contributing structure(s).

Medium Density Multifamily Residential: Areas designated as "Medium Density Multifamily Residential" allow residential structures to a maximum density of 65 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements.

Supporting services such as community-based residential facilities (14 clients or less, not including drug, alcohol or correctional rehabilitation facilities) will be allowed pursuant to applicable state law; community-based residential facilities (15-50 clients) and day care centers for children and adults may be permissible in suitable locations.

Permissible uses within medium density multifamily areas also include commercial activities that are intended to serve the retailing and personal services needs of the building or building complex, small scale limited commercial uses as accessory uses, subject to the detailed provisions of applicable land development regulations and the maintenance of required levels of service for such uses, places of worship, primary and secondary schools, and accessory post-secondary educational facilities.

Professional offices, tourist and guest homes, museums, and private clubs or lodges are allowed only in contributing structures within historic sites or historic districts that have been designated by the Historical and Environmental Preservation Board and are in suitable locations within medium density multifamily residential areas, pursuant to applicable land development regulations and the maintenance of required levels of service for such uses. Density and intensity limitations for said uses shall be restricted to those of the contributing structure(s).

High Density Multifamily Residential: Areas designated as "High Density Multifamily Residential" allow residential structures to a maximum density of 150 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements. Higher densities may be allowed as shown for these specially-designated areas:

Little Havana Target Area	200 units per acre
Southeast Overtown/Park West	300 units per acre
Brickell, Omni, and River Quadrant	500 units per acre

Supporting services such as offices and commercial services and other accessory activities that are clearly incidental to principal uses are permitted; community-based residential facilities (14 clients or less, not including drug, alcohol or correctional rehabilitation facilities) will be allowed pursuant to applicable state law; community-based residential facilities (15+ clients), places of worship, primary and secondary schools, and day care centers for children and adults may be permissible in suitable locations.

Office: Areas designated as "Office" allow residential uses to a maximum density equivalent to "High Density Multifamily Residential" subject to the same limiting conditions; transitory residential facilities such as hotels and motels; general office use; clinics and laboratories; and limited commercial activities incidental to principal activities in designated areas. Supporting facilities such as auditoriums, libraries, convention facilities, places of worship, and primary and secondary schools may be allowed with the "Office" designation.

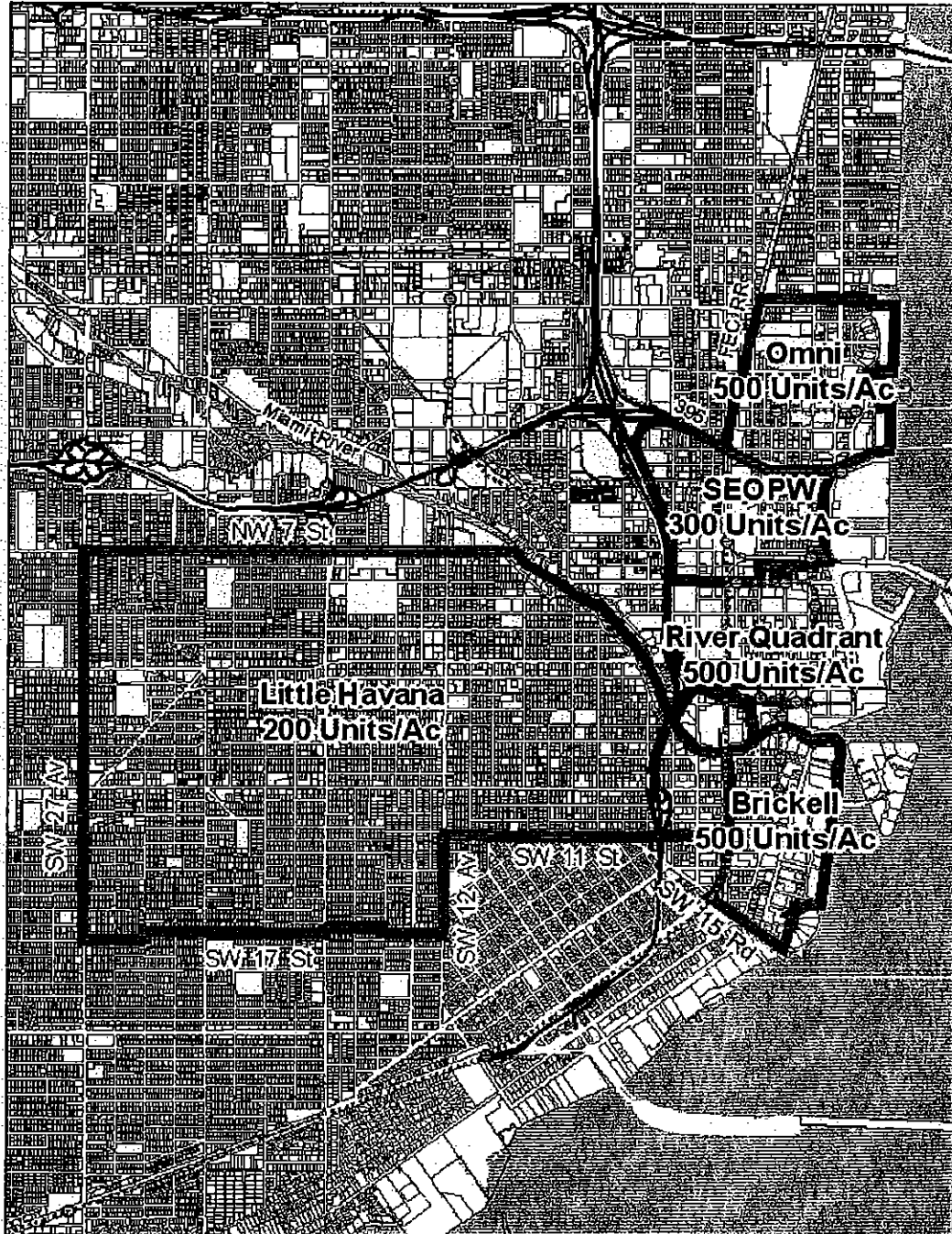
Major Institutional, Public Facilities, Transportation and Utilities: Areas designated as "Major Institutional, Public Facilities, Transportation and Utilities" allow facilities for federal, state and local government activities, major public or private health, recreational, cultural, religious or educational activities, and major transportation facilities and public utilities. Residential facilities ancillary to these uses are allowed to a maximum density equivalent to "High Density Multifamily Residential" subject to the same limiting conditions.

Restricted Commercial: Areas designated as "Restricted Commercial" allow residential uses (excepting rescue missions) to a maximum density equivalent to "High Density Multifamily Residential" subject to the same limiting conditions; any activity included in the "Office" designation as well as commercial activities that generally serve the daily retailing and service needs of the public, typically requiring easy access by personal auto, and often located along arterial or collector roadways, which include: general retailing, personal and professional services, real estate, banking and other financial services, restaurants, saloons and cafes, general entertainment facilities, private clubs and recreation facilities, major sports and exhibition or entertainment facilities and other commercial activities whose scale and land use impacts are similar in nature to those uses described above, places of worship, and primary and secondary schools. This category also includes commercial marinas and living quarters on vessels as permissible.

Central Business District (CBD): The area designated as "Central Business District (CBD)" is intended to apply to the central commercial, financial and office core of the metropolitan region, and allows all activities included in the "Office," "Restricted Commercial," and "Major Institutional, Public Facilities, Transportation and Utilities" designations. Residential facilities (except for rescue missions) alone or in combination with other uses are allowable to a maximum density of 1,000 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements.

Also permitted is a mix of uses ranging from high density multifamily residential to high intensity office uses with retail uses on the lower floors of structures. Intensity of uses within the CBD land use designation are generally higher than those allowed in other areas of the city.

Residential Density Increase Areas



General Commercial: Areas designated as "General Commercial" allow all activities included in the "Office" and the "Restricted Commercial" designations, as well as wholesaling and distribution activities that generally serve the needs of other businesses; generally require on and off loading facilities; and benefit from close proximity to industrial areas. These commercial activities include retailing of second hand items, automotive repair services; new and used vehicle sales, parking lots and garages, heavy equipment sales and service, building material sales and storage, wholesaling, warehousing, distribution and transport related services, light manufacturing and assembly and other activities whose scale of operation and land use impacts are similar to those uses described above. Multifamily residential structures of a density equal to R-3 or higher, but not to exceed a maximum of 150 units per acre, are allowed by Special Exception only, upon finding that the proposed site's proximity to other residentially zoned property makes it a logical extension or continuation of existing residential development and that adequate services and amenities exist in the adjacent area to accommodate the needs of potential residents. This category also allows commercial marinas and living quarters on vessels for transients.

Industrial: The areas designated as "Industrial" allow manufacturing, assembly and storage activities. The "Industrial" designation generally includes activities that would otherwise generate excessive amounts of noise, smoke, fumes, illumination, traffic, hazardous wastes, or negative visual impact unless properly controlled. Stockyards, rendering works, smelting and refining plants and similar activities are excluded. Residential uses are not permitted in the "Industrial" designation, except for rescue missions, and live-aboards in commercial marinas.

Light Industrial (LI): The primary intent of this land use classification is to mandate mixed use development within this land use classification, and further, to facilitate the ability of developing a mixed occupancy within a unit in which more than one type of use is provided under Live/Work or Work/Live Districts. The Light Industrial category shall be designated on the Future Land Use Plan map as either LI-LW (live/work) or LI-WL (work/live).

Areas designated as "Light Industrial" allow all activities included in the "Office" and the "Restricted Commercial" designations, as well as wholesaling and distribution activities that generally serve the needs of other businesses; generally require on and off loading facilities; and benefit from close proximity to general commercial areas. These commercial activities (beyond those permitted in the "Office" and the "Restricted Commercial" designations) include retailing of second hand items, new and used vehicle sales, parking lots and garages, wholesaling, warehousing, light manufacturing and assembly and other activities whose scale of operation and land use impacts are similar to those uses described above.

This category also allows commercial marinas and living quarters on vessels for transients. This land use category shall not permit storing, packaging, handling, processing or distribution of explosive, flammable or otherwise hazardous materials; scrap yards; wholesale trade-marts; drive-through facilities; flea markets; health clinics; and auto care service centers and related activities.

The hazard level of an activity shall be one of the determining factors as to whether that activity shall be permissible within a Light Industrial district; the detailed provisions of the applicable land development regulations shall prohibit high-level hazard activities within live/work developments.

Live/Work District: Within a live/work development, residential uses shall occupy between fifty percent (50%) and ninety-eight percent (98%) of the area of the development and commercial uses shall be developed as a secondary use; employees and walk-in trade are not usually permitted; however, may be allowed upon compliance with specified criteria as defined in the governing land development regulations; such criteria may include requirements that clients visit by appointment, and/or limitations on number of employees.

Work/Live District: Within a work/live development, commercial uses shall occupy between fifty percent (50%) and ninety-eight percent (98%) of the area of the development and residential uses shall be developed as a secondary use. Work/live space requires access according to the American Disabilities Act.

Areas designated as "Light Industrial" allow residential uses to a maximum density of 65 dwelling units per acre, and both residential and nonresidential uses to a maximum height of six stories (with "story" defined as height between 8 and 14 feet per story) and a maximum floor area ratio (FAR) of 1.72 times the gross lot area of the subject property; such FAR may be increased upon compliance with the detailed provisions of the applicable land development regulations; however, may not exceed a total FAR of 4.0 times the gross lot area of the subject property.

All such uses and mixes of uses shall be subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements. The Light Industrial category is not intended to be subject to the restrictions and limitations of home occupations as defined in Zoning Ordinance No. 11000 (as amended).

Correspondence Table – Zoning and Comprehensive Plan

	ZONING ORDINANCE 11000	MCNP JULY 1999
CS	CONSERVATION	CONSERVATION
	--	RESTRICTED PARKS AND RECREATION
PR	PARKS AND RECREATION	RECREATION
	--	MARINE FACILITIES
R-1	SINGLE-FAMILY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL
R-2	TWO-FAMILY RESIDENTIAL	DUPLEX RESIDENTIAL
R-3	MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL	MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
R-4	MULTI-FAMILY HIGH DENSITY RESIDENTIAL	HIGH DENSITY MULTIFAMILY RESIDENTIAL
O	OFFICE	OFFICE
G/I	GOVERNMENT AND INSTITUTIONAL	MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES
C-1	RESTRICTED COMMERCIAL	RESTRICTED COMMERCIAL
C-2	LIBERAL COMMERCIAL	GENERAL COMMERCIAL
CBD	CENTRAL BUSINESS DISTRICT	CENTRAL BUSINESS DISTRICT
I	INDUSTRIAL	INDUSTRIAL
RT	FIXED-GUIDEWAY RAPID TRANSIT DEVELOPMENT DISTRICT	--

HOUSING

Goal HO-1: Increase the supply of safe, affordable and sanitary housing for low and moderate income households and the elderly by alleviating shortages of low and moderate income housing, rehabilitating older homes, maintaining, and revitalizing residential neighborhoods.

Objective HO-1.1: Provide a local regulatory, investment, and neighborhood environment that will assist the private sector in increasing the stock of affordable housing within the city at least 10 percent by 2005.

Policy HO-1.1.1: The City defines affordable (moderate-income) housing in accordance with the current standards and regulations of the United States Department of Housing and Urban Development (HUD). The City continues to promote equal access to housing opportunities. With other governmental agencies, it enforces fair housing ordinances.

Policy HO-1.1.2: Continue and expand the City's current affordable housing programs and continue its participation in federal housing programs and the county Documentary Stamp Surtax Program.

Policy HO-1.1.3: The City will continue to develop comprehensive neighborhood redevelopment plans and programs that encourage private developers to build new, or rehabilitate old, residential structures and ensure that public investments are coordinated with private sector developments to increase the overall attractiveness of redeveloping neighborhoods.

Policy HO-1.1.4: Tax Increment Financing districts, which are designated by Miami-Dade County, as a mechanism for financing public improvements in residential areas and stimulating neighborhood revitalization, will continue to be used.

Policy HO-1.1.5: The City will continue to enforce, and where necessary strengthen those sections of the land development regulations that are intended to preserve and enhance the general appearance and character of the city's neighborhoods.

Policy HO-1.1.6: The City will continue to encourage the restoration and adaptive and sensitive reuse of historic or architecturally significant housing through the appropriate and equitable use of zoning incentives.

Policy HO-1.1.7: The City will continue to control, through restrictions in the City's land development regulations, large scale and/or intensive commercial and industrial land development which may negatively impact any residential neighborhood.

Policy HO-1.1.8: Through the land development regulations, the City will protect and enhance existing viable neighborhoods in those areas suitable for housing.

Policy HO-1.1.9: The City's land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations, consistent with the Station Area Design and Development Plan for each station. (See Land Use Policy LU-1.1.10 and Transportation Policy TR-1.5.2.)

Policy HO-1.1.10: Reserved.

Policy HO-1.1.11: [Reserved]

Objective HO-1.2: Conserve the present stock of low and moderate-income housing within the city and reduce the number of substandard units through rehabilitation, reduce the number of unsafe structures through demolition, and insure the preservation of historically significant housing through identification and designation.

Policy HO-1.2.1: The City defines low-income housing in accordance with the current standards and regulations of the United States Department of Housing and Urban Development (HUD).

Policy HO-1.2.2: The City will continue, and when necessary expand, low and moderate-income housing programs with the intent of preventing a net loss of low and moderate-income housing units within the city.

Policy HO-1.2.3: The City's housing programs will provide for low and moderate-income, low density housing in scattered site locations as an alternative to the geographic concentration of low-income housing.

Policy HO-1.2.4: The City will continue to assist non-profit, community-based organizations in the development and provision of low and moderate-income housing projects as an alternative to the public sector provision of low and moderate-income housing. This assistance will include, but not be limited to, technical assistance, marketing and financial planning assistance, and the provision of public improvements, such as street improvements, curbing, landscaping and public open spaces, proper drainage and street lighting.

Policy HO-1.2.5: The City defines substandard housing as any residential unit that lacks either complete kitchen or plumbing facilities or does not satisfy health and safety codes.

Policy HO-1.2.6: With the intent of preserving and enhancing neighborhood character, the City will utilize code enforcement to prevent the illegal conversion of single-family residences into multifamily units.

Policy HO-1.2.7: The City will continue to enforce, and where necessary, to strengthen those sections of the zoning ordinance that are intended to preserve and enhance the general appearance and character of the city's neighborhoods.

Policy HO-1.2.8: The City will increase code enforcement efforts in areas where significant concentrations of substandard units are likely to exist. Owners of substandard units will be required to make needed repairs in a timely manner and vacant or abandoned property will be required to be secured so as not to represent a public health or safety hazard.

Policy HO-1.2.9: The City will monitor conditions and if necessary formally request that Miami-Dade County maintain an acceptable quality of public housing within the city.

Policy HO-1.2.10: The City will, through its building code enforcement, demolish all structures determined to be structurally unsafe.

Policy HO-1.2.11: Historically significant housing in the city will be identified and subjected to the Heritage Conservation Article of the City's Code and zoning ordinance.

Objective HO-1.3: Facilitate the private and public sector provision of housing in non-isolated residential areas for community-based residential facilities and foster care facilities (including those funded by the Florida Department of Health and Rehabilitative Services).

Policy HO-1.3.1: The City will permit the operation of group homes, foster care facilities and Adult Congregate Living Facilities (ACLFs), subject to restrictions reflected in the City zoning ordinance, in all residential areas at the residential densities for which those areas are zoned.

Policy HO-1.3.2: The City's land development regulations will be reviewed and amended where warranted, to prevent concentrations of group homes, foster care facilities, and Adult Congregate Living Facilities (ACLFs) in any area of the city.

Policy HO-1.3.3: [Reserved]

Policy HO-1.3.4: [Reserved]

Objective HO-1.4: The City will continue to participate in a regional effort to provide adequate shelter for the homeless.

Policy HO-1.4.1: The City, along with Miami-Dade County, Broward County, the major municipalities of the region, the South Florida Regional Planning Council, and the State Department of Health and Rehabilitative Services will participate in the development of a coordinated plan to address the problem of homelessness in South Florida.

Policy HO-1.4.2: [Reserved]

Policy HO-1.4.3: The City will assist in providing, when necessary, temporary emergency shelter facilities to serve homeless families and children.

Policy HO-1.4.4: The City's land development regulations will permit temporary crisis intervention facilities and short-term transitional facilities (aimed at assisting the homeless to become self-supporting members of society) to be located proximate to areas where social assistance and economic opportunities are available.

Policy HO-1.4.5: The City will continue and expand its efforts to acquire and administer federal and state financial aid for homeless assistance.

Policy HO-1.4.6: The City will provide regulations for, and permit the siting of, homeless shelters within its land development regulations and take appropriate measures to prevent a net loss of shelter capacity.

Objective HO-1.5: Provide for assistance to displaced occupants where public redevelopment programs require relocation.

Policy HO-1.5.1: The City's housing program will continue to provide for assistance to occupants displaced by public redevelopment projects so that suitable relocation housing in proximity to employment and necessary public services is available prior to the demolition or replacement of existing housing serving low-and moderate-income occupants.

Objective HO-1.6: [Reserved]

Policy HO-1.6.1: [Reserved]

Goal HO-2: *Achieve a livable city center with a variety of urban housing types for persons of all income levels.*

Objective HO-2.1: Achieve a livable downtown with a variety of urban housing types for persons of all income levels.

Policy HO-2.1.1: Through the land development regulations, the City will continue to protect and enhance existing neighborhoods in downtown.

Policy HO-2.1.2: The City will continue to revise residential zoning district regulations to provide greater flexibility for the design and development of a variety of contemporary housing types and mixed-use development with the application of new higher density zoning.

Policy HO-2.1.3: The City will continue to assure that necessary support services, institutions and amenities are available to existing neighborhoods.

Policy HO-2.1.4: The City will continue to promote development of new, high quality, dense urban neighborhoods along the Miami River, in Central Brickell and in Southeast Overtown/Park West.

Policy HO-2.1.5: The City will continue to encourage adaptive reuse of commercial space for residential use by working to eliminate unnecessary residential requirements in the zoning ordinance that inhibit reasonable adaptive reuse.

Policy HO-2.1.6: The City will continue to target available governmental housing assistance programs and funds to assist with development of affordable housing in existing viable neighborhoods and publicly designated redevelopment districts.

Policy HO-2.1.7: Working together with private developers, the City will continue to apply for Urban Development Action Grants (UDAG's), and Housing Development Action Grants (HoDAG's) in the Southeast Overtown/Park West, Lummus Park, River Quadrant and West Brickell areas, where housing can be developed as a part of mixed-use projects.

Policy HO-2.1.8: Through changes in the City's land development regulations, the City will continue to expand the areas in which new commercial development may receive incentives for Housing Trust Fund contributions.

Policy HO-2.1.9: [Reserved]

SANITARY AND STORM SEWERS

Goal SS-1: Ensure a clean, healthy urban environment through the proper maintenance, timely provision and efficient operation of a centralized wastewater treatment and ancillary sewerage system.

Objective SS-1.1: All residences and businesses within the city that have been approved are served by sanitary sewers, and the City will continue to replace and repair aging segments of the system as required, and will coordinate with Miami-Dade County on the extension of, or increase in the capacity of, treatment facilities to meet future needs.

Policy SS-1.1.1: The City will continue to implement existing plans to extend the sewerage system to all approved areas of the city.

Policy SS-1.1.2: The City will complete those sanitary sewer projects described in the City's Capital Improvement Program as scheduled.

Policy SS-1.1.3: The City will monitor progress on all sanitary sewer related capital improvement projects on an annual basis as part of its capital improvement implementation procedures.

Policy SS-1.1.4: Although the City has no authority with respect to Miami-Dade County's wastewater treatment programs, the City shall, through its Intergovernmental Coordination Policies, continue to support, and cooperate with, Miami-Dade County Water and Sewer Authority (WASA) Department actions to expand the capacities of its wastewater treatment facilities as expressed in that Department's 201 Plan.

Objective SS-1.2: Ensure that the practice of wastewater management is consistent with the protection and preservation of natural resources.

Policy SS-1.2.1: Although the City has no authority with respect to Miami-Dade County's wastewater treatment programs, the City shall, through its Intergovernmental Coordination Policies, support and encourage Miami-Dade County WASA Department to continue to adhere to its current policies of: no discharge of wastewater to surface fresh waters; advanced waste treatment at all "package" treatment plants that are granted variances from "no discharge" requirements; secondary treatment prior to discharge from ocean outfalls; secondary treatment, proven design, local operating experience and compliance with all regulatory agency requirements prior to discharge from injection wells; and secondary or higher levels of treatment, as required by regulations, prior to discharge to shallow groundwater to ensure no negative impact on the ability of the receiving waters to meet Federal Drinking Water Standards.

Policy SS-1.2.2: In the design and construction of new sewers, and in the repair and replacement of old sewers, the City will use appropriate design and construction

techniques to eliminate infiltration of storm waters into the sanitary sewer system, or the overflow of wastewater into the storm sewer system.

Policy SS-1.2.3: The City will use its authority under local codes and ordinances to cooperate with Miami-Dade County DERM to identify and eliminate any sites where there may be illegal connections of sanitary sewers to the storm sewer system.

Policy SS-1.2.4: The City will, through its Intergovernmental Coordination Policies, negotiate with Miami-Dade County WASA Department to seek cooperative agreements to ensure that the operation of the Central District wastewater treatment facility on Virginia Key does not degrade the natural environment or limit the public's access to recreational opportunities on the island.

Objective SS-1.3: The City's land development regulations will ensure that approval of development or redevelopment will not occur until there exists adequate wastewater transmission capacity to serve that development.

Policy SS-1.3.1: The level of service standard to determine adequate transmission capacity is 100 gallons per capita per day (GPCD).

Policy SS-1.3.2: All improvements for replacement, expansion or increase in capacity of the sanitary sewer transmission network shall be compatible with the level of service standard adopted in Policy 1.3.1.

Policy SS-1.3.3: Since the sanitary sewer network is an interconnected, county-wide system, the departments of Public Works and Planning will cooperate with Miami-Dade County WASA Department to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity.

Policy SS-1.3.4: The City will enforce its policy that requires City permits for any development or redevelopment occurring outside of the City's boundaries which by gravity connects to the City's sewer transmission network.

Objective SS-1.4: The City of Miami's sanitary sewer collection system is a valuable and costly element of the urban infrastructure, and its use is to be maximized in the most efficient manner.

Policy SS-1.4.1: The City of Miami will use its land development regulations to ensure that development and redevelopment is consistent with the capacity of the sanitary sewer collection system. (See Sanitary and Storm Sewers Policy SS-2.5.1.)

Goal SS-2: Provide adequate stormwater drainage to reasonably protect against flooding in areas of intensive use and occupation, while preventing degradation of quality in receiving waters.

Objective SS-2.1: In accordance with the 1986 Storm Drainage Master Plan and subsequent updates, the City will address the most critical drainage problems. The City's goals for retrofitting subcatchment areas within the city will meet or exceed the 5-year frequency, 24-hour duration standard while utilizing water quality design criteria. The City will confer with local agencies, namely the Miami-Dade County Department of Environmental Resources Management (DERM) when retrofitting City projects to incorporate design criteria and best management practices (BMPs).

Policy SS-2.1.1: The City will adhere to its 1986 Storm Drainage Master Plan and subsequent updates as the long-range policy guideline for improving its storm drainage management system, and will periodically update the estimated cost of implementing that plan. The City will rank the projects specified in that plan, with priority given to addressing the most critical problem areas within the city, and implement those projects supported by a financing plan according to the provisions of Chapter 18, Article VIII of the City Code, entitled "Storm Water Utility System."

Policy SS-2.1.2: The City will continue to monitor progress on all storm sewer related capital improvement projects on an annual basis as part of its capital improvement implementation procedures.

Policy SS-2.1.3: Issuance of any development permit shall require compliance with a drainage level of service standard of a one-in-five-year storm event while incorporating water quality considerations.

Objective SS-2.2: The practice of stormwater management within the city will be designed to reduce pollutant-loading rates to surface waters.

Policy SS-2.2.1: The City will retrofit the number of storm water outfalls that discharge into the Miami River and its tributaries, the Little River and directly into Biscayne Bay. If positive drainage systems to these water bodies are deemed to be the only feasible method of maintaining adequate storm drainage, then these storm sewers will be designed and constructed to retain grease and oil and minimize pollutant discharges. (See Natural Resource Conservation Policy NR-1.1.2 and Coastal Management Policy CM-1.1.2.)

Policy SS-2.2.2: In order to reduce the level of contaminants carried into Biscayne Bay via the Miami and Little rivers, the Solid Waste Department should be encouraged to increase the frequency and extent of street sweeping. (See Solid Waste Policy SW-1.3.3.)

Policy SS-2.2.3: The City will continue to seek cooperative agreements and funding support from Miami-Dade County DERM, the South Florida Water Management District, the U.S. Army Corps of Engineers, and any other appropriate state and federal agencies in order to protect the quality of its surface waters and reduce pollutant loadings into the Miami River, its tributaries, the Little River, and directly into Biscayne Bay.

Policy SS-2.2.4: The City shall require that "best management practices" shall be used in the design and construction of stormwater management systems to minimize pollutant load eventually discharged to natural drainage systems, as well as to regulate the volume and timing of storm water delivered to natural systems.

Policy SS-2.2.5: The City will continue to enforce South Florida Building Code requirements for the on-site retention of the first inch of storm water runoff. (See Natural Resource Conservation Policy NR-2.1.2.)

Policy SS-2.2.6: The City will consider the inclusion of stormwater quality control structures in any new projects for major road improvements and commercial parking areas.

Objective SS-2.3: As the City implements the storm water management improvements specified in the 1986 Storm Drainage Master Plan, it will ensure that stormwater management contributes to the conservation of ground water as a future potable water supply.

Policy SS-2.3.1: In its stormwater management practices, the City will promote infiltration of storm water to surficial or artesian aquifers to prevent further saltwater intrusion, where such infiltration is deemed to be feasible and cost efficient, and is not likely to represent an environmental hazard.

Objective SS-2.4: All areas of the city are now served by storm drainage facilities, and the City will continue to coordinate the replacement, repair, extension, and capacity increases of the system consistent with development and redevelopment needs.

Policy SS-2.4.1: Through enforcement of its Storm Water Utility System as provided in Chapter 53.5 of the City Code, the City will use its authority "to construct, reconstruct, improve, and extend stormwater utility system and to issue revenue bonds and other debts if needed to finance in whole or part the cost of such system and to establish just and equitable rates, fees, and charges for the services and facilities provided by the system."

Objective SS-2.5: The City of Miami's storm drainage system is a valuable and costly element of the urban infrastructure, and its use is to be maximized in the most efficient manner to serve this fully developed community.

Policy SS-2.5.1: The City of Miami will use its land development regulations to ensure that development and redevelopment is consistent with the capacity of the storm drainage system. (See Sanitary and Storm Sewers Policy SS-1.4.1.)

Objective SS-2.6: The City of Miami's Municipal Separate Storm Sewer System discharges to the surface waters of the United States. These discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency. The City shall meet the requirements of the Permit when operating its drainage facilities.

Policy SS-2.6.1: The City will comply with the conditions in its NPDES permit.

Policy SS-2.6.2: The operation of the City's drainage system to meet NPDES requirements shall meet the following criteria:

- Stormwater management program elements as defined in the NPDES permit shall be consistent with the Miami Comprehensive Neighborhood Plan (MCNP).
- Stormwater projects and activities shall be consistent with the current local, state and federal regulations at the time of implementation.
- Stormwater capital improvement and operation and maintenance projects shall be implementable.

NATURAL GROUNDWATER AQUIFER RECHARGE

Goal AR-1: Protect the functions of the natural groundwater aquifer recharge areas within the city.

Objective AR-1.1: Ensure that stormwater management practices contribute to conservation of groundwater as a future potable water supply.

Policy AR-1.1.1: As the City implements the projects identified in its 1986 Storm Drainage Master Plan and subsequent updates, it will promote the infiltration of storm water to surficial or artesian aquifers to prevent further saltwater intrusion, where such infiltration is deemed to be feasible, not to represent an environmental hazard, and to be cost efficient.

Policy AR-1.1.2: The City will coordinate with and support local, state and federal agencies to achieve regional aquifer recharge protection objectives, including those pertaining to the quality and quantity of groundwater resources.

Policy AR-1.1.3: The City will continue to support the South Florida Water Management District efforts to monitor the water levels at the salinity control structures within the city to prevent against further saltwater intrusion and protect the aquifer recharge areas and cones of influence of wellfields from contamination. (See Natural Resource Conservation Policy NR-2.1.3.)

Objective AR-1.2: The City will use its land use and development regulations to ensure that land uses for areas within the City of Miami deemed to be aquifer recharge areas by the South Florida Water Management District, maintain adequate recharge for the aquifer.

Policy AR-1.2.1: The City will maintain low to moderate density uses in the West Flagami area of the city (as shown on Figure III.1 of the Data and Analysis) as necessary to protect the secondary aquifer recharge area. (See Land Use Policy LU-1.1.9.)

POTABLE WATER

Goal PW-1: *Ensure that all residents and workers within the city have adequate access to safe drinking water through the efficient operation of centralized, County operated potable water treatment facilities and ancillary potable water transmission system.*

Objective PW-1.1: Land development regulations will ensure that approval of development or redevelopment will not be granted unless and until there exists adequate potable water transmission capacity to serve that development.

Policy PW-1.1.1: Since the potable water network is an interconnected, countywide system, the City departments of Public Works and Planning will cooperate with Miami-Dade County WASA Department to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists. (See Natural Resource Conservation Policy NR-2.1.4.)

Objective PW-1.2: Ensure adequate levels of safe potable water are available to meet the needs of the city. (See Natural Resource Conservation Objective NR-2.1.)

Policy PW-1.2.1: Ensure potable water supplies meet the established level of service standards for transmission capacity of 200 gallons per capita per day (GPCD). (See Natural Resource Conservation Policy NR-2.1.5 and Capital Improvements Policy CI-1.2.3.)

Policy PW-1.2.2: The City will cooperate and participate to the fullest extent possible with Miami-Dade County and other county municipalities receiving potable water from WASAD in developing an acceptable countywide water conservation plan. (See Natural Resource Conservation Policy NR-2.1.7.)

Policy PW-1.2.3: [Reserved]

Policy PW-1.2.4: [Reserved]

SOLID WASTE COLLECTION

Goal SW-1: Ensure a clean, healthy urban environment through the proper maintenance, timely provision and efficient operation of an integrated solid waste disposal and ancillary solid waste collection system.

Objective SW-1.1: The City will continue to provide solid waste collection services to city residents and businesses in a manner that ensures public health and safety, and a clean urban environment.

Policy SW-1.1.1: The City's solid waste collection services shall maintain a level of service standard of seven (7) lbs. per person per day, which is equivalent to 1.28 tons per person per year.

Policy SW-1.1.2: Commercial structures and high density residential areas will continue to be served by either the City's Solid Waste Department or by private sector providers of solid waste collection services. The City will require levels of service to be complied with by private haulers operating within the City's boundaries, and will enforce all City regulations regarding the disposal and collection of solid waste.

Policy SW-1.1.3: The City shall maintain solid waste collection equipment as required to serve the public needs according to the service standard adopted in Policy SW-1.1.1.

Policy SW-1.1.4: The City will take appropriate measures to ensure compliance with its "Garbage and Trash Ordinance," Chapter 22 of the Municipal Code.

Policy SW-1.1.5: Land development regulations will be consistent with the provision of solid waste collection services in accordance with the adopted level of service.

Policy SW-1.1.6: In the allocation of funds for the provision of solid waste services, first priority will be given to those improvements and programs that are necessary to protect the health, safety and the integrity of the environment, and meet federal, state and local legal and regulatory requirements. Second priority in the allocation of funds will be assigned to improvements that are necessary to meet existing deficiencies in capacity or service, or required to replace or repair needed equipment, while third priority will be assigned to those projects that increase the extent of services.

Policy SW-1.1.7: The City shall, through enforcement of its powers to regulate solid waste collection services, require promoters of major public events to reimburse the City for extraordinary trash and garbage collection services required as a result of such events.

Objective SW-1.2: Although the City has no authority governing solid waste transfer and disposal, it will continue to support Miami- Dade County efforts intended to

ensure that transfer stations and disposal sites are sufficient to meet the needs of city residents according to the service standards adopted in Policy 1.1.1.

Policy SW-1.2.1: The City's departments of Solid Waste and Planning, through the City's Intergovernmental Coordination Policies, shall request the Miami-Dade County Public Works Department, Division of Solid Waste to jointly develop methodologies and procedures to biannually update estimates of system demand and capacity.

Policy SW-1.2.2: The City shall support Miami-Dade County's policy to implement the County's Solid Waste Disposal and Resources Recovery Management Plan and those County projects identified in accordance with the Solid Waste Disposal Fund Bond Series A and B.

Policy SW-1.2.3: The City will continue to explore the development of resource recovery and cogeneration activities and, subject to concurrence by Miami-Dade County, consider the implementation of programs and procedures that decentralize solid waste disposal and reduce the volume of solid waste that is disposed of at County landfills.

Policy SW-1.2.4: The City will work with, and support, the County's efforts to identify generators of hazardous waste, and to develop and enforce procedures for the proper collection and disposal of hazardous waste. Its departments will support the County's program to enforce all non-household producers of hazardous waste in identifying waste and disposing of it according to EPA, State, and local standards. The City will support Miami-Dade County's development of a hazardous waste temporary storage and transfer facility in a non-populated area. In coordination with Miami-Dade County, the City will work to meet the Region's objective to reduce the incidence of improper hazardous materials and waste handling and disposal. (See Natural Resource Conservation Policy NR-1.1.8.)

Policy SW-1.2.5: The City shall, through its Intergovernmental Coordination Policies, encourage the County to utilize "amnesty days" to encourage small volume, non-commercial producers of hazardous waste to safely dispose of such waste, and to develop a permanent system for households, small business and other low volume generators to safely dispose of hazardous wastes.

Objective SW-1.3: It shall be the City's policy that solid waste collection procedures shall be conducted in a manner that will reduce the quantity of litter, trash and abandoned personal property on city streets.

Policy SW-1.3.1: The City will continue its "Clean Neighborhood" campaigns and support the County's "Keep Dade Beautiful" program through public awareness and information programs.

Policy SW-1.3.2: The City shall, through enforcement of those provisions of the City code that protect and enhance the appearance of neighborhoods, ensure that streets and yards remain clean and attractive. Where the City code falls short of the

provisions necessary to accomplish this, revisions shall be proposed to the City Commission.

Policy SW-1.3.3: The Solid Waste Department should be encouraged to increase street sweeping frequencies in order to reduce pollution to surface waters via storm water runoff and to reduce or eliminate litter in areas where significant problems may exist. (See Sanitary and Storm Sewers Policy SS-2.2.2.)

Objective SW-1.4: Although the City has no authority governing solid waste transfer and disposal, it will continue to support and cooperate with Miami-Dade County efforts to encourage the recycling of solid waste materials and reduce the volume of waste set aside for collection and disposal.

Policy SW-1.4.1: The City shall, through its publicity programs and mechanisms, encourage the use of recyclable packaging materials.

Policy SW-1.4.2: The City shall evaluate the development of reuse and/or recycling programs for used tires, waste oils and similar recyclable materials and make recommendations for applicable additions or amendment to City procedures governing the disposal of these materials.

Policy SW-1.4.3: The City shall, through its publicity programs and mechanisms, encourage residents to reduce the volume of yard and tree trimmings set aside for disposal by promoting the use of composting.

TRANSPORTATION

Goal TR-1: Maintain an effective and cost efficient traffic circulation network within the City of Miami that provides transportation for all persons and facilitates commercial activity, and which is consistent with, and furthers, neighborhood plans, supports economic development, conserves energy, and protects and enhances the natural environment.

Objective TR-1.1: All arterial and collector roadways under County and State jurisdiction that lie within the City's boundaries will operate at levels of service established by the respective agency. All other City streets will operate at levels of service that are consistent with an urban center possessing an extensive urban public transit system and characterized by compact development and moderate-to-high residential densities and land use intensities, and within a transportation concurrency exception area (TCEA). The City will monitor the levels of service of all arterial and collector roadways to continue to develop and enhance transportation strategies that promote public transit and minimize the impacts of the TCEA.

Policy TR-1.1.1: The City hereby adopts designation of the City, excluding Virginia Key, Watson Island and the uninhabited islands of Biscayne Bay that have a land use and zoning classification of Conservation, as an Urban Infill Area pursuant to Miami-Dade County's designation of an Urban Infill Area lying generally east of the Palmetto Expressway and including all of the City of Miami. Within this area, the concentration and intensification of development around centers of activity shall be emphasized with the goals of enhancing the livability of residential neighborhoods and the viability of commercial areas. Priority will be given to infill development on vacant parcels, adaptive reuse of underutilized land and structures, and the redevelopment of substandard sites. Maintenance of transportation levels of service within this designated Urban Infill Transportation Concurrency Exception Area shall be in accordance with the adopted Transportation Corridors level of service standards set forth in Policies TR-1.1.2 and TR-1.1.3 of the Transportation Element of the MCNP. (See Land Use Policy LU-1.1.11.)

Policy TR-1.1.2: The City of Miami originated and continues to utilize a person-trip methodology for measurement of local level of service (LOS) on a transportation facility, which may be a roadway, mass transit service, pedestrian way, bikeway, or any other transportation mode alone or in combination with others. This technique calculates the total person-trip capacity of all transportation modes utilizing a transportation facility against the total person-trip demand for travel on that facility, expressing the resulting ratio in letter grades LOS A through LOS F in the same manner as used by the conventional vehicles-over-capacity (V/C) methodology. The measurement of LOS is made for the peak period (the average of the two highest consecutive hours of trip volume during a weekday), and an overall minimum peak-period LOS standard E (100 percent utilization of person-trip capacity) will be maintained. Issuance of development orders for new development or significant expansion of existing development shall be contingent upon compliance with these LOS standards, subject to the modifications described in subparagraphs 1.1.2.1

through 1.1.2.3 below, and any applicable provisions of the Urban Infill Concurrency Exception Area.

1.1.2.1: Where no public mass transit exists, and private passenger vehicles are the only vehicular mode available for travel on the facility: minimum LOS E (100 percent of capacity) using 1.6 persons-per-vehicle as the practical capacity of a private passenger vehicle.

1.1.2.2: Where local bus mass transit service on minimum 20- minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 120 percent of capacity.

1.1.2.3: Where express bus transit and/or rapid rail transit service on minimum 20- minute headways is available parallel to and within ½ mile of the facility, the facility shall operate at no greater than 150 percent of capacity.

Policy TR-1.1.3: [Reserved]

Policy TR-1.1.3: Notwithstanding the foregoing, as required by s. 163.3180(10)F.S., the following standards established by rule by the Florida Department of Transportation (FDOT) are adopted by the City of Miami as its minimum LOS standards for Florida Intrastate Highway System (FIHS) roadways within the City subject to any applicable provisions governing requirements of the Urban Infill Transportation Concurrency Exception Area (see Policy TR-1.1.1):

1.1.3.1: Limited access FIHS highways shall operate at LOS D or better, except that where exclusive through lanes exist, such roadways may operate at LOS E.

1.1.3.2: Controlled access FIHS highways shall operate at LOS D or better, except that where such roadways are parallel to exclusive transit facilities or are located within a Transportation Concurrency Exception Area (TCEA), roadways may operate at LOS E.

1.1.3.3: Where FDOT has determined that a FIHS roadway is constrained or backlogged, such roadways operating below the foregoing minimums must be managed so as not to cause significant deterioration, which is defined as an average annual daily traffic increase in two-way traffic volume of 10 percent or more, or a 10 percent or greater reduction in operating speed for the peak direction in the 100th highest hour.

Policy TR-1.1.4: As part of the Evaluation and Appraisal Report (EAR) on the Miami Comprehensive Neighborhood Plan (MCNP) scheduled for completion in 2005, and the subsequent comprehensive revision by amendment of the MCNP, the Transportation Element of the MCNP will be revised to introduce the Miami Intermodal Transportation (MIT) plan, replacing the former Transportation Corridors plan. The MIT plan will identify, describe, measure, and evaluate the multimodal transportation corridors, facilities and terminals in the City of Miami and recommend measures to

enhance vehicular and mass transit operations, provide for greater pedestrian access and amenity, and offer incentives for use of alternative transportation modes. The MIT plan will pay particular attention to the differing characteristics of Miami's neighborhoods such as land use, population density, economic activity, housing and business type and quality, and neighborhood plans, and will develop detailed standards for transportation facilities and services that will complement neighborhood development, redevelopment, and conservation. Miami's downtown will be the subject of special attention, to ensure that its new residential development will enjoy the benefits of an improved multimodal transportation system as described in the Miami Downtown Transportation Master Plan. As a component of this effort, the City will evaluate the person-trip methodology and assess how the methodology could be enhanced to add projected needs and programming on a route-by-route basis in coordination with the MPO and Miami-Dade Transit.

Policy TR-1.1.5: The City, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council (TPC), and through its Intergovernmental Coordination Policies, will support the County's efforts to increase the efficiency and enhance the safety of the existing thoroughfare network by such methods as improved signal timing, better intersection and street design, car pooling, and encouraging staggered work schedules.

Policy TR-1.1.6: The City, through its Intergovernmental Coordination Policies, will annually coordinate with Miami-Dade County on expansion of its public bus transit system, including the expansion of neighborhood-based local circulator services. The City will work with Miami-Dade County, as required, in the formulation of bus system policies, and continually encourage Miami-Dade County to adopt level of service standards or land use patterns that are compatible with the operation of a public transit system.

Policy TR-1.1.7: The City shall seek, where appropriate, based on operational analysis, cost effectiveness, land development regulations, and the concurrence of Miami-Dade County or FDOT, to restore existing one-way streets to two-way operation to improve access and reduce trip length and vehicular speeds, particularly in the very high density areas of the City such as Little Havana and Downtown/Brickell/Omni, where access to existing buildings and garages will not be diminished or impeded.

Policy TR-1.1.8: Through enforcement, amendment, and interpretation of its land development regulations, the City shall require the provision of adequate vehicular parking facilities with energy efficiency lighting consistent with parking demand at locations that are not disruptive to nearby residential communities.

Policy TR-1.1.9: Require new development in downtown to implement transportation control measure provisions in accordance with Section 14-182, "Transportation Control Measures" of the City Code, to promote a general reduction in vehicular traffic by increasing auto occupancy and transit ridership. Prior to the 2005 Evaluation and Appraisal Report submittal, the City shall revise the "Transportation Control Measures" to include additional transportation demand management requirements for all future and existing developments, such as carpooling, vanpooling, transit discount programs,

and flexible work hours, based upon criteria established between the City and the business community.

Policy TR-1.1.10: Upon completion of the Evaluation and Appraisal Report (EAR) in 2005, and in conjunction with subsequent revision to the Miami Comprehensive Neighborhood Plan, the City will amend the Transportation Element of its comprehensive plan to facilitate implementation of the EAR recommendations and depict existing and planned future major parking facilities on appropriate maps.

Policy TR-1.1.11: The City will continue to relocate and/or extend streets that do not fit the developed street grid system of downtown, and have contributed to the disruption of circulation.

Policy TR-1.1.12: The City will, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its Intergovernmental Coordination Policies, encourage Miami-Dade County to improve downtown connections to the expressway system by: providing a means of access to and from I-95 at Northwest 20th Street, redesigning the existing I-395 to improve its aesthetics in the vicinity of Biscayne Boulevard and facilitate access to Northeast 1st and 2nd Avenues, and constructing a truck tunnel connecting the seaport to I-395.

Policy TR-1.1.13: New development in downtown shall be required to contribute its fair share toward the mitigation of regional roadway impacts as provided for by the Development Order implementing the downtown and Southeast Overtown/Park West Developments of Regional Impact.

Policy TR-1.1.14: The City will, through its membership on the MPO's Transportation Planning Council (TPC) continue to participate in Miami-Dade County's formulation of traffic circulation policies, and will, through its Intergovernmental Coordination Policies, support the County's efforts to increase reliance on remote intercept parking at outlying Metrorail stations and express bus stops.

Policy TR-1.1.15: Through enforcement of minimum and maximum on-site parking limitations, as provided for in Section 14-182 "Transportation Control Measures" of the City Code, the City will manage the downtown parking supply to maintain an appropriate balance among the need to promote economic growth, to facilitate local traffic circulation, and to encourage public transportation use.

Policy TR-1.1.16: Through enforcement of applicable provisions of Section 14-182 "Transportation Control Measures" of the City Code, regarding downtown parking requirements, together with the powers of the City's Off-Street Parking Authority Department, the City will actively pursue the development of public and private peripheral parking garages near the expressway and arterial entrances to downtown in order to reduce congestion in the core area. In addition, the City will continue to enforce the maximum parking provisions mandated in Section 14-182.

Policy TR-1.1.17: The City of Miami will coordinate with South Florida Commuter Services and the Florida Department of Transportation to support and encourage City employee participation in the Downtown Miami Transportation Management Initiative (TMI), established to increase the use of alternative modes of transportation by offering Downtown employers and their employee's alternatives to driving to work alone. The City will also work with the Downtown TMI to ensure consistent implementation of the City's Section 14-182 "Transportation Control Measures" and provide assistance to employers and businesses required to implement the measures. In addition, the City will utilize the Downtown TMI to establish the transportation demand management (TMD) requirements for all future and existing employers with more than 50 employees in the City. The City of Miami will lead by example in developing TMD strategies for City employees prior to the 2005 Evaluation and Appraisal Report (EAR).

Policy TR-1.1.18: The City will work with representatives of the Miami-Dade Transit Agency to increase the number of MDT bus routes operating within the City that participate in the Agency's Bike and Ride Program.

Policy TR-1.1.19: Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR), the City will amend the Transportation Element to incorporate recommendations of the Miami Downtown Transportation Master Plan, particularly those relating to the Buena Vista Yards Regional Activity Center.

Policy TR-1.1.20: Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR), the City will identify funding mechanisms for the cost of studies, plans and programs contained herein as well as targeted physical improvements to serve the residents, employees and visitors of and to the RAC.

Objective TR-1.2: At the time of all development reviews, the City will determine rights-of-way and corridors needed for existing transportation networks and ensure those rights-of-way will be designated and reserved prior to development.

Policy TR-1.2.1: The City will maintain and enforce, and where necessary revise, the minimum right-of-way requirements established in its City Code to ensure the continuity and effectiveness of the thoroughfare network.

Policy TR-1.2.2: The City will continue to maintain a comprehensive public rights-of-way improvements program for those major commercial streets that are under the City's jurisdiction and have high levels of pedestrian activity.

Objective TR-1.3: The City's transportation system will enhance safe person-trip and vehicular movements and minimize collision potential for all modes of transportation through design. Beginning January 1, 2004, the City will implement the prioritized Capital Improvements Program including sidewalk and curb replacements, and street resurfacing and reconstruction.

Policy TR-1.3.1: The City will continue to provide an adequate, properly designed and safe system for controlling vehicular traffic by adhering to adopted design standards and procedures.

Policy TR-1.3.2: The City, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its Intergovernmental Coordination Policies, will annually coordinate with Miami-Dade County to support the monitoring of locations of high accident-frequency on the city's streets and its identification of design improvements that may alleviate hazardous conditions, especially to pedestrians. The City will incorporate such improvements into the City's Capital Improvement Element.

Objective TR-1.4: The City's street network will be utilized to protect and enhance the character of the city's residential neighborhoods and neighborhood commercial centers through coordination with the Land Use Plan and adopted Neighborhood plans and recommendations. Prior to the 2005 EAR, the Transportation Element will be amended to reflect proposed measures for neighborhood protection and enhancement such as neighborhood traffic management and traffic calming plans.

Policy TR-1.4.1: The City will seek cooperative agreements, as necessary, with Miami-Dade County to ensure that the County's transportation improvements: are designed to minimize the intrusion of commuter traffic on City residential streets, do not sever or fragment well-defined neighborhoods, do not result in major disruption to pedestrian traffic, and encourage local traffic to use alternatives to the Florida Intrastate Highway System roadways, where practicable, to protect its interregional and intrastate functions.

Policy TR-1.4.2: The City will develop a streetscape design program that will guide landscaping, lighting and construction of sidewalks and bicycle paths along city streets, and such improvements will be coordinated with major repairs and renovation of city streets.

Policy TR-1.4.3: As streets undergo major repairs or renovation, the City will seek to eliminate dirt shoulders and provide curbing, gutters and sidewalks in order to improve the physical appearance and quality of the City's neighborhoods and districts.

Policy TR-1.4.4: A new category of public thoroughfares is created entitled "Urban Streets," defining the Urban Street as a pedestrian and vehicular way whose primary function is to serve adjoining residential neighborhoods and the businesses that serve them in the City of Miami. Characteristics and standards for such streets will be defined and specifications created on a case-by-case basis in cooperation with the governmental entity having ownership of the street. Principles that will guide the design process will include, as appropriate: lower design speeds and control of traffic volumes utilizing traffic calming devices including but not limited to modification of lane widths consistent with lower design speeds; wide sidewalks; medians; roundabouts; landscaping; attractive lighting; creative and informative signage; on-street parking; and other design features and amenities as appropriate. Urban Streets shall be

subject to the level of service standards described in Policies TR-1.1.2 and TR-1.1.3. The first such Urban Streets to be designated shall be:

Biscayne Boulevard
Grand Avenue
Calle Ocho from Brickell Avenue to S.W. 27 Avenue
Coral Way from Brickell Avenue to S.W. 37 Avenue
N.E. 2 Avenue from N.E. 36 Street to the North City Limit.

Additional streets may be designated from time to time by Resolution of the City Commission upon recommendation by the Planning and Zoning Department, based upon criteria developed in connection with the neighborhood planning studies conducted as part of the comprehensive update and revision of the Miami Comprehensive Neighborhood Plan in 2005. (Resolution No. 01-1126, adopted by the City Commission October 24, 2001).

Objective TR-1.5: The City of Miami's continued development requires the provision of effective public transit and paratransit services that serve existing and future land uses, the provision of safe and convenient public transit passenger transfer terminal facilities, the appropriate coordination of public transit with existing and future land uses, and the accommodation of the special needs of the City of Miami's population, many of whom are transportation disadvantaged. Therefore, the City of Miami will support Miami-Dade County, which is the sole authorized operator of public transit in Miami-Dade County, in the provision of these essential public transit services. Prior to the 2005 EAR, the City will amend the Transportation Element to include Miami-Dade Transit's updated Transportation Development Plan as it relates to the City. (See Natural Resource Conservation Policy NR-3.2.2.)

Policy TR-1.5.1: The City will, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its Intergovernmental Coordination Policies, continually encourage Miami-Dade County to facilitate exchanges between modes of transit by interconnecting transit lines at intermodal terminals.

Policy TR-1.5.2: The City shall conduct appropriate land use and zoning analysis of the areas surrounding each Metrorail station as such station sites are approved by Miami-Dade County for development in order to determine whether appropriate land use and zoning changes should be implemented that foster the development and use of the stations while protecting adjacent neighborhoods from incompatible development. Such land use and zoning changes shall include minimum and maximum density and intensity standards at the time of implementation.

Policy TR-1.5.3: The City shall use its land development regulations to assist the University of Miami/Jackson Memorial Hospital in meeting the demands of Civic Center expansion and helping solve the consequent accessibility and parking problems and, through its membership on the Board of Directors of the Civic Center Transportation Management Organization (CCTMO), shall encourage the Civic Center

facility operators to increase Metrorail ridership and utilization of the transit station to help decrease the need for excessive surface parking demand in the Civic Center.

Policy TR-1.5.4: The City will, through its Intergovernmental Coordination Policies, encourage Miami-Dade County to provide a Metrorail transit station to serve the River Quadrant area of downtown.

Policy TR-1.5.5: [Reserved].

Policy TR-1.5.6: The City of Miami will, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its Intergovernmental Coordination Policies, assist Miami-Dade County, as necessary, in the completion of the planning and construction of Metrorail Phase II by using the City's land development regulations to help direct development where it will support the densities required for urban rail transit systems.

Policy TR-1.5.7: The City shall, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its Intergovernmental Coordination Policies, request that Miami-Dade County include appropriate public transit systems in its Transportation Plan to connect the following: Bayside to Flagler Street, the seaport to Metromover, the Miami International Airport to downtown, Southeast Bayshore Drive to Metromover, Metrorail Phase II in the west Omni area to Metromover, and Miami Beach to downtown.

Policy TR-1.5.8: Prior to the submittal of the 2005 EAR, the City will amend its land development regulations and public facility improvements to ensure a stronger interface between the development or redevelopment of neighborhood activity centers and the public transportation system by establishing design guidelines for connectivity and transit infrastructure to be incorporated into the development/redevelopment.

Policy TR-1.5.9: The City will, membership and regular attendance at meetings of the MPO's Transportation Planning Council and through its through its Intergovernmental Coordination Policies, encourage Miami-Dade County to approve the use of private jitneys where it is determined that there exists public need for such services and that conventional bus transit services will not satisfactorily meet the need.

Policy TR-1.5.10: Through application of the provisions of its land development regulations, the City shall encourage residential development near large employment centers in order to minimize Commutes within the City and near the large employment centers. The City shall continue to update the land development regulations, as necessary, to ensure the regulations promote residential development near large employment centers and investigate opportunities for mixed-use developments.

Policy TR-1.5.11: Through enforcement of applicable provisions of Section 14-182 "Transportation Control Measures" of the City Code, the City will seek to require new large-scale development to adopt and enforce measures that will reduce the generation of new single-occupant passenger car trips in areas of high-density

development, and encourage the use of multiple-occupant vehicles, including public transit, for home-based work trips. The City will coordinate with the Downtown TMI and South Florida Commuter Services to provide support for transportation demand initiatives undertaken by new developments.

Policy TR-1.5.12: The City, through its Intergovernmental Coordination Policies, will support Miami-Dade County in its implementation of individual projects in order to achieve the Regional objective to increase the average daily share of transit ridership by 30 percent of total person trips. In addition, by the 2005 EAR submittal, the City will coordinate with Miami-Dade Transit to develop the appropriate data collection needs of transit ridership to ensure a baseline can be established to support the City's person-trip capacity level of service measurements and to support Miami-Dade Transit's efforts to improve transit services.

Policy TR-1.5.13: The City shall annually coordinate with Miami-Dade County and its update of the Five Year Transit Development Program (TDP) to address transit needs consistent with the adopted level of service standard and transit planning guidelines, established by Miami-Dade County.

Policy TR-1.5.14: Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR), the City will amend the Transportation Element to incorporate the updated MDT Transit Development (TDP) and its programmed improvements within the City of Miami.

Policy TR-1.5.15: Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR), the City will amend the Transportation Element to incorporate the updated Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) and its programmed improvements within the City of Miami.

Objective TR-1.6: The City shall through its Intergovernmental Coordination Policies, annually coordinate and communicate its transportation plans and its public transit planning for transportation disadvantaged people, with those of Miami-Dade County. The City will annually monitor programs sponsored by the State of Florida and seek opportunities for coordination with other local municipalities.

Policy TR-1.6.1: The City shall annually review subsequent Florida Department of Transportation (FDOT) Five-Year Transportation Plans and the Metropolitan Planning Organization's Long Range Transportation Plan Update and coordinate the City's transportation planning with these plans.

Objective TR-1.7: The City shall, through its Intergovernmental Coordination Policies, annually meet with Miami-Dade County to coordinate the protection of existing and designation of future public transit corridors within Miami, to ensure that public transit expansion and improvement may be facilitated.

Policy TR-1.7.1: The City shall use its land development regulations to ensure that adequate public rights-of-way are preserved for transportation purposes, which includes the need for mass transit services.

Objective TR-1.8: Prior to the 2005 EAR, the transportation system and the information provided in the Transportation Element shall be coordinated with the goals, objectives and policies of the Land Use element, including coordination with the land use, map, population densities, housing, employment patterns, projected development and redevelopment, urban infill, and other similar characteristics of land use that have an impact on transportation.

Policy TR-1.8.1: The City shall continue to assure provision of an adequate, properly designed and safe system for controlling vehicular accessibility to major thoroughfares through adopted design standards and procedures as contained in the City Public Works Manual as adopted for use in the review process, which at a minimum address:

1. Adequate storage and turning bays;
2. Spacing and design of median openings and curb cuts;
3. Provision of service roads along major thoroughfares, where applicable;
4. Driveway access and spacing; and
5. Traffic operations, including the provision of turning bays and laybys for bus transit.

Policy TR-1.8.2: The Transportation Element will be amended to reflect changes to the Land Use Element every five years, or as necessary, after the adoption of the 2005 EAR and include updated information based upon changes to the land use map, population densities, housing, employment patterns, projected development and redevelopment, urban infill, and other similar characteristics of land use impacting the transportation system.

Policy TR-1.8.3: The Transportation Element updates provided as part of Evaluation and Appraisal Report (EAR) will utilize a long range planning horizon of a minimum of 20 years in order to achieve the maximum consistency with the Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP).

Objective TR-1.9: The City shall seek to achieve consistency and coordination between the Port of Miami and the Miami International Airport plans and the Miami Comprehensive Neighborhood Plan.

Policy TR-1.9.1: The City, through its Intergovernmental Coordination Policies, will annually coordinate with the Port of Miami and Miami International Airport to ensure consistency between the Miami Comprehensive Neighborhood Plan and the port and airport master plans, and to improve access to and compatibility with port and airport facilities.

PORTS, AVIATION AND RELATED FACILITIES

Port of Miami

Goal PA-1: Ensure that the development and expansion of Miami-Dade County's Port of Miami is compatible with and furthers the physical development of Miami's greater downtown area.

Objective PA-1.1: The City of Miami, through its land development regulations, shall coordinate land use in areas of the city adjacent to the Port of Miami with the transportation related activity which occurs within the port to ensure compatibility and complementary land uses and activities.

Policy PA-1.1.1: The City of Miami shall, through its land development regulations, encourage facility improvement which will further both the land development, coastal management and conservation goals and objectives of the City of Miami and the port development goals of Miami-Dade County and the Port of Miami.

Policy PA-1.1.2: The City shall, through its land development regulations, ensure that an adequate amount of commercial and industrial land will be available to complement planned expansions of port activity, and will establish a "free trade zone" within adequate proximity to the Port of Miami.

Policy PA-1.1.3: Through its Intergovernmental Coordination Policies, the City of Miami will seek concurrence from Miami-Dade County to agree that all parking, roads and ancillary transportation facilities required to accommodate new terminals will be constructed within the Port of Miami.

Policy PA-1.1.4: Through its Intergovernmental Coordination Policies, the City of Miami will seek concurrence from Miami-Dade County to agree that all non-transportation related land uses, including but not limited to retail, general office, and hotel uses, will not be permitted within the Port of Miami, but instead such uses will be made available in areas adjacent to the Port.

Policy PA-1.1.5: All surface transportation improvements providing access to the Port must be compatible with the needs, goals and objectives of the City of Miami as related to the development of the greater downtown area, and such improvements will be financed with an appropriate share of County, state and federal funds.

Policy PA-1.1.6: The Port shall prepare guidelines that will serve as design criteria for the construction, renovation and landscaping of its facilities, and such guidelines must comply with all City of Miami Code requirements.

Policy PA-1.1.7: The City shall, through its land development regulations, cooperate with Miami-Dade County and its Port of Miami operation to mitigate adverse structural

and non-structural impacts from the Port of Miami upon adjacent natural resources and land uses.

Policy PA-1.1.8: The City shall, through its land development regulations, cooperate with Miami-Dade County and its Port of Miami operation to protect and conserve natural resources.

Miami International Airport

Goal PA-2: *Ensure that the development and expansion of Miami-Dade County's Miami International Airport is compatible with and furthers the physical development of the City of Miami.*

Objective PA-2.1: The City of Miami, through its land development regulations, shall coordinate land use in areas of the city adjacent to Miami International Airport with the transportation related activity which occurs within that facility to ensure compatible and complimentary land uses and activities.

Policy PA-2.1.1: The City of Miami shall, through its land development regulations, encourage facility improvement which will further both the land development, coastal management and conservation goals and objectives of the City of Miami and the development goals of Miami-Dade County and Miami International Airport.

Policy PA-2.1.2: All surface transportation improvements providing access to Miami International Airport and impacting upon transportation within the City of Miami must be compatible with the needs, goals and objectives of the City and such improvements will be financed with the appropriate share of County, state and federal funds.

Policy PA-2.1.3: The City shall, through its land development regulations, ensure that zoning within the city protects existing aviation flight paths.

Port of Miami River ¹

Goal PA-3: *The Port of Miami River, a group of privately owned and operated commercial shipping companies located at specific sites along the Miami River, shall be encouraged to continue operation as a valued and economically viable component of the city's maritime industrial base.*

Objective PA-3.1: The City of Miami, through its Land development regulations, shall help protect the Port of Miami River from encroachment by non water-dependent or water-related land uses, and shall regulate its expansion and redevelopment in coordination with the City's applicable coastal management and conservation plans and policies.

¹ The "Port of Miami River" is simply a legal name used to identify some 14 independent, privately-owned small shipping companies located along the Miami River, and is not a "Port Facility" within the usual meaning of the term. The identification of these shipping concerns as the "Port of Miami River" was made in 1986 for the sole purpose of satisfying a U.S. Coast Guard regulation governing bilge pump outs.

Policy PA-3.1.1: The City shall use its land development regulations to encourage the establishment and maintenance of water-dependent and water-related uses along the banks of the Miami River, and to discourage encroachment by incompatible uses.

Policy PA-3.1.2: The City shall, through its land development regulations, encourage the development and expansion of the Port of Miami River consistent with the coastal management and conservation elements of the City's Comprehensive Plan.

Policy PA-3.1.3: The City shall, through its land development regulations, encourage development of compatible land uses in the vicinity of the Port of Miami River so as to mitigate potential adverse impacts arising from the Port of Miami River upon adjacent natural resources and land uses.

Objective PA-3.2: The City of Miami shall coordinate the surface transportation access to the Port of Miami River with the traffic and mass transit system shown on the traffic circulation map series.

Policy PA-3.2.1: The City of Miami shall, through the Transportation Element of the Comprehensive Plan, coordinate intermodal surface and water transportation access serving the Port of Miami River.

Objective PA-3.3: The City of Miami shall coordinate its Port of Miami River planning activities with those of ports facilities providers and regulators including the U.S. Corps of Engineers, U.S. Coast Guard, and Miami-Dade County's Port of Miami.

Policy PA-3.3.1: The City of Miami, through its Intergovernmental Coordination Policies, shall support the functions of the Port of Miami River consistent with the future goals and objectives of the Comprehensive Plan, particularly with respect to the unique characteristics of the Port of Miami River's location and its economic position and functioning within the local maritime industry, and the necessity for coordination of these characteristics and needs with the maritime industry that complements, and often competes with, the Port of Miami River.

PARKS, RECREATION AND OPEN SPACE

Goal PR-1: Provide adequate opportunities for active and passive recreation to all city residents.

Objective PR-1.1: Increase public access to all identified recreation sites, facilities and open spaces including the Miami River and beaches and enhance the quality of recreational and educational opportunities for all age groups and handicapped persons within the city's neighborhoods.

Policy PR-1.1.1: The City will continue to develop detailed management plans for any neighborhoods where there is a critical shortage of access to public recreational services, with the intent of identifying measures to address current deficiencies, determining the projected cost of implementing such measures and identifying funding sources to finance their implementation.

Policy PR-1.1.2: The City will continue to improve the quality and diversity of recreational programs offered at community parks, increasing staff and hours of operation where deemed necessary and fiscally practicable, and encourage recreational staff to be certified by the Florida Recreation and Parks Association.

Policy PR-1.1.3: The City's land development regulation policies will consider the impact of future development that significantly increases residential densities on the quality and delivery of neighborhood parks and recreation services. These regulations will establish mechanisms, including, but not limited to, special development fees, that will be used to mitigate the adverse impacts of such development.

Policy PR-1.1.4: The City will increase recreational opportunities on Virginia Key through the island's redevelopment, and as provided for in the Virginia Key Master Plan.

Policy PR-1.1.5: The City will retain a majority of its land use as recreational land use on Watson Island as designated in the Watson Island Master Development Plan.

Policy PR-1.1.6: All park renovation and expansion, or new park plans will contain a provision for providing a program to ensure that in the development of new and the renovation of existing parks, the special recreation, education, and safety needs of preschool age children and the elderly within the service radius of park facilities are addressed.

Policy PR-1.1.7: The City will establish a program to coordinate actions with nonprofit providers of social services to the elderly and the youth, so as to permit such providers to utilize public park facilities for meeting the recreation and education needs of the elderly and the youth.

Policy PR-1.1.8: Features that increase access for handicapped persons will be included in the designs for all renovations, expansions, and developments of park facilities.

Policy PR-1.1.9: The City will establish a program to coordinate actions with nonprofit social service agencies to permit the development of special recreation and education programs for the handicapped to be offered by such agencies at City facilities.

Policy PR-1.1.10: In the transfer of ownership of City park facilities or public open spaces, or if the conversion of City owned park or public open space to non-recreational use occurs in areas of crucial shortages, a formal justification for such action will be prepared in order to assure that the City will take appropriate actions to ensure that, in these areas with deficiencies, no net loss of recreational opportunities to affected residents occurs as a result of such title transfers or conversions.

Policy PR-1.1.11: Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development or redevelopment to maintain public access to the coastal and Miami River shorelines. (See Coastal Management Policy CM-2.1.1.)

Policy PR-1.1.12: All City owned, waterfront property, including the Miami River shorelines, will provide for public open spaces that provide access to the shoreline

Policy PR-1.1.13: The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations. (See Coastal Management Policy CM-2.1.7.)

Policy PR-1.1.14: Interpretative displays, educational programs, wildlife observation locations, and picnic areas will be encouraged in parks and open spaces for outdoor recreation activities by 2005.

Objective PR-1.2: Increase public safety and security within the City's parks, reducing crime and accident rates by at least five percent each five years 1995-2015.

Policy PR-1.2.1: All community parks will be equipped with adequate energy efficient night lighting.

Policy PR-1.2.2: Community and neighborhood parks will increase their hours of operation and enhance their programs, whenever feasible, so as to encourage a greater public presence in the parks.

Policy PR-1.2.3: The City's Police Department will establish a program to work with neighborhood residents to create and support community crime watch groups to assist in park safety and crime prevention.

Policy PR-1.2.4: The City will establish a system of regular, uniformed police patrols and presence in and around community and neighborhood parks.

Policy PR-1.2.5: In all active parks the City will maintain an adequate number of trained staff based on professionally recognized standards, and on a regular basis will conduct safety inspections of equipment and structural facilities.

Policy PR-1.2.6: The City will disseminate information to the public on proper safety procedures that are to be followed while using park facilities.

Objective PR-1.3: Increase the efficiency of park operations, while improving the quality of recreation services and strengthening the financial support of the parks and recreation service system.

Policy PR-1.3.1: The City's operating budget and the Capital Improvements Element (CIE) will give priority to the quality of programs in, and the physical condition of, existing park facilities and to meeting existing deficiencies, before constructing new facilities for parks and recreation.

Policy PR-1.3.2: The City will establish a "parks of excellence" program for selected community parks where staff support and operations are focused on high quality programs leading to the development of nationally competitive athletes.

Policy PR-1.3.3: A projection and analysis of operational and maintenance costs associated with all park and recreation related capital projects which exceed \$50,000, with their anticipated funding sources, will be required and made publicly available prior to the decision to appropriate public funds for capital improvements.

Policy PR-1.3.4: The City will implement innovative management and maintenance alternatives designed to minimize operating and maintenance costs, while not reducing the extent and quality of programs or adversely affecting the physical condition of park facilities.

Policy PR-1.3.5: The City will implement public/private partnerships with CBO's and Merchant Associations to provide for the maintenance and enhancement of public spaces.

Policy PR-1.3.6: [Reserved]

Policy PR-1.3.7: [Reserved]

Policy PR-1.3.8: The City will establish a permanent parks advisory board that is representative of all city neighborhoods, for the purpose of increasing effectiveness in the delivery of recreation services. This board, together with staff support from the City's administration, will prepare a biannual report, which will include, but not be limited to: an analysis of physical conditions within the City's parks; a prioritized list of capital repairs and replacement needs, estimated costs of those capital projects; a critical evaluation of the City's recreation service delivery system; and an assessment of the progress made toward achieving Goal 1 of this element.

Objective PR-1.4: Ensure that future development and redevelopment pay an equitable, proportional share of the cost of public open space and recreational facilities required to maintain adopted LOS standards.

Policy PR-1.4.1: The City will continue to use developer contributions, including development impact fees, to help fund the cost of public open space and recreational facilities needed to serve new development or redevelopment.

Policy PR-1.4.2: The City will periodically revise all fees related to the impact of new development and redevelopment to reflect increases in the cost of providing public open space and recreational facilities.

Policy PR-1.4.3: The City will consider the use of special assessment districts to help fund open space and recreational facilities projects whose public benefits tend to be localized to specific geographic sub areas of the city.

Policy PR-1.4.4: The acceptable Level of Service Standards for the City of Miami with regards to Recreation and Open Space will be a minimum of 1.3 acres of public park space per 1000 residents.

Objective PR-1.5: Develop and enhance the quality of parks and open spaces within the city's downtown and other neighborhoods in a manner that addresses the needs of city residents, workers and visitors, and strengthens the city's economic development.

Policy PR-1.5.1: [Reserved]

Policy PR-1.5.2: The City will complete the renovation of Bicentennial Park and development of the FEC Tract, in accordance with the goals and recommendations given in the City's Downtown Waterfront Master Plan, by 2002.

Policy PR-1.5.3: The City will work to restore the utility of Southside Park as a downtown neighborhood center and recreational resource.

Policy PR-1.5.4: The City will redevelop Lummus Park in the Riverside District to provide an activity/program center for history, riverfront activities and recreational facilities for visitors and city residents.

Policy PR-1.5.5: Create a specialty "Fishermen's Wharf" cafe district and marine services center in the Riverside District along N.W. North River Drive on the Miami River.

Policy PR-1.5.6: As depicted in the Waterfront Master Plan and programmed in the CIE, the City will provide a continuous network of public parks and major attractions along the downtown waterfront.

Policy PR-1.5.7: As specified in the City of Miami Charter and Related Laws, and more specifically the Waterfront Charter Amendment all new development and redevelopment along the downtown waterfront is required to provide a waterfront setback, and those developments that require publicly accessible shoreline walkways, will design them in conformance with the "Baywalk/Riverwalk Design Standards." (See Coastal Management Policy CM-2.1.8.)

Policy PR-1.5.8: [Reserved]

Policy PR-1.5.8: Expand the existing Jose Marti Park to provide additional recreational opportunities for the area's residents, workers, and visitors.

Policy PR-1.5.9: [Reserved]

Policy PR-1.5.10: The City will continue to encourage development of urban street promenade linkages with widened sidewalks, high quality materials, landscaping, lighting, graphics and furnishings.

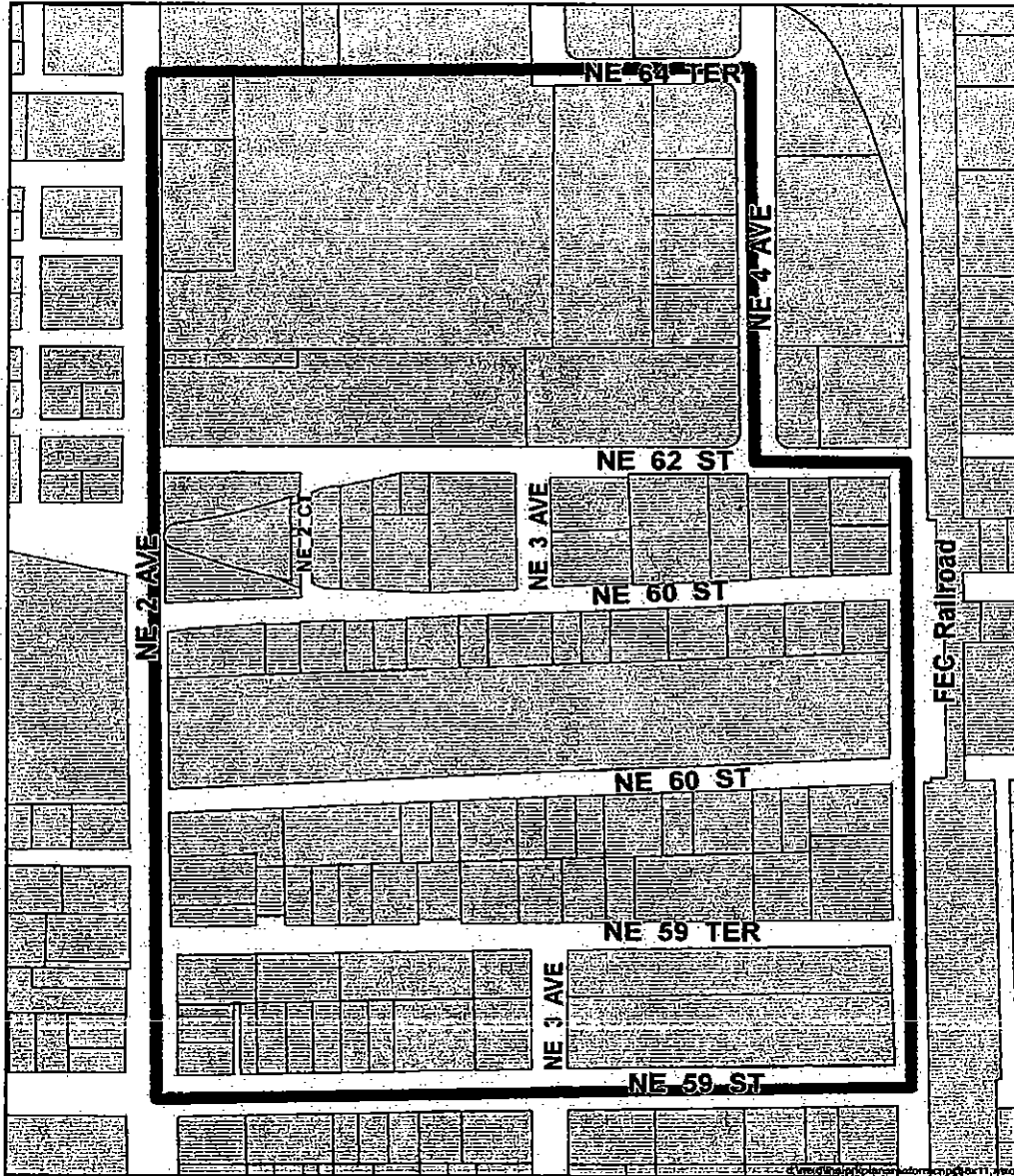
Policy PR-1.5.11: The City will continue to work toward improvement of the landscaping and pedestrian-oriented amenities along major boulevards, including Biscayne Boulevard, Brickell Avenue, and North 1 Avenue, to create distinctive images and unifying elements between downtown districts.

Policy PR-1.5.12: The City will continue to work toward enhancement of public spaces (entrances, plazas, lobbies, courtyards and atriums) and gateways into downtown through artwork. The City will use, whenever appropriate, the "Art in Public Places" allocation in public facility construction budgets as well as the assistance of the County Arts Council staff, and encourage private organizations to construct civic monuments at gateway locations.

Objective PR-1.6: Plan and implement new park districts in designed areas of the city where additional parks may be necessary to ensure sufficient active and passive recreation opportunities are made available to city residents within such designated neighborhoods.

Policy PR-1.6.1: The City will commence a planning process to determine the necessary expansion of recreation and open space needs within the Little Haiti area; more specifically, within the area depicted below; said plan shall include an implementation plan and schedule for the designation of a new park district.

Little Haiti Park Planning Area



Goal PR-2: Develop public parks and open spaces that are aesthetically appealing and enhance the character and image of the city.

Objective PR-2.1: Improve the aesthetic qualities of parks and recreation facilities and preserve unique natural landscape features of neighborhood parks.

Policy PR-2.1.1: The City will continue to preserve unique native plant communities within the City's parks, by designating public parks with significant vegetative features as Environmental Preservation Districts; and by designating them as Conservation areas on the Future Land Use Map.

Policy PR-2.1.2: The City will establish an official procedure whereby native plant species that do not require excessive watering or fertilizer, and are not especially sensitive to insect infestation will be utilized in the development or renovation of public parks.

Policy PR-2.1.3: The City will designate as scenic transportation corridors those segments of roadways that have significant vegetative features, and will encourage the development of bicycle and pedestrian paths along such corridors, where appropriate. Future land development regulations will encourage the provision of sufficient land areas for uses that are compatible with and encourage the flow of bicycle and pedestrian traffic along these corridors.

Goal PR-3: Encourage the development of high quality cultural arts facilities and programs within the city.

Objective PR-3.1: The city will continue to develop a clearly defined and functioning cultural arts district within the downtown area, and a world-class cultural performing arts facility is being built within the city and will be completed by the year 2001.

Policy PR-3.1.1: Land development regulations within downtown permit and encourage the development of a cultural arts district within downtown as specified in the City's Downtown Master Plan, and the City will continue to support development of such a district.

Policy PR-3.1.2: The City supports Miami-Dade County in construction of the new downtown Performing Arts Center, which is being built in conformity with the Downtown Master Plan, and with appropriate shares of state, county and private sector funding.

Objective PR-3.2: Promote an increase in the number of small performing arts theaters within selected residential/commercial areas of the city.

Policy PR-3.2.1: The City will encourage through land development regulations the mixed use of structures to include small capacity theaters for selected areas within the city.

Goal PR-4: *Encourage the provision of facilities for outdoor recreational activities including but not limited to boardwalk, riverwalk, and waterway trails, interpretative displays, educational programs, wildlife observation, and picnic areas.*

Objective PR-4.1: Public accessibility to existing park and recreational facilities will be improved by 2005.

Policy PR-4.1.1: Handicapped parking spaces, ramps, handrails, and other accessibility improvements shall be provided and appropriately located with respect to recreational facilities.

Policy PR-4.1.2: Bicycle parking facilities such as bike racks shall be provided to existing and future park projects.

Policy PR-4.1.3: Interpretative displays, educational programs, wild observation areas, and picnic areas will be encouraged for outdoor recreation purposes at parks.

COASTAL MANAGEMENT

Goal CM-1: *Maintain, protect, and enhance the quality of life and appearance of Miami's coastal zone including the preservation of natural resources as well as the enhancement of the built environment.*

Objective CM-1.1: Preserve and protect the existing natural systems including wetlands and beach/dune systems within Virginia Key and those portions of Biscayne Bay that lie within the City's boundaries; and improve water quality within the Miami River, its tributaries, and the Little River.

Policy CM-1.1.1: As a precondition to the development or redevelopment of Virginia Key, a comprehensive assessment will be made of environmental hazards that are the result of past disposal activities at the Virginia Key landfill and other relevant environmental concerns. Such assessment will be made in cooperation with appropriate County, State and Federal environmental agencies, and an action plan to reduce or eliminate any hazards will be formulated. (See Natural Resource Conservation Policy NR-1.1.1.)

Policy CM-1.1.2: The City will retrofit the number of storm water outfalls that discharge into the Miami River and its tributaries, the Little River and directly into Biscayne Bay. If positive drainage systems to these water bodies are deemed to be the only feasible method of maintaining adequate storm drainage, then these storm sewers will be designed and constructed to retain grease and oil and minimize pollutant discharges. (See Natural Resource Conservation Policy NR-1.1.2 and Sanitary and Storm Sewers Policy SS-2.2.1.)

Policy CM-1.1.3: [Reserved]

Policy CM-1.1.4: The City will continue to work cooperatively with the Miami River Commission, Miami-Dade County DERM, the South Florida Water Management District, the U.S. Army Corps of Engineers, and any other appropriate state and federal agencies in order to reduce point and non-point sources of pollution into Biscayne Bay.

Policy CM-1.1.5: Within the coastal zone, or along the Miami and Little Rivers, no land uses which represent a likely and significant source of pollution to surface waters will be permitted, unless measures which substantially eliminate the threat of contamination are implemented as conditions for approval of development or redevelopment.

Policy CM-1.1.6: The City will adhere to Miami-Dade County DERM standards and require DERM approvals in its permitting procedures to ensure that all fuel storage facilities in the coastal zone or near major canals do not pose a significant threat to water quality.

Policy CM-1.1.7: The City will regulate development on Virginia Key and the intermittent wetland areas of the coast of Coconut Grove to ensure that there will be no net loss of functional wetlands; that beaches and dune systems on the island will not be degraded or disrupted; that when non-native vegetation is removed, it will be replaced with native species; and that wildlife habitats and native species of fauna and flora will be protected. Priority will be given to water dependent land uses, and to development that enhances the natural environment and ensures adequate physical public access to Virginia Key.

Policy CM-1.1.8: Because of its unique character and environmental significance, all development on Virginia Key will be in conformance with the Virginia Key Master Plan 1987.

Policy CM-1.1.9: Site development criteria will ensure that development or redevelopment within the coastal zone will not adversely affect the natural environment or lead to a net loss of public access to the city's natural resources.

Policy CM-1.1.10: [Reserved]

Policy CM-1.1.11: All City owned property within the coastal zone that may be identified as areas of significant or unique natural resources will be designated as Environmental Preservation Districts, and the City will also consider designating private properties within the coastal with significant or unique natural resources as Environmental Preservation Districts.

Policy CM-1.1.12: The City will continue to require that all new and renovated marinas meet marina siting requirements and receive appropriate county, state, and federal approvals during the development permitting process.

Policy CM-1.1.13: The City will continue to work with the Biscayne Bay Management Plan Committee to support provisions of the committee that prevent new development and redevelopment along the shorelines from directly discharging storm water runoff into surface waters and to get support for state and county funding for any infrastructure improvements deemed necessary to support development of Virginia Key and Watson Island.

Policy CM-1.1.14: The City will cooperate with Miami-Dade County in fostering the protection of coastal wildlife and wildlife habitat through the protection of nesting areas, the establishment of wildlife corridors, the protection of travel corridors, and the promotion of public awareness of wildlife resources.

Policy CM-1.1.15: The City will cooperate with Miami-Dade County in the implementation of any antidegradation targets developed to protect Outstanding Florida Waters and Outstanding National Resources Waters of Biscayne Bay.

Objective CM-1.2: The city will continue to follow and enforce the South Florida Building Code, which establishes construction standards that minimize the impacts of man-made structures on beach and dune systems.

Policy CM-1.2.1: The City will increase inspection and code enforcement efforts for coastal area construction to ensure the proper standards are met.

Objective CM-1.3: In order to enhance the built environment of the coastal area, redevelop and revitalize, blighted, declining or threatened coastal areas.

Policy CM-1.3.1: The City will continue to adhere to its established policies regarding the designation of Community Redevelopment Districts in appropriate coastal areas of the city.

Policy CM-1.3.2: Through increased citywide code enforcement of coastal areas with deteriorated conditions the City will report any structures in severe condition to the unsafe structures board to either force improvements or facilitate the demolition of the structure.

Objective CM-1.4: Ensure that land development regulations and policies for the coastal zone are consistent with the City's ability to provide the capital facilities required to maintain adopted LOS standards and those needed to maintain or enhance the quality of life within the Coastal zone of the city. (See Capital Improvements Objective CI-1.2.)

Policy CM-1.4.1: The coastal zone of the city will adhere to the level of service standards as adopted and amended in the Capital Improvements Element, and more specifically Policy CI-1.2.3 of that element.

Goal CM-2: *Improve public awareness, appreciation, and use of Miami's coastal resources by preserving traditional water-dependent and water-related uses, ensuring adequate public access to such uses, and minimizing user conflicts.*

Objective CM-2.1: Where feasible, increase, physical and visual public access to Biscayne Bay and the city's shoreline.

Policy CM-2.1.1: Where appropriate and in the interest of public safety and promotion of outdoor recreation opportunities on environmentally sensitive areas, future land development regulations will require non-water dependent or related development or redevelopment to maintain public access to the coastal and Miami River shorelines. (See Parks, Recreation and Open Space Policy PR-1.1.11.)

Policy CM-2.1.2: All City owned, waterfront property, including the Miami River shorelines, will provide for public open spaces that provide access to the shoreline. (See Parks, Recreation and Open Space Policy PR-1.1.12.)

Policy CM-2.1.3: By 2000, amend the Downtown Waterfront Master Plan to reflect changing conditions and needs, and, by 2002, prepare an implementation plan identifying funding sources and recommending an appropriate mix of public and private sector financing. (See Parks, Recreation and Open Space Policy PR-1.5.2.)

Policy CM-2.1.4: The City will continue development of the river walk and bay walk along City owned property as funds become available and will continue to require development of the bay walk and river walk along private property through its land development regulations.

Policy CM-2.1.5: [Reserved]

Policy CM-2.1.6: [Reserved]

Policy CM-2.1.7: The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations (See Parks, Recreation and Open Space Policy PR-1.1.13.)

Policy CM-2.1.8: As specified in the City of Miami Charter and related laws, and more specifically the Waterfront Charter Amendment and Ordinance 11000 (Zoning Ordinance for the City of Miami) all new development and redevelopment along the downtown waterfront is required to provide a waterfront setback, and those developments within Special Districts (SDs) that require publicly accessible shoreline walkways, will design them in conformance with the "Baywalk/Riverwalk Design Standards." (See Parks, Recreation and Open Space Policy PR-1.5.7.)

Policy CM-2.1.9: The City will continue to work toward increased physical public access to Virginia Key and Watson Island by pursuing appropriate development and redevelopment as directed by the Virginia Key and Watson Island master plans.

Policy CM-2.1.10: The City will ensure that development regulations are not altered so as to prohibit water dependent uses such as swimming, boating, and fishing and will encourage and support such uses.

Objective CM-2.2: [Reserved]

Policy CM-2.2.1: [Reserved]

Policy CM-2.2.2: [Reserved]

Goal CM-3: [Reserved]

Objective CM-3.1: [Reserved]

Policy CM-3.1.1: [Reserved]

Goal CM-4: *Ensure public safety and the protection of property within the coastal zone from the threat of hurricanes.*

Objective CM-4.1: Minimize the potential for loss of human life and the destruction of property from hurricanes.

Policy CM-4.1.1: Enforce building code standards that protect against the destruction of structures by hurricane winds and tidal swells.

Policy CM-4.1.2: Continue to ensure that all development and redevelopment conforms to proper elevation requirements in the Coastal High Hazard Area, which is defined as that area identified as a "V" zone by the Federal Emergency Management Agency (FEMA) on its Flood Insurance Rate Maps (FIRM) except that on Virginia Key, where a Coastal Construction Control Line (CCCL) has been established, either the "V" zone or the area seaward of the CCCL, whichever is more landward, shall define the Coastal High Hazard Area. (See map following page.)

Policy CM-4.1.3: Measures providing for the protection of City owned historic properties from destruction in the event of a major storm, and plans for each site's restoration in the event of destruction or major damage will remain in effect.

Policy CM-4.1.4: Immediately subsequent to the event of a major storm, the adequacy of existing building standards and the appropriateness of land uses and development regulations in the Coastal High Hazard Area will be reviewed, and all modifications to standards, zoning or land use policies required to reduce future risk of loss of life and property damage will be adopted prior to the approval of long term, post disaster redevelopment plans.

Policy CM-4.1.5: Each proposed future land use map change within the Coastal High Hazard area of the city will require an analysis of its potential impact on evacuation times and shelter needs in the event of a hurricane.

Policy CM-4.1.6: [Reserved]

Policy CM-4.1.7: The City will incorporate into its Comprehensive Plan any relevant recommendations of interagency hazard mitigation reports as they become available.

Policy CM-4.1.8: The City will work in cooperation with regional and state agencies to adopt plans and policies that protect public and private property and human lives from the effects of natural disasters.

Policy CM-4.1.9: The City will work in cooperation with regional and state agencies in the preparation of advance plans for the safe evacuation of coastal residents.

Policy CM-4.1.10: The City will adhere to its "Emergency Operations Plan for Civil Defense in War and Natural Emergencies" and "The Emergency Procedures Manual"

for immediate repair and cleanup actions needed to protect public health and safety. The City will update these manuals on an annual basis.

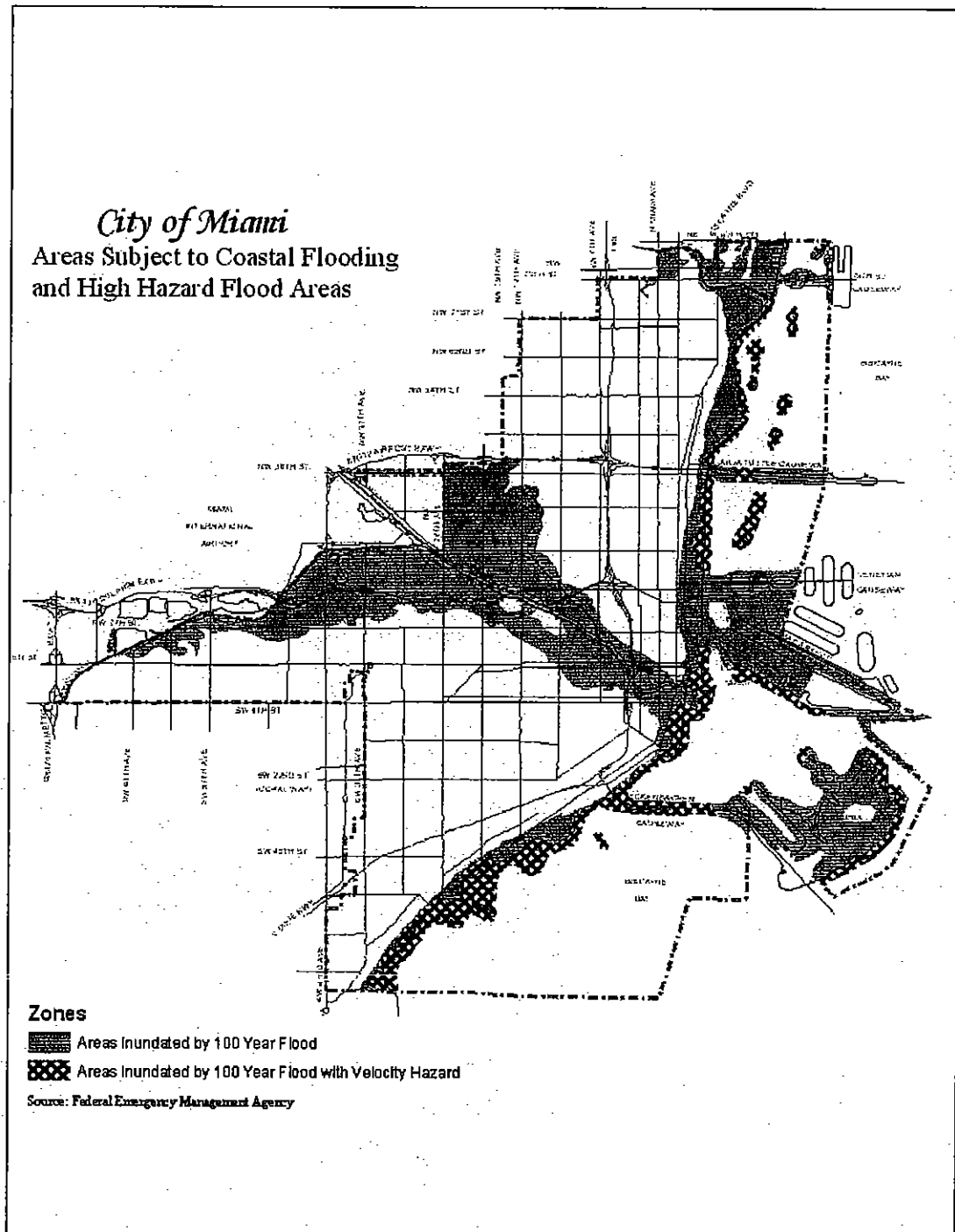
Objective CM-4.2: The City will adhere to and cooperate with the County in executing evacuation procedures as well as annually update information and procedural brochures for the public; these brochures will contain information on evacuation procedures and routes, and will be distributed to city residents at local businesses and government agencies.

Policy CM-4.2.1: The City's fire and police departments will continue to work with Miami-Dade County and regional emergency agencies to update and revise, as needed coordinated peacetime emergency and evacuation plans.

Policy CM-4.2.2: The City will annually update and distribute an informational brochure to establish public awareness and information programs that educate as to the need for evacuation, and indicate evacuation routes and procedures.

Policy CM-4.2.3: The City will follow the County in providing appropriate evacuation route markers within City boundaries as part of a Countywide coordinated program.

Areas Subject to Coastal Flooding and High Hazard Flood Areas



Objective CM-4.3: Ensure that public capital expenditures within the coastal zone do not encourage private development that is subject to significant risk of storm damage. (See Capital Improvements Objective CI-1.4.)

Policy CM-4.3.1: Public expenditures for capital facilities in the coastal high hazard area will be limited to those required to eliminate existing LOS deficiencies, maintain adopted LOS standards in non-high hazard areas, improve hurricane evacuation time, or reduce the threat to public health and safety from storm events. (See Capital Improvements Policy CI-1.4.1.)

Policy CM-4.3.2: Public expenditures for capital facilities in the coastal zone intended to further the goals and objectives of the Miami Comprehensive Neighborhood Plan will be limited to those projects that do not measurably increase the risk to public health and safety from storm damage. (See Capital Improvements Policy CI-1.4.2.)

Goal CM-5: *Preserve and protect the heritage of the City of Miami through the identification, evaluation, rehabilitation, adaptive reuse, restoration and public awareness of Miami's historic, architectural and archaeological resources. (See Land Use Goal LU-2.)*

Objective CM-5.1: Maintain, update and amplify the City of Miami portion of the Miami-Dade County Historic Survey, which identifies and evaluates the City's historic, architectural and archaeological resources. (See Land Use Objective LU-2.1.)

Policy CM-5.1.1: The City will continue to identify potential historic districts and conduct further surveys of contributing and noncontributing buildings. (See Land Use Policy LU-2.1.1.)

Policy CM-5.1.2: The City will continue to develop and implement a computerized database of all relevant information for all 3,358 sites in the Miami-Dade County Historic Survey. This listing will show, in three categories, all properties of historic, architectural or archaeological significance; together with their priority ranking for presentation. (See Land Use Policy LU-2.1.2.)

Policy CM-5.1.3: The City has designated 67 historic sites and five historic districts pursuant to the Historic Preservation Article of the City Code. An additional 26 sites (or groups of multiple sites) and six districts have been identified as potentially worthy of designation. Of these, the City will designate 10 individual sites and two districts by 2001. (See Land Use Policy LU-2.3.2.)

Policy CM-5.1.4: The City will continue to review nominations to the National Register of Historic Places through the Certified Local Government Program. (See Land Use Policy LU-2.3.1.)

Policy CM-5.1.5: The City will continue to provide information on the city's historic, architectural and cultural heritage for inclusion in public information, economic development promotion and tourism materials. (See Land Use Policy LU-2.5.4.)

Objective CM-5.2: Increase the number of historic structures that have been preserved, rehabilitated or restored, according to the U.S. Secretary of the Interior's Standards for Rehabilitation. (See Land Use Objective LU-2.4.)

Policy CM-5.2.1: The City will continue to utilize the U.S. Secretary of the Interior's Standards for Rehabilitation as the minimum standards for preservation of historic properties. To receive public financial support from the City, designated privately owned structures must meet these standards. (See Land Use Policy LU-2.4.2.)

Policy CM-5.2.2: The City currently owns nine historic sites and other potential archaeological sites. If it is deemed in the public interest for the City to transfer title of City properties of historic, architectural, or archaeological significance, such transfer will include restrictive covenants to ensure the protection and preservation of such properties. (See Land Use Policy LU-2.4.3.)

NATURAL RESOURCE CONSERVATION

Goal NR-1: Maintain, preserve, enhance and restore the quality of natural resources within the context of the city's urban environment.

Objective NR-1.1: Preserve and protect the existing natural systems within Virginia Key, the Dinner Key spoil islands, and those portions of Biscayne Bay that lie within the City's boundaries.

Policy NR-1.1.1: As a precondition to the development or redevelopment of Virginia Key landfill, a comprehensive assessment will be made of environmental hazards that are the result of past disposal activities and other relevant environmental concerns. Such assessment will be made in cooperation with appropriate County, State and Federal environmental agencies, and an action plan to reduce or eliminate any hazards will be formulated. See Coastal Management Policy CM-1.1.1.)

Policy NR-1.1.2: The City will retrofit the number of storm water that discharges into the Miami River and its tributaries, the Little River and directly into Biscayne Bay. If positive drainage systems to these water bodies are deemed to be the only feasible method of maintaining adequate storm drainage, then these storm sewers will be designed and constructed to retain grease and oil and minimize pollutant discharges. (See Sanitary and Storm Sewers Policy 2.2.1 and Coastal Management Policy CM-1.1.2.)

Policy NR-1.1.3: [Reserved]

Policy NR-1.1.4: The City will continue to participate in the State funded SWIM program for funding support in order to reduce point and non-point sources of pollution into Biscayne Bay.

Policy NR-1.1.5: Regulate development on Virginia Key to ensure that there will be no net loss of functional wetlands; that beaches and dune systems on the island will not be degraded or disrupted; and that wildlife habitats and native species of fauna and flora will be protected.

Policy NR-1.1.6: Through land development regulations, ensure that development or redevelopment within the coastal zone will not adversely affect the natural environment or lead to a net loss of public access to the city's natural resources.

Policy NR-1.1.7: The City will increase code enforcement to prevent illegal disposal of hazardous waste into the city's natural resources such as the Miami River and Biscayne Bay, and will encourage Miami-Dade County to approve and post signs warning against illegal disposal.

Policy NR-1.1.8: The City will work with, and support the County's efforts to identify generators of hazardous waste, and to develop and enforce procedures for the proper collection and disposal of hazardous waste. The City will support Miami-Dade County's

development of a hazardous waste temporary storage facility in a non-populated area.
(See Solid Waste Collection Policy SW-1.2.4.)

Objective NR-1.2: Improve the water quality of, and ensure health safety within, the Miami River, its tributaries and the Little River.

Policy NR-1.2.1: The City will continue to work with the Biscayne Bay Management Plan Committee in order to encourage and support Miami-Dade County Department of Environmental Resource Management in the monitoring of contaminants within these water bodies and to ensure that the City is kept adequately informed of environmental conditions.

Policy NR-1.2.2: Continue to implement the Biscayne Bay Management Plan in order to reduce the level of contaminants in these water bodies and improve the water quality within them.

Policy NR-1.2.3: Participate in state and federally funded programs to remove abandoned and repair leaking underground fuel storage tanks on City owned properties.

Policy NR-1.2.4: The City of Miami will continue to cooperate with the Miami River Commission, which has been granted broad powers over environmental and other issues related to the Miami River by state statute. Among the issues to be addressed by the commission are those related to acceptable water quality standards for the Miami River and its tributaries. The City of Miami will cooperate with the Miami River Commission in establishing such standards and, to the extent feasible, achieving them.

Objective NR-1.3: Maintain and enhance the status of native species of fauna and flora.

Policy NR-1.3.1: Continue and, where necessary, expand the use of scenic corridor and Environmental Preservation District designation.

Policy NR-1.3.2: Identify City owned land with significant native vegetative features or wildlife habitats, and designate those areas as Environmental Preservation Districts.

Policy NR-1.3.3: Continue designating private properties with significant or unique resources as Environmental Preservation Districts.

Policy NR-1.3.4: Review development and redevelopment to determine any adverse impacts on adjacent areas with significant native vegetative features, wildlife or marine life, and establish regulations that reduce or mitigate such impacts.

Policy NR-1.3.5: Through the development review and approval process, ensure that off-site mitigation for disruption or degradation of significant natural resources occurs

in an orderly and sound manner, so as to maximize benefits to the overall natural system.

Policy NR-1.3.6: Through the development review process, deny the use of intrusive exotic plant species, encourage the use of native plant species, and those species that do not require the excessive use of fertilizers, excessive watering, are not prone to insect infestation or disease, and do not have invasive root systems.

Policy NR-1.3.7: Permit applications for all boating facilities located on city shorelines shall be evaluated in the context of their cumulative impact on manatees and marine resources.

Policy NR-1.3.8: Slow or idle speed zones shall be adopted in areas frequented by manatees and enforcement of speed zones will be improved.

Policy NR-1.3.9: To the extent that there are wetlands on the Resources of Regional Significance, State Save Our Rivers, or Dade County Environmentally Endangered Lands acquisition lists within the City of Miami, consideration will be given to public acquisition and management of such properties when such actions are feasible.

Goal NR-2: Maintain an adequate and safe supply of water for the city residents.

Objective NR-2.1: Ensure adequate levels of safe potable water are available to meet the needs of the city. (See Potable Water Objective PW-1.2.)

Policy NR-2.1.1: In periods of regional water shortage, the City will support the South Florida Water Management District's policies and regulations regarding water conservation.

Policy NR-2.1.2: The City will continue to enforce Florida Building Code requirements for the on-site retention of the first inch of storm water runoff. (See Sanitary and Storm Sewers Policy SS-2.2.5.)

Policy NR-2.1.3: The City will continue to support the South Florida Water Management District efforts to monitor the water levels at the salinity control structures within the city to prevent against further saltwater intrusion and protect the aquifer recharge areas and cones of influence of wellfields from contamination. (See Natural Groundwater Aquifer Recharge Policy AR-1.1.3.)

Policy NR-2.1.4: Since the potable water network is an interconnected, countywide system, the City departments of Public Works and Planning will cooperate with Miami-Dade County WASA Department to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists. (See Potable Water Policy PW-1.1.1.)

Policy NR-2.1.5: Ensure potable water supplies meet the established level of service standards for transmission capacity as set in the Capital Improvements Element. (See Potable Water Policy PW-1.2.1 and Capital Improvements Policy CI-1.2.3.)

Policy NR-2.1.6: [Reserved]

Policy NR-2.1.7: The City will cooperate and participate to the fullest extent possible with Miami-Dade County and other county municipalities receiving potable water from WASAD in developing an acceptable countywide water conservation plan. (See Potable Water Policy PW-1.2.2.)

Policy NR-2.1.8: [Reserved]

Goal NR-3: Attain and maintain a degree of air quality that is safe and to meet all attainment standards set by the U.S. Environmental Protection Agency for the city as a whole.

Objective NR-3.1: Improve the monitoring of air quality within areas perceived to have the highest potential for air quality problems.

Policy NR-3.1.1: Continue working with county, state and federal environmental agencies to ensure that the number of air quality monitoring stations is sufficient to ensure accurate monitoring of air quality in areas most likely to have problems.

Objective NR-3.2: Prevent the degradation of ambient air quality within the city.

Policy NR-3.2.1: Establish vehicular transportation patterns that reduce the concentration of pollutants in areas known to have ambient air quality problems.

Policy NR-3.2.2: Although mass transit can be operated within the City of Miami only under the absolute authority of Metropolitan Miami-Dade County, the City of Miami's continued development requires the provision of efficient mass transit and paratransit services that serve existing and future trip generators and attractors, the provision of safe and convenient mass transit passenger transfer terminal facilities, and the accommodation of the special needs of the City of Miami's population. Therefore, the City of Miami will support Metropolitan Miami-Dade County in the provision of these essential mass transit services. (See Transportation Objective 1.5)

Policy NR-3.2.3: Work with the County transportation planning agencies to continue to increase the quality of mass transit services within the city.

Policy NR-3.2.4: The City will work with the appropriate federal, state, regional, and county agencies to ensure that owners of buildings and facilities with unacceptable levels of asbestos (according to EPA and State Standards) in ambient air test remove, treat and seal asbestos-containing materials as long as this action will not cause further degradation to the air quality.

Policy NR-3.2.5: The City will monitor developers to ensure that they appropriately treat exposed construction areas by means such as mulching, spraying or grass coverings, to minimize air pollution.

CAPITAL IMPROVEMENTS

Goal CI-1: Adhere to sound fiscal management policies that ensure the timely provision of public capital facilities required to maintain existing public infrastructure, that meet the need for public facilities resulting from future development and redevelopment, and that enable the provision of public capital facilities that enhance the quality of life within the city.

Objective CI-1.1: The Capital Improvements Element of the Comprehensive Plan will provide for the sound fiscal planning of capital facility needs and assess the financial capacity of the City to undertake capital improvement projects.

Policy CI-1.1.1: The Capital Improvement Element (CIE) and the Capital Improvement Program (CIP) represent the means by which the capital facilities needs of the city will be addressed, and both the CIE and CIP will be revised on an annual basis to reflect changes in the economic, social and public fiscal environment.

Policy CI-1.1.2: All capital expenditures in excess of \$5,000 per distinct project must appear within the CIE and CIP, with the exception of expenditures required to meet public emergencies or unforeseeable contractual obligations.

Policy CI-1.1.3: The City will adopt a Capital Budget that corresponds to the first year of the CIE and CIP.

Policy CI-1.1.4: As capital projects are incorporated into the CIE and CIP, consideration will be given to the elimination of public hazards, the elimination of shortfalls between the adopted level of service (LOS) standards and the existing capacity of public facilities; the impact of proposed capital projects on the capital and operating budgets of the City; the fiscal capacity of the City to meet future capital spending needs; the economic and social benefits to be generated by proposed projects; the environmental impacts of proposed projects; the public facility requirements of new development or redevelopment; consistency between proposed capital projects and the goals and objectives set forth in the various elements of the Miami Comprehensive Neighborhood Plan; and the coordination between proposed City projects and those projects and programs of federal, state, and county agencies and the South Florida Water Management District.

Policy CI-1.1.5: In the appropriation of capital funds priority will be given to the maintenance, repair and replacement of existing public capital facilities.

Policy CI-1.1.6: All bond authorizations must be in conformance with the capital facilities needs, programs and expenditure requirements as expressed within the City's Capital Improvement Element.

Policy CI-1.1.7: The City will continue to seek the advice of qualified counsel to ensure the proper timing of debt issuance and efficient management of its capital financing resources.

Policy CI-1.1.8: Debt issuance timing, size, and amortization schedules will be planned and executed to maintain a level repayment and minimize fluctuations in the ad valorem tax rate.

Policy CI-1.1.9: Competitive sale will be utilized whenever possible to assure that the City obtains the most competitive interest rate in the municipal markets.

Policy CI-1.1.10: The City will maintain its long standing policy of avoiding the issuance of short term financing in the form of Bond Anticipation Notes, and Revenue Anticipation Notes, unless there is a compelling need or extraordinary circumstance for such interim financing.

Policy CI-1.1.11: The ratio of net direct general obligation debt as a percentage of the assessed valuation of taxable property will not exceed 25% of the Charter-mandated limit of 15% of the assessed valuation, or 3.75% of assessed valuation.

Policy CI-1.1.12: Total debt service payments as a percentage of the Combined General Fund, Enterprise Fund, and Debt Service Fund expenditures shall not exceed 15%.

Policy CI-1.1.13: To the greatest extent possible, capital projects financed through the issuance of general obligation bonds shall have an expected useful life commensurate with the period of the financing.

Policy CI-1.1.14: Direct net general obligation and special obligation debt shall be maintained at below \$1,000 per capita.

Policy CI-1.1.15: The City will seek to attain a bond rating of investment grade to ensure that its citizens benefit from the lowest possible interest rates on its bonds.

Objective CI-1.2: Ensure that land development regulations and policies are consistent with the City's ability to provide the capital facilities required to maintain adopted LOS standards and those needed to maintain or enhance the quality of life within the city. (See Coastal Management Objective CM-1.4.)

Policy CI-1.2.1: The impact of proposed future land use map changes on LOS, public capital facilities needs, and the City's financial ability to provide required facilities will be assessed before such proposals are adopted.

Policy CI-1.2.2: All development orders authorizing changes in permitted land uses will be contingent upon the ability of existing public facilities to continue to provide service at or above the adopted LOS standard. Development orders may be granted, however, if capital improvements which would eliminate any resulting service deficiency are programmed to begin within one year and are included in the current Capital Budget.

Policy CI-1.2.3: Acceptable Level of Service Standards for public facilities in the City of Miami are:

- a) Recreation and Open Space -- 1.3 acres of public park space per 1000 residents. (See Parks, Recreation and Open Space Policy PR-1.4.4.)
- b) Potable Water Transmission Capacity – 200 gallons/resident/day. (See Potable Water Policy PW-1.2.1 and Natural Resource Conservation Policy NR-2.1.5.).
- c) Sanitary Sewer Transmission Capacity – 100 gallons/resident/day. (See Sanitary and Storm Sewers Policy SS-1.3.1.)
- d) Storm Sewer Capacity – Issuance of any development permit shall require compliance with a drainage level of service standard of a one-in-five-year storm event. (See Sanitary and Storm Sewers Policy SS-2.1.3.)
- e) Solid Waste Collection Capacity – 1.28 tons/resident/year. (See Solid Waste Collection Policy SW-1.1.1.)
- f) Traffic Circulation – The minimum level of service standard on limited access, arterial, and collector roadways that are not within designated Transportation Corridors is LOS E, with allowable exceptions and justifications therefore, with LOS measured by conventional methodology. Within designated Transportation Corridors, which include approximately 95% of the roadway mileage within the City of Miami, a minimum LOS E is also maintained, but the measurement methodology is based on peak-hour person-trips wherein the capacities of all modes, including mass transit, are used in calculating the LOS. Specific levels of service by location and mode are set out in Policies TR-1.1.2 and TR-1.1.3 of the Transportation element of the Miami Comprehensive Neighborhood Plan.

Objective CI-1.3: Ensure that future development and redevelopment pay an equitable, proportional share of the cost of public facilities required to maintain adopted LOS standards.

Policy CI-1.3.1: The City will continue to use developer contributions, including development impact fees, to help fund the cost of public facilities needed to serve new development or redevelopment.

Policy CI-1.3.2: The City will periodically revise all fees related to the impact of new development and redevelopment to reflect increases in the cost of providing public capital facilities.

Policy CI-1.3.3: The City will consider the use of special assessment districts to help fund capital projects whose public benefits tend to be localized to specific geographic sub areas of the city.

Policy CI-1.3.4: The City will take appropriate measures to ensure that increased property values resulting from new development and redevelopment are accurately reflected on the County Tax Assessor's property tax rolls in a timely manner.

Objective CI-1.4: Ensure that public capital expenditure within the coastal zone does not encourage private development that is subject to significant risk of storm damage. (See Coastal Management Objective CM-4.3.)

Policy CI-1.4.1: Public expenditures for capital facilities in the coastal high hazard area will be limited to those required to eliminate existing LOS deficiencies, maintain adopted LOS standards in non-high hazard areas, improve hurricane evacuation time, or reduce the threat to public health and safety from storm events. (See Coastal Management Policy CM-4.3.1.)

Policy CI-1.4.2: Public expenditures for capital facilities in the coastal zone intended to further the goals and objectives of the Miami Comprehensive Neighborhood Plan will be limited to those projects that do not measurably increase the risk to public health and safety from storm damage. (See Coastal Management Policy CM-4.3.2.)

INTERGOVERNMENTAL COORDINATION

Goal IC-1: Increase effectiveness and efficiency in the delivery of government services through the appropriate coordination of local government actions.

Objective IC-1.1: To establish formal procedures for coordinating City planning and operating functions that are directly related to the City's comprehensive plan with the Miami-Dade County School Board, Miami-Dade County Water and Sewer Authority Department, Miami-Dade County Public Works Department, Solid Waste Division, Miami-Dade County Department of Environmental Resource Management (DERM), the Seaport Department (Port of Miami), Aviation Department (Miami International Airport), the Miami-Dade County Metropolitan Planning Organization, the Miami-Dade County Shoreline Development Review Committee, Miami-Dade Transit, the South Florida Regional Transportation Authority, the South Florida Regional Planning Council, the South Florida Water Management District, the Florida Department of Transportation, the Florida Department of Environmental Regulation, the Florida Department of Health and Rehabilitative Services, the Division of Historical Resources, Department of State, adjacent local governments, and any other state, local or federal agency whose cooperation is required to accomplish the goals and objectives of the comprehensive plan.

Policy IC-1.1.1: By 2005, establish by interlocal or other formal agreement with appropriate jurisdictions joint processes for collaborative decision making on issues including, but not limited to, the location and extension of public facilities subject to concurrency and the siting of facilities with countywide significance, including locally unwanted land uses.

Policy IC-1.1.2: The City will continue implementation activities associated with the *Interlocal Agreement for Public School Facility Planning in Miami-Dade County*, effective February 27, 2003, including, but not limited to, coordinating City, County, and School Board plans based upon consistent projections of the amount, type, and distribution of population growth and student enrollment; participating in decision-making, through floating membership on the School Board's School Site Planning and Construction Committee, regarding potential sites for new schools and proposals for significant renovation, the location of relocatables or additions to existing buildings, and potential closure of existing schools; and collaborating to identify options aimed to provide the capacity to accommodate anticipated student enrollment demand associated with increases in residential development potential.

Policy IC-1.1.3: [Reserved]

Policy IC-1.1.34: The City will continue to seek membership on the Biscayne Bay Management Committee, the principal coordinating body for Biscayne Bay, as a means of expressing its policies pertaining to Biscayne Bay.

Policy IC-1.1.4: The City encourages Miami-Dade County to review, evaluate and recommend County Charter changes (a) to standardize information and (b) to allow

the Board of County Commissioners to waive a separate affirmative vote of resident property owners, so that small enclaves lying between municipalities can be rationalized through annexation.

Goal IC-2: Promote orderly and appropriate regional land development and transportation policies through consultations with Miami-Dade County, adjacent counties, the region, and locally impacted municipalities.

Objective IC-2.1: To further and strengthen existing and potential planning coordination mechanisms to ensure that consideration is given to both the impacts of land development and transportation policies within Miami on areas outside the City's jurisdiction and the impacts of land development outside the City's boundaries on the City of Miami.

Policy IC-2.1.1: The City will continue its active participation in the Miami-Dade Planners' Technical Committee (PTC) for the purpose of addressing common concerns and sharing resources toward solving planning problems, with particular emphasis on examining State of Florida planning requirements in the context of Miami-Dade County's unique governmental structure to more effectively coordinate local planning efforts.

Policy IC-2.1.2: Working through the Planners' Technical Committee, the City will share copies of its comprehensive plan and plan amendments as well as information regarding scheduled comprehensive planning-related public hearings for the benefit of adjacent and other interested jurisdictions, and will encourage other participating jurisdictions to provide this information as well.

Policy IC-2.1.3: The City will support the South Florida Regional Planning Council in developing informal coordination mechanisms such as regional issue study groups that coordinate land development and transportation policies among local governments; and to establish mediation mechanisms to resolve potential regional conflicts. (See Intergovernmental Coordination Policy IC-3.1.1.)

Policy IC-2.1.4: [Reserved]

Objective IC-2.2: [Reserved]

Policy IC-2.2.1: [Reserved]

Goal IC-3: Contribute to an atmosphere of cooperation among local governments within Miami-Dade County.

Objective IC-3.1: Maximize the use of informal, cooperative agreements as mechanisms for intergovernmental conflict resolution within Miami-Dade County and minimize the use of litigation.

Policy IC-3.1.1: The City will exhaust all efforts to solve intergovernmental conflicts arising from adoption and implementation of comprehensive plans through informal mechanisms, including but not limited to working through the Miami-Dade Planners' Technical Committee or utilizing the Miami-Dade County League of Cities and the South Florida Regional Planning Council's mediation process, before seeking remedies through the judicial system, provided that efforts at informal resolution do not prevent the City from seeking legal remedies, or jeopardize the City's ability to prevail in any legal action. (See Intergovernmental Coordination Policy IC-2.1.3.)

ARQUITECTONICA
 2000 N. W. 10th Avenue, Suite 100
 Fort Lauderdale, FL 33311
 Tel: 305.577.1000
 Fax: 305.577.1001
 www.arquitectonica.com

300 GROVE BAY RESIDENCES

Ocean Land Equities
 The Fulsheim Group of Florida

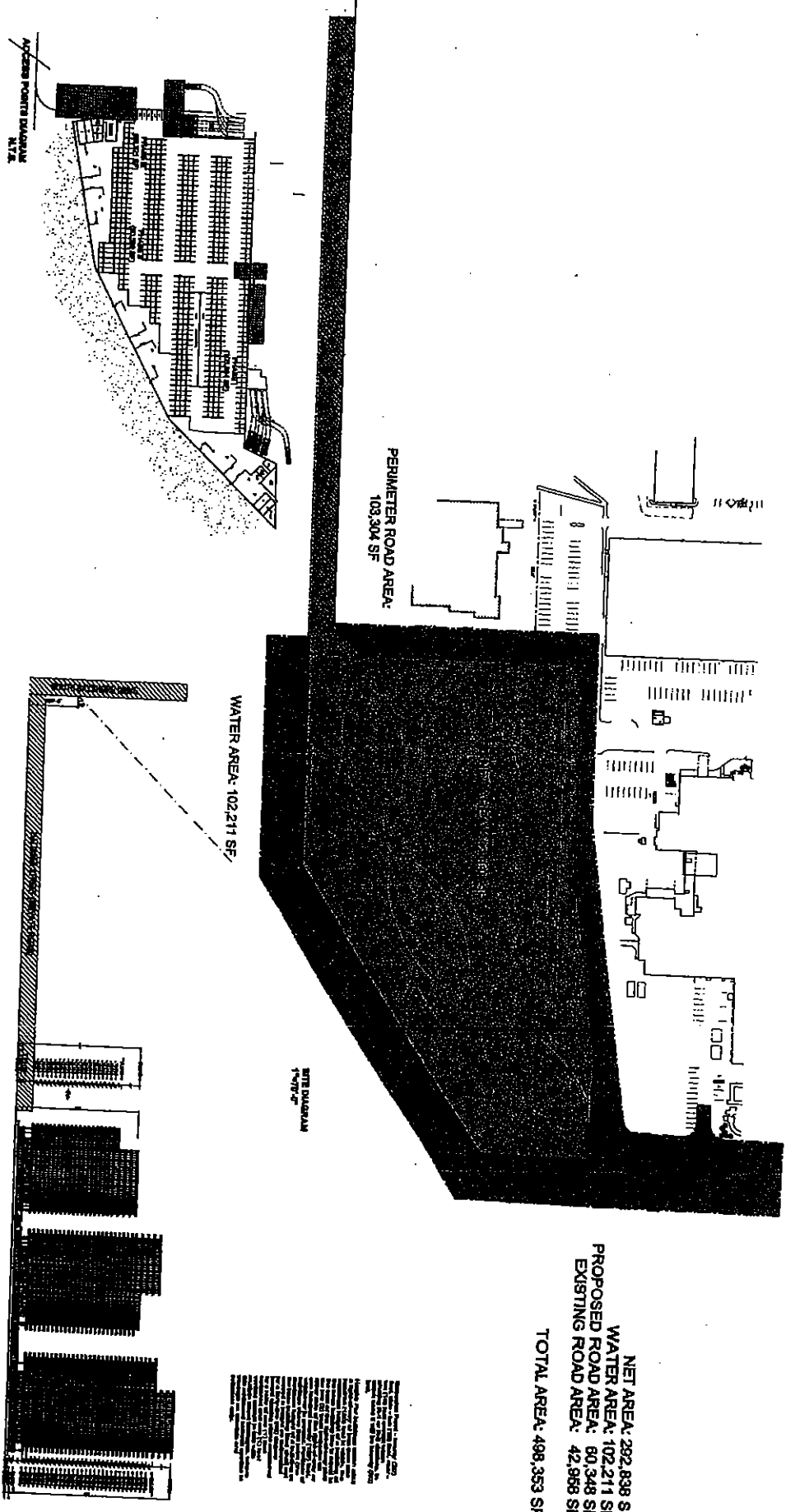
Site Plan (Scale 1/8" = 1'-0")
 Prepared by: [Signature]
 Date: 05/10/06
 Checked by: [Signature]
 Date: 05/10/06
 Approved by: [Signature]
 Date: 05/10/06

CITY OF MIAMI
 PLANNING DEPARTMENT
 311 N. BISCAYNE BLVD.
 MIAMI, FL 33132
 Tel: 305.259.3300
 Fax: 305.259.3301
 www.miamigov.com

MAY 10, 2006



A0.2



SITE DATA & DEVELOPMENT PROGRAM **ARQUITECTONICA**

300 GROVE BAY RESIDENCES

Miami, Florida
 Ocean Land Equities/The Related Group of Florida

Project # 2307.00
 June 8, 2008

I. SITE DATA SUMMARY

ZONING CLASSIFICATION:	R-4 (PROPOSED)
FEMA ZONE:	ZONE AE-13
NET LOT AREA:	292,838 SF +/- 6.72 acres
GROSS LOT AREA:	488,353 SF +/- 11.44 acres
MAXIMUM FLOOR AREA RATIO (F.A.R.):	1.72 FAR Max.
MAXIMUM ALLOWABLE SF:	857,167 SF TOTAL
MAXIMUM UNITS / ACRE:	150 Units Max. / Acre = 1,008 units max.
BUILDING FOOTPRINT:	199,341 SF (MAX 4 x GLA)
HEIGHT RESTRICTIONS	NONE (See Height Setback Diagram Sheet A0.2)

II. SETBACKS & YARD REQUIREMENTS

Streets:	Required	Provided
Biscayne Bay	50'-0"	50'-0" min
Front	20'-0"	20'-0" min
Side / Rear	10'-0"	10'-0" min

III. OPEN SPACE REQUIREMENTS

Residential	Required	Provided
	15% of Gross Lot Area 488,353 SF x (.15) = 74,753 SF	75,000 SF
TOTAL OPEN SPACE:	74,753 SF	75,000 SF provided

IV. BUILDING F.A.R. AREA SUMMARY

	Max. Allowable	Provided
R-4	857,167 SF	
502.c PUD Bonus (20% of FAR)	171,433 SF	
914.1 Affordable Housing Bonus (25% FAR)	214,292 SF	
TOTAL FAR:	1,242,892 SF	1,200,000 SF

V. BUILDING STATISTICS

	Max. Allowable	Provided
TOWER 1		
Number of Units:	No height restriction	120 Units
Number of Floors:	No height restriction	37 Floors
Height above ground:	No height restriction	410'-8" AGL
N.G.V.D Height:	No height restriction	418'-8" NGVD
FAR Breakdown		471,950 SF
TOWER 2		
Number of Units:	No height restriction	100 Units
Number of Floors:	No height restriction	32 Floors
Height above ground:	No height restriction	367'-9" AGL
N.G.V.D Height:	No height restriction	373'-9" NGVD
FAR Breakdown		400,000 SF
TOWER 3		
Number of Units:	No height restriction	80 Units
Number of Floors:	No height restriction	27 Floors
Height above ground:	No height restriction	304'-0" AGL
N.G.V.D Height:	No height restriction	310'-0" NGVD
FAR Breakdown		328,050 SF
COMBINED TOTAL		
Number of Units:	No height restriction	300 Units
Number of Floors:	No height restriction	27, 32 & 37 Floors
Height above ground:	No height restriction	304'-0", 367'-9" & 410'-8" AGL
N.G.V.D Height:	No height restriction	310'-0", 373'-9" & 418'-8" NGVD
Total FAR	1,242,892 SF	1,200,000 SF

VI. PARKING GARAGE SUMMARY

Residential	Code Requirement	Provided
	630 Required	642 spaces provided (singles)
	2 spaces/3 bedroom unit 1 visitor space/10 units (HC spaces = 2% of total)	600 spaces (300 3-bedroom units) 30 spaces visitors 12 spaces additional
TOTAL PARKING:	630 spaces min. required	642 spaces provided

VII. LOADING SUMMARY:

Residential / Non-Residential	Code Requirement	Provided
	(4) Berths 12' x 35' (2) Berths 12' x 55'	(8) Berth 12' x 35' Reduction in size requested by Class II Special Permit

CITY OF MIAMI
 PLANNING BOARD
 PLANNING DEPARTMENT
 Planning Board Meeting
 Date: 6-8-08
 Public Input: [Signature]
 Staff: [Signature]
 Planning Board: [Signature]
 City Manager: [Signature]
 Mayor: [Signature]