

MANDATE

FROM CIRCUIT COURT
APPELLATE DIVISION
ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

07-313 AP

GENESIS PROPERTY DEVELOPMENT, L.L.C.

vs.

MIAMI DADE COUNTY, FLORIDA

FILED FOR RECORD
2008 APR -3 PM 12: 19
CLERK, CIRCUIT COURT
DADE COUNTY, FLA.
CIVIL #101

This cause having been brought to this Court by appeal, and after due consideration the court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause in accordance with the opinion of this COURT attached hereto and incorporated as part of this order, and with the rules of procedure and laws of the STATE OF FLORIDA.

Lower Tribunal Case Number(s): 05249

WITNESS the Honorable Jerald Bagley, Administrative Judge of the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit of Florida and the seal of the said Circuit Court at Miami, April 03, 2008.

HARVEY RUVIN,
Clerk of the Circuit Court of
the Eleventh Judicial Circuit
in and for Miami Dade County.

By: 
Vanessa Fletcher
Deputy Clerk



COPIES FURNISHED TO
COUNSEL OF RECORD AND
TO ANY PARTY NOT REPRESENTED
BY COUNSEL

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

APPELLATE DIVISION

CASE NO. 07-313AP

GENESIS PROPERTY DEVELOPMENT, L.L.C.,
Petitioner,

vs.

MIAMI-DADE COUNTY, FLORIDA.,
Respondent.

Opinion filed: *March 17, 2008*

A Petition for Writ of Certiorari from Resolution Z-9-07 of Miami-Dade County.

Jeffrey Bercow, Esq., and Graham C. Penn, Esq., for Petitioners.

Eduardo I Sanchez, Assistant County Attorney for Repondent.

Before LEON M. FIRTEL, PETER R. LOPEZ, BARBARA ARECES, JJ.

Lopez, J.

Genesis is owner of a parcel of land that is approximately 15.5 acres located east of SW 177 Ave. (Krome Ave.) and south of SW 272 St that has been used for agricultural purposes. The property to the north and south are zoned agricultural parcels. To the immediate west is Krome Ave. To the east is a vacant piece of property that is an unbuilt 9 unit residential subdivision.

CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #101

2008 MAR 17 PM 12:33

FILED FOR RECORD

VANESTHER FLETCHER

The property is zoned a mix of Single Family Estate (EU-1), single family one acre district, and agriculture (AU). The west 175 feet of the property, which is approximately 1 acre in size, is zoned EU-1 and the balance of the property, approximately 14.5 acres, is zoned AU. Any change in zoning must be consistent with the County's Comprehensive Development Master Plan (CDMP). The land is located within the Urban Development Boundary (UDB) and is eligible for urban development following any necessary zoning procedures.

A hearing was held in front of Community Zoning Appeals Board 14, which has jurisdiction over most of the southwest portion of Miami-Dade County. After a public hearing on November 1, 2006, the CZAB voted to deny the application. Genesis filed an appeal of the CZAB 14 decision with the Board of County Commissioners. A public hearing was held on May 10, 2007. The application was denied. This Petition for Writ of Certiorari followed.

Genesis claims that the commission improperly based its denial of the application on a criterion not found in the county code, thus departing from the essential requirements of law. Genesis claims the question at the center of this case is whether the Commission could properly deny the application based on a conclusion that the zoning change would be premature because of the current state of the area's development and the status of the real estate market. Genesis acknowledges that while the County's staff recommended in favor of the change, that recommendation is not binding on the County Commission.

The position of the County is that the Commission did not deny the application based on “prematurity”, but rather because the requested district boundary change to EU-1 would not be compatible with the neighborhood and the area concerned would be in conflict with the principle and intent of the plan for the development of Miami-Dade County. Further, Genesis’s rezoning application was inconsistent with the CDMP. As a result, the Commission’s decision complied with the essential requirements of law and was supported by substantial competent evidence.

The Circuit Court’s role is restricted to ascertaining whether there is substantial competent evidence to support the decision made. *Metro. Dade County v. Blumenthal*, 675 So. 2d 598, 606 (Fla. 3d DCA 1995).

Resolution No. Z-9-07 states that the “appeal should be denied, and the decision of Community Zoning Appeals Board 14 should be sustained, and that the requested district boundary change to EU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied.”

Where “a zoning action is challenged as violative of the comprehensive land use plan the burden of proof is on the one seeking the change to show by competent and substantial evidence that the proposed development conforms strictly to the comprehensive plan and its elements.” *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987).

“A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” *Id.*, at 633.

Genesis claims the application conforms to the criteria in County Code Section 33-311. The standards are as follows:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it was considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

The application does not meet the first criteria in full. While the application does conform to the CDMP, it is not consistent with the applicable area or neighborhood and would not serve a public benefit. The surrounding area is agricultural and located in an area that is characterized as "rural". Area residents consider it a farming area. Genesis's requested rezoning of the property would create a residential enclave in an area totally surrounded by agriculture. The only subdivision abutting the property for estate density has never been developed. There was testimony from an area resident that the area is all active farmland. At the time of the hearing, there were papayas planted. At other times, corn and tomatoes are planted on the property.

While Genesis contends that *Blumenthal, supra*, is no longer good law, we find otherwise. Compatibility can be a factor. Otherwise, as noted by the County Attorney, no zoning application could ever be denied and a factory could be built in a residential area. To abolish *Blumenthal*, rampant urban sprawl would occur. This proposed project is at the edge of the UDB. There is no development to the east of this proposal. Development should work towards the UDB, not from the UDB in.

Additionally, the proposal does not meet the fourth criteria of Miami-Dade Code Section 33-311. There is evidence in the record that all the schools in the area are already overcrowded. Redland Elementary School is already at 120% capacity, Redland Middle School is at 111% capacity, and South Dade Senior High School is at 131% capacity, according to the School Impact Review Analysis.

The proposal does not meet the fifth criteria of the code either. There was also testimony at the hearing that the building of access and egress roads, as numerous roads will have to be built, will be felt on SW 172 Ave.

The decision of the Miami-Dade Commission is supported by competent substantial evidence. The Petition for Writ of Certiorari is DENIED.

COPIES FURNISHED TO
COUNSEL OF RECORD AND
TO ANY PARTY NOT REPRESENTED
BY COUNSEL

HARVEY RUVIN, CLERK
CIRCUIT AND COUNTY COURTS
IN AND FOR MIAMI-DADE COUNTY
APPELLATE DIVISION

NOTICE OF HEARING
WITH ORAL ARGUMENT

07-313 AP
GENESIS PROPERTY DEVELOPMENT, L.L.C. VS. MIAMI DADE COUNTY, FLORIDA

TO: JEFFREY BERROW, ESQ.
200 SOUTH BISCAYNE BLVD., SUITE 850
MIAMI, FLORIDA 33131

GRAHAM C. PENN, ESQ.
200 SOUTH BISCAYNE BLVD., SUITE 850
MIAMI, FLORIDA 33131
ATTORNEY'S FOR APPELLANT

R.A. CUEVAS, JR., ESQ.
EDUARDO I. SANCHEZ, ESQ.
111 NW 1ST STREET, SUITE 2810
MIAMI, FLORIDA 33128 1930

NOTICE OF HEARING

Place: 1351 NW 12 Street
R.E. Gerstein Justice Building
Courtroom - 7-1

Hour: 3:30 P.M.

Date of Hearing: February 07, 2008

PLEASE TAKE NOTICE THAT the above styled cause will be called up on its merits pursuant to the Florida Rules of Appellate Procedure 9.320 before this Court at the place and time on the date aforesaid.

HARVEY RUVIN, Clerk
Circuit and County Courts

DATE OF NOTICE: December 18, 2007

By: 

Vanesther Fletcher

NOTHRG
NOTICE OF HEARING



HARVEY RUVIN
CLERK
CIRCUIT AND COUNTY COURTS
APPELLATE DIVISION
TELEPHONE # 305-349-7580
ROOM 133 - BALCONY
DADE COUNTY COURT HOUSE
73 WEST FLAGLER STREET
MIAMI, FL 33130

June 20, 2007

RE: Appellate Court Case No.: 07-313 AP
Lower Court Case No.: 05249

APPELLANT, GENESIS PROPERTY DEVELOPMENT, L.L.C.

vs.

APPELLEE, MIAMI DADE COUNTY, FLORIDA

GRAHAM PENN, ESQ.,
JEFFREY BERCOV, ESQ.
200 SO. BISCAYNE BLVD., SUITE 850
MIAMI, FLORIDA 33131

Dear **APPELLANT'S ATTORNEY:**

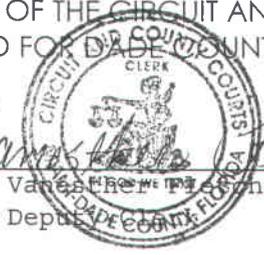
The Clerk of the Court acknowledges receipt of the following:

Petition for Writ of Certiorari reflecting the lower tribunal filing date of June 18, 2007.
Appealing an order dated MAY 17, 2007.

In the future, please use this Court's case number on all motions and correspondence filed in this cause. Refer to the Florida Rules of Appellate Procedure for time calculations and other requirements.

Sincerely,
HARVEY RUVIN
CLERK OF THE CIRCUIT AND COUNTY COURTS
IN AND FOR DADE COUNTY, FLORIDA

BY 
Vanessa Herne, Esq.
Deputy Clerk



MURRAY A. GRENBERG, ESQ.
NANCY RUBIN, ESQ.

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

APPELLATE DIVISION

**LOWER TRIBUNAL CASE NO.
ZONING APPLICATION P.H.
NO. 05-249**

GENESIS PROPERTY DEVELOPMENT, L.L.C.

Petitioner.

v.

MIAMI-DADE COUNTY,
Florida,

Respondent.

RECEIVED
LEGAL COUNSEL SEC.
07 JUN 21 AM 11:12

PETITION FOR WRIT OF CERTIORARI.

INTRODUCTION

This case involves a denial of an application (the “Application”) brought by Petitioner Genesis Property Development, L.L.C. seeking a zone change on a parcel of land in unincorporated Miami-Dade County, Florida. The Miami-Dade County Board of County Commissioners (the “Commission”) voted to deny the Application, in contravention of the written recommendation of professional staff, based on the conclusion that the requested zoning would be “premature.” Because “prematurity,” or any similar concept, is not a factor in the County's published criteria governing a decision on a zone change, the Commission failed to comply with the essential requirements of the law. The decision denying the Application must therefore be quashed.¹

JURISDICTION

This Court has jurisdiction over this matter pursuant to Article V, Section 5 of the Florida Constitution and Florida Rule of Appellate Procedure 9.030(c), which together authorize circuit courts to review petitions for writ of certiorari

¹ References to the Exhibits included in the Appendix attached to this Petition will be followed by the designation “Exhibit ___” followed by the appropriate pagination. Referenced page numbers shall be each document’s internal pagination. References to the County Staff Recommendation shall be based on the handwritten numbers on the bottom right corner of each page. All references to the transcript of the County Commission hearing on the application will be followed by the designation “T” followed by the appropriate pagination.

challenging municipal quasi-judicial decisions. See generally Florida Power & Light Co. v. City of Dania, 761 So.2d 1089 (Fla. 2000).

STANDARD OF REVIEW

This Court's standard of review in the instant case involves a determination of whether the Commission (1) afforded Genesis due process; (2) observed the essential requirements of law in rendering its decision and (3) supported its decision with competent substantial evidence. See City of Deerfield Beach v. Vaillant, 419 So. 2d 624, 626 (Fla. 1982). While styled as a certiorari action, this Court's review is akin to a plenary appeal. See City of Dania, 761 So.2d at 1092, n.3.

STATEMENT OF THE CASE AND FACTS

Genesis is the owner of an approximately fifteen and half (15.5) acre parcel (the "Property") located east of S.W. 177 Avenue (Krome Avenue) and south of S.W. 272 Street in unincorporated Miami-Dade County. The Property is currently used for agricultural purposes.

Surrounding Area. The area surrounding the Property is developed with a mix of estate density residential and agricultural uses. The Property is bounded on the north and south by agricultural zoned parcels. To the immediate west of the Property is Krome Avenue, the main north-south thoroughfare in southwest Miami-Dade County. To the immediate east of the Property lies a nine (9) unit

unbuilt estate residential subdivision. Exhibit B, pg. 7. Further to the east, northeast and southeast of the Property are additional estate residential subdivisions. Exhibit C. In total, there are 213 estate density residential lots in the immediate vicinity of the Property, along with additional parcels that are zoned for estate use but not yet subdivided. Exhibit C. Ninety (90) of the existing subdivided residential lots are zoned for “Estate Modified” (EU-M) development under the County Code, which is the most intense of the estate density residential zones. Exhibit C.

Comprehensive Plan and Zoning Status. The Property is designated under the County's Comprehensive Development Master Plan (the “CDMP”) for “Estate” residential use, which contemplates a density of residential use at a minimum of one unit up to 2.5 units per gross acre. Exhibit E, pg. I-31. The parcels for about two miles to the south and east of the Property are also designated for Estate development. Exhibit F.

The Property is zoned a mix of Single Family Estate (EU-1) and Agriculture (AU). Exhibit D. While the Property has been used for agriculture and may continued to be used for such purposes, all new zoning on the Property must be consistent with its residential CDMP designation.

As required by State Statute Section 163.3161 et. seq. (colloquially known as the “Growth Management Act”), the County's CDMP was first adopted in 1988

as a mechanism to guide development within the unincorporated County. The CDMP's Land Use Element is intended to meet the County's growth policy of managing development, among other things, "at a rate commensurate with projected population and economic growth" of the County. Exhibit E, pg. I-1. The Land Use Element "both reflects, and seeks to promote, activity in the private land market." Exhibit E, pg. I-1.

At its most basic level, the CDMP's Land Use Element divides the County's land area between "urban" land use categories within the County's "Urban Development Boundary" (the "UDB") and those areas outside the UDB which are generally not permitted to be developed. The UDB, as well as the various land use categories recognized in the plan, are depicted on the County's Future Land Use Plan Map. Exhibit F.

The UDB is intended to include sufficient land to support the County's urban development needs for fifteen years. The CDMP provides that "[d]evelopment orders permitting urban development will generally be approved within the UDB at some time [within the fifteen years] provided that level-of-service standards for necessary public facilities will be met." Exhibit E, pg. I-57. The Property has been located in an "urban" land use category within the UDB since 1991. T., pg. 13. Land that is within the UDB is deemed by the CDMP to be eligible for urban development following any necessary zoning procedures. Exhibit E, pg. I-57.

As noted above, the Property, while currently undeveloped, is: (1) within the UDB; and (2) designated for Estate density residential use and has been so designated since 1991 when the UDB was expanded to include the area surrounding the Property.

Zoning Application. Despite its Estate residential CDMP designation, the Property cannot be developed for residential purposes absent the approval of an application seeking a rezoning or “district boundary change” pursuant to Section 33-304 of the County Code. Genesis filed the Application seeking a district boundary change on the Property from its current mix of Estate and Agriculture zoning to an Estate zoning district. Genesis proffered a site plan along with its Application that depicted a eighteen (18) house subdivision on the Property.² Exhibit B, pp. 31-32.

Staff Recommendation. The Application was reviewed by the relevant County departments, all of which indicated that they had no objection to the zoning requests. Exhibit B, pp. 4, 8. The Department of Planning and Zoning (the “Department”), which under the County Code has the responsibility for issuing

² Genesis sought to employ “Severable Use Rights” in the development. The County's Severable Use Rights program permits land owners in environmentally sensitive areas outside of the UDB to sell development rights to landowners within the UDB. The development rights may be employed, for example, to reduce required lot sizes in single family districts. The application of Severable Use Rights in the Application resulted in Genesis being able to include three (3) additional homes in its proposed development.

recommendations on zoning requests, recommended that the Application be approved. Exhibit B, pg. 8.

In its recommendation, the Department noted that the area in which the Property is located has “gradually lost its Agricultural flavor” as more land has been approved for, or developed with, single family homes. Exhibit B, pg. 7. The Department further noted that the area surrounding the Property “has either been rezoned for, or originally platted to accommodate, single family development.” Exhibit B, pg. 7.

After listing the multiple residential approvals in the immediate vicinity, the Department opined that the area surrounding the Property “is no longer suitable for agricultural production.” Exhibit B, pg. 7. In fact, the Department noted that the continued agricultural use of the Property would be inconsistent with Policy LU-4C of the CDMP, which provides that residential neighborhoods should be protected from inconsistent uses that may disrupt their tranquility. Exhibit B, pg. 8.

The Department thereafter applied the County Code's published standards for district boundary changes, which are codified in Section 33-311 of the County Code. The standards are as follows:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood

studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

After reviewing the Code's published criteria, the Department opined that the Application met the standards for approval.

Community Zoning Appeals Board Hearing. Under the terms of Section 33-309 of the County Code, most zoning applications are reviewed by bodies known as Community Zoning Appeals Boards (“CZABs”) made up of elected or appointed residents of discrete areas of the County. The Application was reviewed

by CZAB 14, which has jurisdiction over most of the southwest portion of Miami-Dade County. After a public hearing held on November 1, 2006, CZAB 14 voted to deny the Application. The only rationale provided for the decision during the hearing was a statement by the Chairwoman of Board who noted that she believed that the Application was premature as the parcels to the north and south of the Property were still being used for agricultural purposes and many homes in the area were up for sale.

Board of County Commissioners Hearing. Pursuant to Section 33-314 of the County Code, Genesis filed an appeal of the CZAB 14 decision with the Board of County Commissioners. Under the terms of the County Code, an administrative appeal is heard as a de novo quasi-judicial zoning matter. The Commission held a public hearing on May 10, 2007. At the hearing, Genesis's counsel noted that it had the support of all relevant County departments. T., pg. 4. Counsel further explained that the Application was consistent with the CDMP and the pattern of development in the immediate vicinity. T, pp. 4-6.

Prematurity Issue. In addressing the decision of CZAB 14, counsel for Genesis explained that the only stated reason for the denial made by the CZAB was that the request was “premature.” T., pg. 10. Counsel noted that neither the County Code, nor the CDMP, “recognizes the concept of prematurity . . . as a justification for denial of a district boundary change.” T., pg. 11.

Genesis thereafter presented the expert testimony of Guillermo Olmedillo, a land planner and former Director of the County's Department of Planning and Zoning. Mr. Olmedillo explained that the Property had been designated for estate residential use since the adoption in 1974 of the County's Generalized Land Use Plan. T., pg. 13. Mr. Olmedillo also noted that the Property had been incorporated within the current CDMP's UDB in 1991 and, since the CDMP policy requires that the UDB include a fifteen (15) year supply of developable land, the Property is overdue to be developed. T., pp. 13-15. In response to a question by counsel for Genesis, Mr. Olmedillo noted that he agreed that the policy decision on when a parcel is deemed to be ready for urban development is made when the site is brought within the County's UDB. T., pg. 16.

After Genesis concluded its presentation, Doug Cumbie, a local resident who owns an estate density residential lot in the area addressed the Commission in opposition to the Application. T., 17-18. Mr. Cumbie explained that much of the surrounding square mile area was active farmland.³ T., pg. 18.

Mr. Cumbie further explained that he believed that the roads that would be extended to serve the subdivision would be intrusive to the area. T., pp. 18-19.

³ Mr. Cumbie did not address whether the area he referenced was inside the UDB. T., pg. 18. As noted supra, the UDB runs along S.W. 272 Street and S.W. 177 Avenue (Krome Avenue) in this area. Areas either west of Krome Avenue or north of S.W. 272 Street are outside the UDB and are designated for Agricultural use. It would be no surprise, therefore, that these areas outside of the UDB within one mile of the Property were being used for agriculture.

Finally, Mr. Cumbie noted that, in his opinion, there was “no need for any new homes in this area” because many homes were for sale in the area. T., pg. 19.

Commission Deliberation. Following testimony of an area resident in favor of the Application and a short rebuttal presentation by counsel for Genesis, the public hearing was closed and the Commission began its deliberations. T., pg. 21. First to speak was Commissioner Sorenson, whose district incorporates the Property.

Commissioner Sorenson asked the Interim Director of the Department of Planning and Zoning about the uses surrounding the Property. The Interim Director noted that all of the uses immediately surrounding the Property were currently agricultural. T., pg. 21. The Interim Director's testimony on this point was incorrect, which he acknowledged later in the discussion. In fact, the land immediately abutting the Property to the east is an undeveloped nine lot platted subdivision. Exhibit B, pg. 6. Because of the existence of the subdivision to the east, Genesis was required to design its site plan in order to incorporate a cul-de-sac that was depicted on the other subdivision. Exhibit B, pg. 31.

Commissioner Sorenson then asked the Assistant County Attorney attending the hearing her opinion on the issue of whether prematurity was a concept incorporated in the County Code criteria for zoning decisions. T., pg. 22. The Assistant County Attorney opined that the CDMP “is a 10/20 plan. Within that

time frame, [the Commission has] the authority to decide . . . the appropriate scheduling . . . for rezonings to a designation” in the CDMP. T., pg. 22.

Commissioner Sorenson then queried the Assistant County Attorney whether, in her legal opinion, it would be fair to characterize an application as premature that seeks residential zoning in “an area that is completely surrounded by agriculture, that's working agriculture right now” in a climate where the real estate “market has slowed down significantly.”⁴ T., pp. 22-23. The Assistant County Attorney opined that “those reasons, together with the information in your zoning record,” would satisfy the zoning criteria in the County Code. T., pg. 23.

Commissioner Sorenson asked the Assistant County Attorney to confirm that retention of agriculture was both consistent with the CDMP as well as a goal of the plan. T., pg. 23. The Assistant County Attorney agreed with those statements. T., pg. 23-24. Commissioner Sorenson stated that she believed that approval of the Application would create a residential enclave and that she believed it was “not time yet” for the Property to be developed for residential purposes. T., pp. 24-25. She then moved to deny the appeal and, by extension the Application.

During the brief discussion following Commissioner Sorenson's motion, Commissioner Seijas inquired of the Interim Director of the Department of

⁴ As explained supra, the Property immediately abuts a platted estate density residential subdivision.

Planning and Zoning why the Department had recommended in favor of the Application. T., pg. 25. The Interim Director explained that the Department based its recommendation on the fact that the Application was consistent with the CDMP. T., pg. 25.

When pressed by Commissioner Seijas, the Interim Director opined that the Application was consistent with the CDMP and that the Department did not take timing into consideration when issuing its recommendation. T., pg. 25-26. The Commission then voted; seven of the eleven Commissioners present voted to deny the Application. This Petition timely followed.

ARGUMENT

I.

THE COMMISSION IMPROPERLY BASED ITS DENIAL OF THE APPLICATION ON A CRITERION NOT FOUND IN THE COUNTY CODE.

There is no dispute in the instant case that the development proposed in the Application was consistent with the Property's CDMP designation. The Property is located within the County's UDB and is designated for Estate density residential use under the CDMP. The question at the center of this case is whether the Commission could properly deny the Application based on a conclusion that the

zone change would be premature because of the current state of the area's development and the status of the real estate market.

While the County's professional staff recommended in favor of the Application and such recommendation would provide sufficient evidence to support an approval of the Application, Genesis understands that a staff recommendation is not binding on the County Commission.⁵ However, the Commission was obligated to review the Application solely based on the criteria for district boundary changes published in the County Code. See Broward County v. G.B.V. International, Ltd., 787 So. 2d 838, 842 (Fla. 2001) (to deny an application, a local government must demonstrate by substantial competent evidence that application failed to meet published code criteria).

The Commission similarly could not add or subtract from those published criteria in rendering its decision. See Miami-Dade County v. Omnipoint Holdings, Inc., 863 So.2d 375, 376 (Fla. 3d DCA 2003) (“[n]either a quasi-judicial body nor a reviewing circuit court is permitted to add to or detract from these criteria (the local regulations) when making its assigned determination.”) Because the Commission failed to base its decision on those published criteria, it did not

⁵ When considering the appropriate interpretation of the County Code criteria, however, it is instructive to note that the County's professional staff did not conclude that the timing of development was a relevant factor.

comply with the essential requirements of the law and its denial of the Application must be quashed.

Code Criteria. As explained supra, the County Code contains five factors that guide Commission decisions on district boundary changes. See Exhibit B, pp. 4-5, County Code Section 33-311. None of the County Code criteria applied to district boundary changes provides that such an application may be denied if the County Commission concludes that such zoning would be “premature” based on the (1) development status of neighboring parcels; or (2) the health of the residential real estate market.

It is also readily apparent that no competent substantial evidence was before the Commission that would have supported a denial of the Application based on the published code criteria. Below are the Code criteria, along with a description of the status of the evidence in the record that could properly support a conclusion that the Application did not meet the Code standards:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

The Application was clearly consistent with this requirement. The Property is designated for Estate density residential development under the CDMP, which was the requested use of the Property. There was no evidence presented that

suggested that development of the Property as proposed would not be consistent with the CDMP.

- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

As the recommendation of the Department of Environmental Resources Management provided, the approval of the Application will not create a negative environmental impact. Exhibit B. pp. 5, 10-11. There was no evidence presented that would contradict the professional recommendation of the County's staff.

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

There was no evidence presented that the approval of the Application could have a deleterious impact on the County's economy.

- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

As provided in the recommendations from the relevant County departments, the proposed development would not overburden any of the listed public facilities. Genesis also agreed to provide a monetary donation to the School Board over and

above impact fees for the nine (9) public school students that would be generated by the Application. Exhibit B, pg. 6. There was no evidence presented in the record that would support a finding that the Application did not meet this criterion.

- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

The County's Public Works Department opined that adequate roadway facilities will exist to serve the proposed development. Exhibit B, pg. 12. Again, there was no evidence presented in the record that would support a finding that the Application failed to meet this criterion.

Florida law is clear that local government quasi-judicial zoning decisionmaking is constrained by the local government's published standards, which must be fairly applied. See G.B.V. International, Ltd., 787 So. 2d at 842. As the Third District Court of Appeal recently reiterated in the Omnipoint decision, a local government zoning board is not free to supplement the criteria in a zoning code when rendering a decision, but must instead limit itself to the written standards. See 863 So.2d at 376.

The County Code's published criteria do not permit the County Commission to base a decision on a requested zone change on the conclusion that such an Application would be "premature." Because the Commission denied the Genesis

Application on that basis, it failed to comply with the essential requirements of law and its decision must be quashed.

II.

THE CDMP DOES NOT PROVIDE SUPPORT FOR THE PROPOSITION THAT ZONING APPLICATIONS MAY BE DENIED BASED ON A FINDING OF PREMATURETY.

During the Commission's review of the Application, the Assistant County Attorney opined that the Commission could properly deny the Application based on a conclusion that the Application was “premature.” The basis for her opinion was that the CDMP expressly recognizes that development within the UDB is expected to take place over time and the Commission therefore retained the discretion to deny zoning changes that it deemed to be premature. This interpretation of the relationship between the County Code and the CDMP is incorrect.

Timing of Development Under the CDMP. The Assistant County Attorney was certainly correct in noting that the CDMP recognizes that the land within the UDB will be developed over time, through private applications filed by landowners. The fact that a parcel is located within the UDB and designated for urban development also does not mean that the owner of the property may

immediately commence development. Instead, a property owner must demonstrate the existence of adequate levels-of-service for necessary public facilities.⁶ Exhibit E, pg. I-57. In many cases a property owner must also seek and obtain necessary zoning approvals which will be reviewed by the County under its published criteria.

Relationship Between CDMP and County Code. The CDMP guides the Commission’s zoning authority in a limited manner, largely through the Future Land Use Plan Map’s designations for individual properties and the limitation on development outside of the boundaries of the UDB. Exhibit E, pg. I-68 (the [Future Land Use Plan Map] “provides the general land use framework indicating how, where and the extent to which land may be used between now and the year 2015”). The County's CDMP is not unique in establishing an UDB in which development is expected to occur within the next fifteen years. In fact, establishing a UDB or similar area in which urban development is proposed to occur is now a requirement of every local comprehensive plan under state law. See Fla. Stat. § 163.3177(6)(a) (2006).

The CDMP includes no policies or directives as to when and where development should occur within the UDB, except that development should only be permitted where adequate public infrastructure is available. CDMP, pg. I-57;

⁶ All relevant County departments noted that adequate levels of service existed on all infrastructure necessary to support the development of the Property.

But cf., Franklin County v. S.G.I. Ltd., 728 So.2d 1210 (Fla. 1st DCA 1999)

(comprehensive plan policy related to shellfish beds specific enough that it may be taken into consideration and utilized in reviewing applications for site plan approval). Assuming that adequate public facilities are available, development decisions are left to the determination of the County's zoning boards, including the Commission, subject to the published zoning criteria.

In sum, it is clear that the CDMP contemplates that the land within the UDB will be developed over a fifteen year period. As long as the proposed use is consistent with the CDMP, which hardly can be contested in the instant case⁷, the CDMP provides no guidance as to when a particular parcel should be developed. That decision must instead be based on the published criteria in the zoning code. As fully explained supra, the Commission did not base its decision on the published code criteria, but instead on a factor not in the County Code. Because the Commission failed to base its decision on the published code criteria, it did not comply with the essential requirements of law.

⁷ In the instant case, it is arguable that both the development proposed by Genesis and the status quo on the Property would be consistent with the CDMP. The fact that the status quo may be consistent with the CDMP does not, however, mean that the Commission was no longer under an obligation to demonstrate, by substantial competent evidence, that the Application failed to comply with the published zoning criteria. See Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469, 476 (Fla. 1993).

CONCLUSION

For the reasons outlined above, this Court must quash and reverse the County Commission's denial of the Genesis Application. See, e.g. Jesus Fellowship, Inc. v. Miami-Dade County, 752 So. 2d 708, 711 (Fla. 3d DCA 2000) (instructing circuit court to direct local government to approve application as requested).

Respectfully submitted,

BERCOW RADELL &
FERNANDEZ, P.A.
Attorneys for Petitioner,
Genesis Property Development, L.L.C.
Wachovia Financial Center
200 So. Biscayne Blvd., Ste. 850
Miami, Florida 33131
(305) 374-5300 (phone)
(305) 377-6222 (fax)



Jeffrey Bercow, Esq.
Fla. Bar No. 268518



Graham Penn, Esq.
Fla. Bar No. 484733

CERTIFICATE OF SERVICE

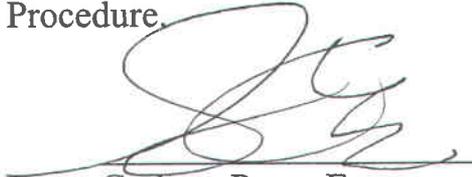
I HEREBY CERTIFY that a true and correct copy of Genesis Property Development's Petition for Writ of Certiorari was sent by U.S. Mail on this 18th day of June 2007 to the Clerk of the Board of County Commissioners, Miami-Dade County, 17th Floor, 111 N.W. 1st Street, Miami, Florida 33128 and Nancy Rubin, Esq., Departmental Counsel, Department of Planning and Zoning, 11th Floor, 111 N.W. 1st Street, Miami, Florida 33128.



Graham Penn, Esq.
Fla. Bar. No. 484733

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the text of the foregoing Petition for Writ of Certiorari is written in Times New Roman 14-point font pursuant to Rule 9.210(a)(2), Florida Rule of Appellate Procedure.



Graham Penn, Esq.
Fla. Bar. No. 484733

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

APPELLATE DIVISION

**LOWER TRIBUNAL CASE NO.
ZONING APPLICATION P.H.
NO. 05-249**

GENESIS PROPERTY DEVELOPMENT, L.L.C.

Petitioner.

vs.

MIAMI-DADE COUNTY,
Florida,

Respondent.

APPENDIX TO PETITION FOR WRIT OF CERTIORARI.

Table of Contents

	Exhibit
Transcript of Board of County Commissioners May 10, 2007 Hearing	T
Board of County Commissioners' Zoning Resolution Z-9-07	A
Staff Recommendation on Application	B
Exhibit Showing Status of Area Development	C
Zoning Map for Subject Property and Surrounding Area	D
Excerpts from Miami-Dade County Comprehensive Development Master Plan ("CDMP") Land Use Element	E
CDMP Future Land Use Map	F
Photos of Surrounding Development	G

STEPHEN CLARK BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, May 10, 2007

ITEM

GENESIS PROPERTY DEVELOPMENT, LLC
(05-249)

Board of County Commissioners
(Present)

- Bruno A. Barreiro, Chairman
- Barbara Jordan, Vice Chairperson
- Joe Martinez
- Carlos A. Gimenez
- Sally A. Heyman
- Katy Sorenson
- Audrey Edmonson
- Natacha Seijas
- Jose "Pepe" Diaz
- Dennis Moss
- Dorrin Rolle

County Attorney's Office

Joni Armstrong-Coffey
Assistant County Attorney

Staff

Subrata Basu, Acting Director
Alberto Torres, Assistant Director

On behalf of the Applicant

Jeffrey Bercow, Esq.

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

CHAIRMAN BARREIRO: 3, 16-17, 19-21, 26.

COMMISSIONER SORENSON: 12, 21-25.

COMMISSIONER MOSS: 25.

COMMISSIONER SEIJAS: 25-26.

S T A F F

MR. TORRES: 3.

MR. BASU: 21-23, 25-26.

MS. ARMSTRONG-COFFEY: 22-24.

ON BEHALF OF THE APPLICANT

MR. BERCOW: 3-17, 20-21.

MR. OLMEDILLO: 12-16.

SUPPORTER

RENE REY: 19-20.

OBJECTOR

DOUG CUMBIE: 17-19.

1 ASSISTANT DIRECTOR TORRES:

2 Chairman, call the next item?

3 CHAIRMAN BARREIRO: Next item.

4 ASSISTANT DIRECTOR TORRES: Next
5 item, Mr. Chairman, is application -- it's
6 an appeal, Number 1, Genesis Property
7 Development, LLC, Application 05-249, and
8 our records indicate that there are two
9 filed waivers of objection.

10 CHAIRMAN BARREIRO: Who's
11 representing Genesis?

12 MR. BERCOW: Thank you,
13 Commissioners. My name is Jeffrey Bercow.
14 I'm an attorney with the law firm of
15 Bercow Radell & Fernandez, located at 200
16 South Biscayne Boulevard in Miami, and I'm
17 here today representing the applicant on
18 this matter.

19 Here with me is Mr. Randy Greenfield,
20 on behalf of the property owner. He is
21 the property owner. Our planner is
22 Guillermo Olmedillo, and my colleague
23 Graham Penn.

24 This parcel has been in Mr.
25 Greenfield's family's ownership since the

1 1970's.

2 We're here today to ask you to
3 override the decision of Community Council
4 14 and approve the rezoning of this 15 1/2
5 acre parcel to EU-1.

6 We do have a favorable recommendation
7 from the Department of Planning & Zoning.
8 All other county departments have no
9 objection to this application, and we have
10 fully mitigated our impacts to schools.

11 As staff noted, there are no filed
12 protests, and there are two waivers and
13 there's a supporter in the audience.

14 The property is shown on this
15 exhibit. It's in orange on the -- on the
16 left side of the exhibit. This is Krome
17 Avenue to the west. These lands are all
18 zoned, platted or developed for estate
19 density development to the east. We have
20 272 Street to the north. Half-section
21 line road -- I'm sorry, section line road
22 and the half-section line road 280 Street
23 to the south. So this illustrates a
24 half-section -- an entire half section of
25 land in the area.

1 The property is inside the Urban
2 Development Boundary. It is designated
3 estate density residential, up to 2 1/2
4 units per acre, which is the same as all
5 of the land for about two miles to the
6 south and the east.

7 Currently, the zoning on the property
8 is a mix of EU-1 on the west and AU on the
9 east as shown in your kit.

10 As I indicated, this is a
11 half-section of land shown on the exhibit.
12 Everything in yellow is either zoned,
13 platted or developed for estate density
14 homes. In fact, we counted 213 individual
15 estate density platted home sites within
16 this half-section of land, and that
17 doesn't count the areas to the south and
18 the east in and other sections.

19 And as you can see, it's well over a
20 majority of this half-section of land that
21 is already developed or in some state of
22 development for estate density residential
23 housing.

24 Of the 213 platted lots, over
25 40 percent, 90 of those lots are zoned

1 EU-M, which, as you know, from mixed lots
2 of 15,000 square feet, which is much
3 smaller than the EU-1 as we are
4 requesting. There are also about 25 acres
5 of land in this area that is zoned, but
6 not platted for estate density
7 development, including a strip along Krome
8 Avenue.

9 We believe that based upon the
10 comprehensive plan and the existing
11 pattern of development, this area's trend
12 development is clearly for estate density
13 residential, and what we're proposing is
14 very compatible and consistent with that
15 trend.

16 Your professional staff has agreed,
17 and that's why they're recommending in
18 favor of this application.

19 There's a site plan that's in your
20 package. I don't really think it's the
21 issue of contention, but a brief
22 description of that site plan is we're
23 proposing here to develop property with 18
24 estate homes. It's a little bit over one
25 unit per acre. There are three potential

1 model types, all of which your zoning
2 staff has found to be well designed. And
3 the area under air conditioning ranges
4 from 3,000 to 3500 square feet on these
5 units. The lot sizes will be from just
6 under 35,000 gross square feet to just
7 short of a full acre gross acre of land.

8 We're going to be providing 187
9 street trees, with additional trees within
10 each lot. And to ensure that Krome Avenue
11 is not going to be negatively impacted by
12 this development, none of the homes will
13 be fronting on Krome Avenue. There will
14 be no driveways on Krome Avenue. We're
15 providing separate entrances -- a separate
16 entrance and an exit for this project.
17 We're going to have a broad swale area
18 along Krome Avenue. The northern street,
19 274 Street, is the entrance off of Krome
20 for these houses, one way in to the east,
21 and Southwest 275 Street will serve as the
22 sole exit one way out to the west.

23 And we believe, and your staff
24 agrees, that the proposed plan is well
25 designed and compatible with the

1 surrounding area.

2 I do want to call to your attention
3 that we are using severable use rights in
4 this project. I'm sure you're all aware
5 that the severable use right program
6 permits the transfer of development rights
7 from the east Everglades area to outside
8 of the UDB to lands inside the UDB. Your
9 comprehensive plan encourages the use of
10 severable use rights. And the reason,
11 quite frankly, that the county has this
12 policy is that for every home that is
13 built inside the UDB, the severable use
14 rights essentially means a home that is
15 not built outside of the UDB. So we think
16 that the use of SURs in this area is going
17 to result in a development that is
18 compatible and attractive.

19 I'd also point out to you that 90 of
20 the 213 lots in this immediate area are
21 EU-M, smaller than our proposed lots.
22 This development, even with the use of
23 SURs, will have lot sizes that are at
24 least double EU-M requirements. The use
25 of SURs are going to result in a minimal

1 reduction in lot size from the EU standard
2 EU-1 regulations, and our lots are going
3 to have a lot frontage that is equal to or
4 larger than standard EU-1 lots in the
5 area.

6 Standard EU-1 requires 125 feet.
7 We're going to have approximately 140 feet
8 frontage for lots. And we believe that
9 frontage is the most important factor that
10 determines what a community looks like
11 when you're on the street and you're
12 driving through it. Frontage is what you
13 look at and what you see. You don't
14 really see the lot depth. Lot depth you
15 can only see really from a plan map. And
16 I think Guillermo Olmedillo is going to
17 explain that a little bit further. All of
18 the lots that we have here, we'll have a
19 frontage of at least 141 feet, which, as I
20 mentioned earlier, exceeds the standard
21 EU-1 and exceeds what you're permitted to
22 do with SURs.

23 I'd also point out on this issue of
24 lot frontage, that if you look at our
25 eastern most lots, at this location, and

1 you look at the standard EU-1 lots across
2 the cul-de-sac, you can barely tell the
3 difference. They have the same frontage.
4 The only difference is slightly smaller
5 lot size and lot depth in accordance with
6 the SUR regulations. So we believe that
7 this design will result in a development
8 that is compatible with the trend of
9 development and with the estate density
10 neighborhood. And your staff agrees.

11 I would also point out that we've
12 proffered a covenant to the School Board
13 that completely mitigates our impact on
14 the affected schools.

15 And the reason that we're here today
16 is that the Community Council denied this
17 application at its November hearing. The
18 only reason given by the Board for its
19 decision, was that since agricultural uses
20 existed on either side of this property,
21 therefore, it would be premature to
22 approve this zone change.

23 As we've explained and your staff
24 agrees, the proposed zone change is
25 consistent with the comprehensive plan.

1 It's consistent with the development in
2 the area, including the 213 already
3 platted zoned or developed estate homes in
4 the area.

5 And, furthermore, and Mr. Olmedillo
6 is going to explain this, neither your
7 code, nor your comprehensive plan
8 recognizes the concept of prematurity in
9 rezoning property as a justification for
10 denial of a district boundary change.

11 So at this point, I am going to
12 introduce our planner, Guillermo
13 Olmedillo. He's the former director of
14 the Department of Planning & Zoning. You
15 know him well. I would ask that he be
16 recognized as an expert in urban planning
17 for those purposes.

18 I would also point out that we do
19 have in the record a memorandum to staff
20 on the reasons that we comply with all of
21 the code criteria for rezoning and,
22 therefore, we're not going to repeat it
23 during the hearing, but we're happy to
24 address those issues, should you wish.
25 And I would just like to conclude after

1 Mr. Olmedillo finishes. Thank you.

2 COMMISSIONER SORENSON: Mr. Chairman,
3 just one second. Do we have objectors in
4 the audience? Okay.

5 All right, let's move forward with
6 Mr. Olmedillo.

7 MR. OLMEDILLO: Thank you, Mr.
8 Chairman, Members of the Board, good
9 morning, Guillermo Olmedillo, 330 Greco
10 Avenue, Suite 108, Coral Gables, Florida.

11 Staff has spoken well through its
12 recommendation, and it's contained in your
13 packets, and they have concluded it's
14 consistent and it's compatible, the two
15 layers of tests that you must undertake
16 every time you consider in rezoning of a
17 piece of property. They rely on the land
18 use designation, they rely on policy LU-9C
19 and they rely on the fact of the location
20 of the Urban Development Boundary. This
21 is inside of the Urban Development
22 Boundary.

23 I'd like to address the time and
24 issue of the Master Plan, and I will
25 disagree slightly with Jeff's comment

1 about how the Master Plan addresses the
2 issue of timing, and I'll go a little bit
3 back in history of the area.

4 Since 1974, the GLUP, the Generalized
5 Use Master Plan, already showed this area
6 as some -- the areas that should be
7 included as part of developed areas to be
8 constructed upon on estate density
9 residential uses. So we're going back a
10 few years.

11 In 1991, the Master Plan, under the
12 growth management bill -- or under the
13 Growth Management Act, I should say,
14 already included this particular piece of
15 property inside of the UDB for this
16 designated density and intensity. So
17 obviously your decisions, the decisions of
18 past commissions, to have a policy to
19 include this area as area to be developed,
20 it's already done. It's been done many
21 years ago.

22 As you know, the time horizon
23 established in the CDMP is 15 years,
24 which, by the way, it's less than the
25 usual 20-year time horizon that is in

1 every other comprehensive plan that you
2 will find in Florida. So we're working
3 with a shorter time frame than the rest of
4 the communities work with, which is the
5 usual mode of operation for planning
6 principles. It's important, because then
7 we're working with 15-year parameters,
8 instead of a 20-year parameter. So if you
9 were working with a 20-year parameter, you
10 would say you're going to need more land
11 to be used. When you use less years,
12 you're going to say the conclusion is
13 obviously you're going to need less land,
14 because your population projections, which
15 are the ones that drive the need for
16 space, for urbanized space, then becomes
17 less.

18 In addition to the fact that we have
19 gotten to the time that it takes for the
20 Comprehensive Development Master Plan Land
21 Use Element to comply with those 15 years,
22 because since 1991, it was incorporated
23 inside of the UDB, and now 16 years later,
24 which is one year beyond the 15-year
25 horizon, you have a two to three-year span

1 between now and the time that these units
2 will be CO'd, should they be approved by
3 this Board. So you are not only well
4 within the range of the timing issue,
5 which is addressed by the Master Plan, and
6 the fact that the Master Plan establishes
7 a 15-year planning horizon, and that the
8 area that it's designated inside of the
9 UDB is supposed to be developed within
10 that time frame, but your zoning action is
11 the one that implements land uses. And
12 this is the time. It's timely. The area
13 has been there -- has been parceled, has
14 been proposed for development, for this
15 type of development.

16 In conclusion, go back to your staff
17 recommendation, consistent with the Master
18 Plan and compatible. It meets all the
19 timing limitations that are considered in
20 the Master Plan. And my recommendation to
21 you, Commissioners, is that again you
22 agree with your planning staff and approve
23 the application.

24 MR. BERCOW: Guillermo, if I can just
25 ask you a couple of questions.

1 Would it be fair to summarize your
2 testimony on the timing issue to state
3 that the decision on timing is made when
4 the Master Plan is amended to include the
5 property and provided with the land use
6 designation, that is the time when the
7 Commission decides this property is ready
8 for urban development?

9 MR. OLMEDILLO: I agree with that
10 statement.

11 MR. BERROW: And you've reviewed the
12 standards in the code for rezoning, and
13 this application satisfies all of those
14 standards?

15 MR. OLMEDILLO: It satisfies all the
16 standards for rezoning.

17 MR. BERROW: Thank you very much.

18 CHAIRMAN BARREIRO: All right.

19 MR. BERROW: In conclusion, Mr.
20 Chair, Commissioners, we have handed out
21 copies of photographs of other homes in
22 this area. I think that what we're
23 proposing is very consistent, compatible
24 with those homes. I did make an error
25 earlier when I told you the square footage

1 of the homes. That's the footprint of the
2 homes. These are actually going to be
3 two-story homes, so they'll be somewhat
4 larger.

5 This application is consistent with
6 the Master Plan, as Mr. Olmedillo told you
7 in the pattern of neighborhood
8 development. The use of SURs will make
9 this a compatible project with the area.
10 We've satisfied the concerns of the School
11 Board. I have a positive recommendation
12 from all county departments. So we,
13 therefore, ask for approval of our appeal
14 and the requested zoning change with
15 acceptance of our proffered covenant.

16 There are three letters of support
17 that we have placed into the record.
18 There is a supporter here, who I believe
19 will speak, and we're available for any
20 questions you may have. Thank you for
21 your time.

22 CHAIRMAN BARREIRO: Thank you.

23 Against the application. Public
24 hearing is open, if you want to come down.

25 MR. CUMBIE: Good morning, my name is

1 Doug Cumbie. I live at 17150 Southwest
2 274 Street. I'm basically the last house
3 to the east of this property on 172
4 Avenue.

5 I'm here to speak against this
6 proposal. They present a picture that
7 this proposal is compatible with this
8 area. I'm here to tell you that it's not.
9 It's all active farmland. Right now they
10 have papayas planted. They have corn.
11 They have tomatoes on the other end of the
12 field.

13 This is an area of roughly a square
14 mile. There's all farm fields. It's all
15 active. And I think agriculture in Dade
16 County deserves every break it can get.
17 It's a viable industry here. I think it
18 should be maintained. This area, like I
19 said, is active farmland.

20 They also want to put an access and
21 egress road a half a mile from the east
22 going into this property. They say that
23 the impact won't be felt on Krome Avenue,
24 but it will be felt on 172 Avenue. You're
25 going to build two separate roads that

1 will cut right through active farmland.
2 This, to me, just fails the common sense
3 test.

4 So as far as timing goes, if you go
5 down to South Dade now, there's a lot of
6 For Sale signs on the streets. There's no
7 need for any new homes in this area.
8 There's an abundance of surplus homes.
9 And I urge you to support the decision of
10 the Community Council 14 and reject this
11 application. Thank you.

12 CHAIRMAN BARREIRO: Thank you.

13 Anybody else from the public wishes
14 to speak on the application, either
15 against or in favor?

16 MR. REY: Rene Rey. I live in the
17 area. I'm a homeowner in Homestead,
18 Florida, which is on 288 and 154, as well
19 as I'm a small investor. And I believe
20 that if anybody who really drives up Krome
21 Avenue, you know, up and down, sees a lot
22 of nurseries, which, you know, is
23 questionable whether they're appealing to
24 the eye or not, I do really believe that
25 looking at this property from a beauty

1 standpoint, and the amount of landscaping
2 and, you know, the estate homes, I think
3 it's going to bring a new type of beauty
4 to the area. It will look very nice.

5 And as far as impacts on traffic,
6 it's like a drop in the bucket. If you
7 try to drive up and down Krome Avenue
8 right now, which I do on a constant basis,
9 it's not what it was two years ago, and
10 it's never going to be the same again.
11 They're, you know, widening the roads to
12 three lanes and proposing four in some
13 areas. And it's definitely time for this,
14 and that's my opinion.

15 MR. BERCOW: Thank you.

16 CHAIRMAN BARREIRO: All right, to
17 close.

18 MR. BERCOW: Yes, Mr. Chair, with
19 respect to the objections of the first
20 speaker, yes, this property is an
21 agricultural use, but the owner is not
22 required to keep it an agricultural use.
23 The comprehensive plan shows it for urban
24 development. It shows it for estate
25 density residential development. We could

1 ask for up to 2 1/2 units to the acre. We
2 are trying to be sensitive by having
3 larger lots on Krome Avenue with smaller
4 lots moving towards the east. And, again,
5 our overall density is only slightly one
6 unit to the acre, completely consistent
7 with the Master Plan.

8 I'm not sure what roads the objector
9 is referring to. The only roads that
10 we'll be putting in are the roads that
11 Public Works and your Planning & Zoning
12 Department have required of us on the
13 north side and the south side of the
14 property in order to gain access. So I
15 would ask you to approve the plan -- the
16 application as presented. Thank you.

17 CHAIRMAN BARREIRO: All right, public
18 hearing is closed.

19 Commissioner.

20 COMMISSIONER SORENSON: Thank you.

21 I just wanted to ask the Director,
22 what uses are to the north, south, east
23 and west of this property?

24 ACTING DIRECTOR BASU: They're all ag
25 uses right now.

1 COMMISSIONER SORENSON: They're all
2 ag uses. So this -- if this is approved,
3 this would create a residential enclave in
4 an area totally surrounded by agriculture?

5 ACTING DIRECTOR BASU: That is
6 correct.

7 COMMISSIONER SORENSON: Okay.

8 Madam attorney, in terms of the
9 attorney's remarks regarding prematurity
10 being a basis for inconsistency, what is
11 your opinion on that.

12 MS. ARMSTRONG-COFFEY: Your Master
13 Plan is a 10/20 year plan. Within that
14 time frame, you have authority to decide
15 what the appropriate scheduling is for
16 rezonings to a designation that's in your
17 plan.

18 COMMISSIONER SORENSON: Okay. So if
19 you have an area that is completely
20 surrounded by agriculture, that's working
21 agriculture right now, if you have a
22 market that has slowed down significantly
23 so that there are many, many houses on the
24 market that have not sold, those would be
25 appropriate reasons, in your legal

1 opinion, to say that this application
2 would be premature?

3 MS. ARMSTRONG-COFFEY: Those reasons,
4 together with the information in your
5 zoning record, we believe would satisfy
6 the zoning criteria in your code, yes.

7 COMMISSIONER SORENSON: Okay.

8 ACTING DIRECTOR BASU: Just to
9 correct my response, land to the east of
10 it is vacant. It's not an active
11 agriculture. It's vacant, but it's zoned
12 agriculture.

13 COMMISSIONER SORENSON: It's zoned
14 agriculture, but it's vacant.

15 ACTING DIRECTOR BASU: Yes.

16 COMMISSIONER SORENSON: And, Madam
17 attorney, is agriculture -- continuation
18 of agriculture consistent with the Master
19 Plan?

20 MS. ARMSTRONG-COFFEY: That is one of
21 the goals in your Master Plan, to foster
22 agriculture.

23 COMMISSIONER SORENSON: Okay. So
24 it's a goal, and it's also to continue it
25 would be consistent as well?

1 MS. ARMSTRONG-COFFEY: Yes.

2 COMMISSIONER SORENSON: Okay.

3 So I would just say that, you know,
4 there's an awful lot of houses right now,
5 market has slowed down a lot and,
6 eventually -- you know, not to give any of
7 the residents in the area false security,
8 eventually this is going to be developed,
9 it's clear, but if we put this in right
10 now, we're creating an enclave. We're
11 creating an area for people to live. And
12 the first -- as soon as they move in,
13 they're going to say, "What's that
14 spraying going on?" "Why are they doing
15 all this?" "Why is all this machinery
16 moving around?" Why are we doing all this
17 agriculture?"

18 And we have a Right to Farm Act. I
19 mean, that's also part of agriculture, is
20 that the state has pre-empted us with the
21 Right to Farm Act, which is a vested
22 interest in agriculture. So those people
23 won't have any basis for complaints.

24 At this time, I would say I
25 understand it's coming eventually, but

1 you've got a significant amount of
2 agricultural land on Krome Avenue. It's
3 not time yet. It's perfectly reasonable
4 for this board to say that this is a
5 premature application. And so I would
6 move to deny the appeal.

7 VICE CHAIRMAN MOSS: Second.

8 CHAIRMAN BARREIRO: Motion to deny.
9 Second.

10 COMMISSIONER SEIJAS: Can I ask a
11 question of staff?

12 CHAIRMAN BARREIRO: Commissioner.

13 COMMISSIONER SEIJAS: What was the
14 purpose of you advising us that it would
15 be appropriate to accept this?

16 ACTING DIRECTOR BASU: I think our
17 recommendation is primarily based on the
18 fact that it's consistent with the CDMP
19 and the densities that are allowed by the
20 CDMP.

21 COMMISSIONER SEIJAS: So it is
22 consistent with the CDMP?

23 ACTING DIRECTOR BASU: Yeah, it is
24 consistent with the CDMP.

25 COMMISSIONER SEIJAS: Okay. With

1 those years that the attorney told us we
2 need to look at, which would give the
3 ability to move up?

4 ACTING DIRECTOR BASU: It was not a
5 timing issue for us. It was just simply a
6 consistency issue.

7 COMMISSIONER SEIJAS: All right.

8 CHAIRMAN BARREIRO: Any other
9 comments on the item? With that, all in
10 favor, signify by saying aye.

11 COMMISSIONERS COLLECTIVELY: Aye.

12 CHAIRMAN BARREIRO: Against?

13 (Thereupon, Commissioners Diaz,
14 Rolle, Seijas and Edmonson raised their
15 hands in opposition to the motion).

16 CHAIRMAN BARREIRO: The item
17 passes -- the motion passes.

18 All right, staff, do we have any
19 other items before us or does that
20 conclude our zoning?

21 ASSISTANT DIRECTOR TORRES: That
22 concludes the zoning meeting.

23 CHAIRMAN BARREIRO: Zoning, we are
24 adjourned.

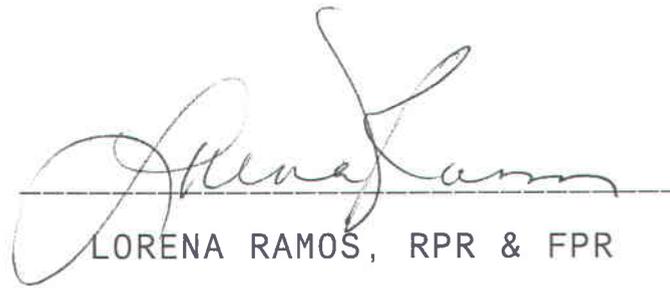
25 (Thereupon, the item was concluded.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Lorena Ramos, Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 26, is a true and correct record of my stenographic notes.

DATED this 31st day of May 2007 at Miami-Dade County, Florida.



LORENA RAMOS, RPR & FPR

COURT REPORTER

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-9-07

WHEREAS, GENESIS PROPERTY DEV. L. L. C. applied to Community Zoning

Appeals Board 14 for the following:

AU & EU-1 to EU-1

SUBJECT PROPERTY: The north ½ of the south ½ of the north ½ of the west ¼ of the SW ¼ all in Section 31, Township 56 South, Range 39 East, less the west 62.5' for right-of-way.

LOCATION: The Southeast corner of S.W. 177 Avenue (Krome Avenue) & theoretical S.W. 274 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB14-36-06, and

WHEREAS, GENESIS PROPERTY DEV. L. L. C. appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU & EU-1 to EU-1

SUBJECT PROPERTY: The north ½ of the south ½ of the north ½ of the west ¾ of the SW ¼, all in Section 31, Township 56 South, Range 39 East, less the west 62.5' for right-of-way.

LOCATION: The Southeast corner of S.W. 177 Avenue (Krome Avenue) & theoretical S.W. 274 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-36-06, and that the appeal should be denied, and the decision of Community Zoning Appeals Board 14 should be sustained, and that the requested district boundary change to EU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the appeal with prejudice, sustain the decision of Community Zoning Appeals Board 14, and deny the application with prejudice was offered

by Commissioner Katy Sorenson, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	nay	Dennis C. Moss	aye
Audrey M. Edmonson	nay	Dorrin D. Rolle	nay
Carlos A. Gimmenez	aye	Natacha Seijas	nay
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	absent
Joe A. Martinez	aye	Sen. Javier D. Souto	absent

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied with prejudice and the decision of Community Zoning Appeals Board 14 is sustained.

BE IT FURTHER RESOLVED that the requested district boundary change to EU-1 be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB11-36-06 remains in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 10th day of May, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-11-CZ14-1

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17TH DAY OF MAY, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-9-07 adopted by said Board of County Commissioners at its meeting held on the 10th day of May, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 16th day of May, 2007.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Genesis Property Dev. L.L.C.

PH: Z05-249 (06-11-CZ14-1)

SECTION: 31-56-39

DATE: May 10, 2007

COMMISSION DISTRICT: 8

ITEM NO.: 1

=====

A. INTRODUCTION

o **REQUEST:**

Genesis Property Dev. L.L.C. is appealing the decision of the Community Zoning Appeals Board #14 which denied with prejudice the following:

AU and EU-1 to EU-1

o **SUMMARY OF REQUEST:**

The applicant is appealing the decision of Community Zoning Appeals Board #14 which denied a zone change on the subject property from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1. The applicant is appealing this denial.

o **LOCATION:**

The southeast corner of SW 177 Avenue (Krome Avenue) and theoretical SW 274 Street, Miami-Dade County, Florida.

o **SIZE:** 15.5 Gross Acres

o **IMPACT:**

The approval of the requested district boundary change would allow the applicant to provide additional housing units to the community. The rezoning of this 15.5-acre site will increase the population in the area, may impact the water and sewer services, will add children to the schools and increase traffic in the area.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Policy LU-9C.** Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map.
4. **Severable Use Rights.** The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.
5. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU (14.5 acres) & EU-1 (1 acre); Vacant

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: AU; Nursery & single-family residence
 EU-1; Nursery

Estate Density Residential, 1 to 2.5 dua

SOUTH: AU; Vacant & nursery
 EU-1; Vacant

Estate Density Residential, 1 to 2.5 dua

EAST: AU; Vacant Estate Density Residential, 1 to 2.5 dua
WEST: AU; Single-family residence Agricultural
Mango grove

The 15.5-acre subject property is located on the southeast corner of SW 177 Avenue (Krome Avenue) and theoretical SW 274 Street. The area surrounding the subject property is characterized as rural with single-family residences and agricultural uses. The Urban Development Boundary (UDB) line lies directly west of the subject property (Krome Avenue).

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

*Subject to the Board's acceptance of the covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No comment
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection / 9 students

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The applicant, Genesis Property Dev. L. L. C., is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on November 1, 2006, denied with prejudice their application for a district boundary change from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1, pursuant to Resolution No. CZAB14-36-06. On November 20, 2006, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the request to rezone the property was not based on substantial competent evidence introduced on the record but rather on a conclusion that, because the property is located between two agricultural enterprises, the application was "premature". Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-14's decision to deny this application and retain the existing AU zoning on the property is consistent with the CDMP.

The subject property is a 15.5-acre parcel of land lying directly to the east of and within the Urban Development Boundary (UDB) at the southeast corner of SW 177 Avenue (Krome Avenue) and theoretical SW 274 Street. The west 175' of the property, which is approximately 1 acre in size, is zoned EU-1 and the balance of the site is zoned AU (approximately 14.5 acres.) The applicant is requesting a district boundary change from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1. Plans submitted by the applicant show the development of the subject site with eighteen (18) residential units developed under the EU-1 zoning regulations with the utilization of Severable Use Rights (SUR's). The development is planned with a system of five (5) blocks with an

interconnected street network. All of the residences comply with the setback and spacing requirements of the Zoning Code, and have been designed with eastern or western facing directionality, except for the two residences along SW 177 Avenue (Krome Avenue), which are not fronting Krome Avenue but aligned to the north or to the south. The eighteen (18) housing units are sited on lots ranging from 34,647 sq. ft. of gross lot area to 43,475 sq. ft. of gross lot area and are to be developed as EU-1 single-family residences with the utilization of SUR's. Three models have been designed for the lots, all of which are two-stories in height, and range from building footprints of 2,805 sq. ft. to 3,603 sq. ft. in size. All units are well-designed, Spanish-style, single-family estates with ample fenestration and architectural embellishments, such as tile roofs, articulated columns and front porches with balustrades and awnings. The applicant has voluntarily proffered a covenant tying the development of the site to the submitted plans and the density to eighteen (18) units with the utilization of SUR's. Rural single-family residences and agricultural uses characterize the surrounding area where the subject property lies.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. This application will generate an additional **23 pm** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways which are currently operating at LOS "A" and "B." The **Miami-Dade Fire Department** has **no objections** to the application, and indicates that any change(s) to the vehicular circulation on the plans dated stamped July 19, 2006, must be resubmitted for review. Miami-Dade County Public Schools (MDCPS) **does not object** to this application and has indicated that the proposed zoning will bring an additional **9 students** into the area's public schools. They indicate that Redland Elementary School, Redland Middle School and South Dade Senior High School are the schools that will be impacted by this development, which are currently operating at 120%, 111% and 131% of FISH (Florida Inventory of School Houses) utilization, respectively. This development will only increase the FISH % utilization of Redland Elementary School to 121%. MDCPS met with the applicant on April 18, 2006 to discuss the impact of the proposed zoning on the area schools. As a result of said meeting, the applicant has voluntarily proffered a covenant to MDCPS in order to provide a monetary donation, over and above impact fees.

The approval of the requested district boundary change would allow the applicant to provide eighteen (18) housing units to the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use, which permits a minimum of 1 to a maximum of 2.5 units per gross acre. This would yield a permissible density range of a minimum of fifteen (15) to a maximum of thirty-eight (38) residential units on the 15.5-acre subject site. The interpretative text of the CDMP reads that the entire unincorporated area of Miami-Dade County within the Urban Development Boundary (UDB) is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. The plans submitted by the applicant reflect the utilization of SUR's and the intended development of eighteen (18) single-family residences, and as such, the proposal is **consistent** with the density range permitted under the Estate Density Residential use designation of the LUP map

of the CDMP. As such, staff is of the opinion that the requested zone change to EU-1 is consistent with the LUP map designation of the CDMP and compatible with the surrounding area.

As previously noted, the subject property has two zoning designations (AU and EU-1) and, therefore, the approval of the district boundary change would rezone the applicant's 15.5-acre property into a uniform zoning designation. Additionally, approval of the application would allow the applicant to develop the site in accordance with the EU-1 zoning regulations. Plans submitted by the applicant indicate a residential development of eighteen (18) housing units planned over a system of five (5) blocks with an interconnected street network. The two roadways into the development accessible from SW 177 Avenue will be SW 274 Street and SW 275 Street, with five perpendicular north-south roadways between both streets. Four of the five proposed blocks will each contain four residential building sites, while the fifth block will house only two homes; for a total of eighteen (18) single-family residences. As previously mentioned, all of the residences have been designed with eastern or western facing directionality except for the two residences along SW 177 Avenue (Krome Avenue), which have driveways that are aligned to the north and to the south. Landscaping plans indicate that each lot shall contain a minimum of nine shade trees, which may include combinations of Live Oaks, West Indies Mahoganies, Bursera Simarubas, and Cabbage Palms. Additionally, along proposed SW 275 Street, over forty (40) street trees will be provided along the blockfaces and along proposed SW 274 Street, over fifty (50) street trees will be provided along the blockfaces, creating additional scenic beauty and shade in the proposed residential development. Although rural single-family residences and agricultural uses characterize the immediate area where the subject property lies, staff notes that the subject property is located in a section of land (31-56-39), which has seen a trend of development from agricultural as more land is rezoned to accommodate single-family estate residences. The majority of the southern half of this section of land has been either rezoned for, or originally platted to accommodate, single-family residences on one-acre sites. In 1974, a series of four subdivisions were platted within the AU-zoned southern half of the section, prior to the 1974 Zoning Code revision that now requires a minimum of 5 acres for a single-family residence in the AU zone. These Subdivisions, named The Redlands Section One (PB 99-84), Two (PB 99-85), Three (PB 99-86), and Four (PB 99-87), encompass more than half of the land between SW 280 Street and SW 272 Street from SW 177 Avenue to SW 167 Avenue. Furthermore, staff notes that the eastern edge of the subject site abuts The Redlands Section Two (PB 99-85) Subdivision, which is currently undeveloped, but includes nine platted lots, each one-acre in lot area. Additionally, staff is of the opinion that the EU-1 zoning will allow a logical continuum of the rezoning of the AU land to estate residential in the area. Aside from the four abovementioned 1974 subdivisions to one-acre buildable sites, over forty-four acres of land, also located within the southern half of this section of land (31-56-39), have had zoning hearing approvals for either re-subdivision or for zone changes. In 1981, pursuant to Resolution No. 4-ZAB-107-81, a parcel of land containing 5.18 acres was approved to permit the subdivision of the parcel into five proposed building sites with lot areas of approximately one-acre in size, located to the southeast of the subject property. In 1989, pursuant to Resolution No. Z-76-89, a parcel of land containing 10 acres was approved for a district boundary change from AU to EU-M, Modified Estate Residential District, also located to the southeast of the subject property in the same square mile. The EU-M zoning district requires a minimum lot area of 15,000 sq. ft., a minimum lot depth of 115', and a minimum lot width of 120'. Also in 1989, pursuant to Resolution No. Z-168-89, a parcel of land containing 10 acres

was approved for a district boundary change from AU to EU-M, along with non-use variances for lot frontages of 115', located to the east of the subject property in the same square mile. In 1990, pursuant to Resolution No. Z-109-90, a parcel of land containing 5 acres was approved for a district boundary change from AU to EU-1, located to the northeast of the subject property in the same square mile. In 1991, pursuant to Resolution No. Z-210-91, a parcel of land containing 6 acres was approved for a district boundary change from AU to EU-1, also located to the northeast of the subject property in the same square mile. And finally, in 2005, pursuant to Resolution No. CZAB14-10-05, a parcel of land containing 8.56 acres also located to the northeast of the subject property in the same square mile was approved for a district boundary change from AU and EU-1 to EU-1C, Single-Family Two and One-Half Acre Estate District, which requires a minimum of 2.5 acres for a single-family residence.

Staff notes that EU-1 zoning requires lot areas of 43,560 sq. ft. (one gross acre) and lot frontages of 125'. However, with the applicant's utilization of SUR's to develop the property, the minimum gross lot area required would be 32,500 sq. ft. with minimum frontages of 110'. As previously mentioned, the 15.5-acre site is intended to be developed into eighteen (18) building sites, developed with gross lot areas ranging from 34,647 sq. ft. to 43,475 sq. ft. Staff notes that although the applicant is utilizing SUR's to provide less lot area than required, all of the proposed lots have frontages of at least 141 ft., which exceed the 110' allowed with the use of SUR's and the 125' of frontage that is required by the requested EU-1 zoning designation. Additionally, **Policy LU-9C** of the CDMP indicates that Miami-Dade County shall continue to encourage and promote the transfer of SUR's from lands, which are allocated SUR's in Chapter 33B, to land located within the UDB as designated on the LUP map. As a result, approval of the district boundary change and the applicant's intention to utilize SUR's in the development of the site is **consistent** with the interpretative text of the CDMP. As such, the requested zone change to EU-1 and the proposed residential development utilizing SUR's are **compatible** with the current EU-1, EU-1C and EU-M zones and the single-family residential developments in the area and **consistent** with the Estate Residential Density LUP map designation of the CDMP.

The Department of Planning and Zoning supports the zone change from AU and EU-1 to EU-1, subject to the Board's acceptance of the voluntarily proffered covenant. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is **consistent** with the Estate Density Residential LUP Map designation of the CDMP and **compatible** with the surrounding area; additionally, the UDB is located to the west, along Krome Avenue, of the subject property. Staff notes that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. The interpretative text of the CDMP indicates that development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Additionally, when considering district boundary changes the Board shall take into consideration if the development will have a favorable or unfavorable impact on the environmental and natural resources, water, sewer, solid waste disposal or other public services public transportation facilities including mass transit, roads, streets and highways and if the development is or will be accessible by public or private roads, streets or highways. Staff notes that this project will not have an unfavorable impact on the water,

sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). Additionally, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application and the proposed residential development will be readily accessible by SW 177 Avenue. Furthermore, staff notes that Miami-Dade County Public Schools (MDCPS) does not object to this application stating in their memorandum that the approval of the zone change would only bring 9 additional students into the area's public schools. Staff notes that the west 175' of the subject property, zoned EU-1, is approximately 1 acre in size, and the balance of the site is zoned AU (approximately 14.5 acres). The approval of the district boundary change would rezone the applicants' 15.5-acre property into a uniform EU-1 zoning district, and allow the applicants to develop the property in accordance with EU-1 zoning regulations utilizing SUR's. As previously mentioned, the rezoning of the property would be **compatible** with the zoning trend of the area, with the one-acre sized lots found within the area to the south, and with the platted subdivision abutting the subject property to the east.

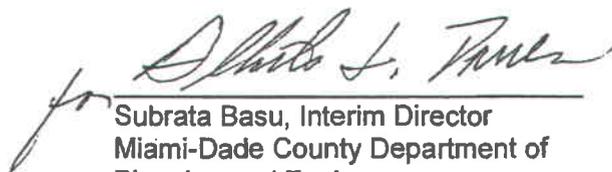
Based on all of the foregoing, staff opines that the approval of the district boundary change, subject to the Board's acceptance of the proffered covenant, would be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations. The requested zone change to EU-1 is **consistent** with the CDMP and **compatible** with the surrounding area. Therefore, staff recommends approval of the appeal and approval of the district boundary change from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1, subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:**

Approval of the appeal and approval of the district boundary change from AU and EU-1 to EU-1, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 01/12/06
DATE TYPED: 09/08/06
DATE REVISED: 09/19/06; 10/02/06; 10/04/06; 10/23/06; 03/19/07; 03/27/07; 03/30/07;
04/30/07
DATE FINALIZED: 04/30/07
SB:AJT:MTF:LVT:JGM


Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: September 26, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2005000249
Genesis Property Development, LLC
SE corner of SW 177th Avenue and SW 274th Street
District Boundary Change from AU to EU-1
(AU) (15 Ac.)
31-56-39

RECEIVED

OCT 06 2005

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal:

The closest public sanitary sewer is an 8-inch force main located approximately 1.5 miles from the subject properties; therefore, extension of the public sanitary sewer system to serve these properties is not feasible. Consequently, any proposed development would have to be served by septic tanks and drainfields as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management:

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

There are no tree resources issues on this property. Therefore, no tree permits will be required.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GENESIS PROPERTY DEVELOPMENT L.L.C.

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 23 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9210	Krome Ave. n/o SW 248 St.	A	A
9212	Krome Ave. n/o SW 288 St.	A	A
9920	SW 264 St. e/o Krome Ave.	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

04-OCT-06



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Chief Facilities Officer
Rose Diamond

Planning Officer
Ana Rijo-Conde, AICP

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Frank J. Bolaños
Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

October 2, 2006

Ms. Maria Teresa Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Received by
Zoning Agenda Coordinator
OCT 25 2006

RECEIVED
OCT 25 2006
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY:

Re: Genesis Property Development LLC - Application No. 05-249 (CC14)
Southeast Corner of SW 177 Avenue and SW 274 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Redland Elementary and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of Redland Elementary School to 121%. (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal, and the recently approved Review Criteria the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that the School Board at their April 18, 2006 meeting authorized such a proffer by the applicant.

Ms. Maria Teresa Fojo
October 2, 2006
Page Two

Please note the attached analysis depicts the relief schools planned in the area, which includes the recently approved Facilities Five Year Work Program.

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 15-unit development is estimated to generate approximately \$36,000 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,


Patricia Good
Coordinator III

PG:rr
L-169
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Graham Penn

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-249, Genesis Property Development LLC (CC14)

REQUEST: Zone change from AU to EU-1

ACRES: 15.5 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 177 Avenue and SW 274 Street

NUMBER OF UNITS: 15 additional single-family units (3 units currently permitted under existing zoning classification, for a total of 18 units)

ESTIMATED STUDENT POPULATION: 9 students*

ELEMENTARY: 4

MIDDLE: 2

SENIOR: 3

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Redland Elementary - 24701 SW 162 Ave.

MIDDLE: Redland Middle – 16001 SW 248 St.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
Redland Elem.	1086/ 1090*	903	120%/ 121%*	0	120%/ 121%*	1167
Redland Middle	1458/ 1460*	1230	119%/ 119%*	79	111%/ 111%*	917
South Dade Sr.	2759/ 2762*	1721	160%/ 160%*	380	131%/ 131%*	2977

*Student population increase as a result of the proposed development

**Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the elementary and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "A1" (Chapman, Naranja and Redland Elementary School Relief) (826 student stations)	Construction	School Opening 2007
State School "SS1" (Redland and Homestead Middle School Relief) (1662 student stations)	Construction	School Opening 2007
State School "CC1" Palm Glades K-8 (Pine Villa, Redland and Naranja Elem. Schools and Redland and Mays Middle School Relief) (1624 student stations)	Construction	School Opening 2008

State School "YY1"
 Jorge Mas Canosa
 Middle School
 (Redland, Hammocks, Ammons
 and Richmond Heights
 Middle School Relief)
 (2232 student stations)

Construction

School Opening 2007

State School "CCC1"
 (South Dade Sr. High School
 Partial Replacement)
 (1522 additional student stations)

Construction

School Opening 2008

Proposed Relief Schools

<u>School</u>	<u>Funding Year</u>
N/A	

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	2729
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	5748
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$58,941.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	4	x	\$ 13,933	=	\$ 55,732
MIDDLE	2	x	\$ 15,974	=	\$ 31,948
SENIOR	3	x	\$ 21,139	=	\$ 63,417
Total Potential Capital Cost					\$151,097

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (11-18-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	141	400	500	500
Archimedean Academy	469	525	525	525
Archimedean Middle Conservatory	61	160	240	240
ASPIRA Eugenio Maria de Hostos	365	600	600	600
ASPIRA Youth Leadership	305	450	450	450
ASPIRA South Youth Leadership	203	210	450	600
Aventura City of Excellence School	699	900	900	900
Balere Language Academy	148	175	250	450
Coral Reef Montessori	345	500	500	500
Doctors Charter School of Miami Shores	6040	375	450	525
Doral Academy	730	2,200	2200	2,200
Doral Academy Middle School	815	1,250	1250	1,250
Doral Academy High School	925	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	45	100	150	200
Downtown Miami Charter School	614	650	650	650
Early Beginnings Academy – Civic Center	43	80	80	80
Early Beginnings Academy – North Shore	20	43	43	70
Florida International Academy	261	350	350	350
International Studies Charter High School	110	500	750	1,000
Keys Gate Charter School	1,132	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	350	705	705	705
Life Skills Center Miami-Dade County	62	300	450	600
Mater Academy	713	1,150	1,150	1,150
Mater Academy Charter High School	1,165	1,300	1,300	1,300
Mater Academy Charter Middle School	1,154	1,300	1,300	1,300
Mater Academy East Charter School	303	800	800	800
Mater Academy East Middle School	107	250	250	250
Mater Performing Arts & Entertainment Academy	94	100	150	200
Miami Children's Museum	79	350	350	350
Miami Community Charter School	223	600	600	600
Oxford Academy of Miami	105	450	450	450
Pinecrest Preparatory Academy Middle School	222	750	800	800
Pinecrest Preparatory Academy	745	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	199	400	600	600
Renaissance Elementary Charter School	452	500	500	500
Renaissance Middle Charter School	47	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	25	36	36	36
School for Integrated Academics & Technologies	332	600	800	800
Somerset Academy	525	700	700	700
Somerset Academy Charter Middle School	74	300	300	300
Somerset Academy Charter High School	22	250	375	500
Spiral Tech Elementary Charter School	78	290	290	290
Spirit City Academy	39	250	300	400
Sunshine Academy	95	150	200	450
The Charter School at Waterstone	1,012	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	16	500	600	600
Transitional Learning Academy	29	48	48	72
Youth Co-Op Charter School	515	525	525	525
TOTAL: 50 schools	16,713	27,514	30,139	32,690

18

Board-Approved Contracts for Schools to Open in Future Years			
School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years		
Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050

19

Applications Pending Approval			
Applicant	Number of Schools	Enrollment Capacity 06-07	Maximum Enrollment
Advantage Academy of Miami	1	750	750
Advantage Academy of Miami "B"	1	750	750
Advantage Academy of Miami "C"	1	750	750
Advantage Career Academy	1	900	900
Excel Academy	1	250	700
Excel Academy North	1	250	700
Kush Academy	1	175	500
Life Skills Center – Homestead	1	400	700
Life Skills Center – Liberty City	1	400	700
Life Skills Center – Opa-locka	1	400	700
Mater Academy Lakes Elementary School	1	800	800
Mater Academy Lakes Middle School	1	900	900
Mater Academy Lakes High School	1	300	1,200
Pinecrest Academy South	1	800	800
River Cities Community Charter School	1	250	250
Romans Charter School	1	130	540
South Florida Choir Intermediate/High School	1	120	280
The Charter Middle School at Waterstone	1	650	650
Total :	18 schools	8,975	12,570

GRAND TOTALS	
Number of Schools	Maximum Enrollment Capacity
98 schools	70,190

20

2

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY CAA AMOUNT OF FEE \$11,082.84

RECEIPT # I 2006 21254

DATE HEARD 11/1/06

BY CZAB # C14

RECEIVED
05-249
NOV 20 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

BY _____
DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 05-249

Filed in the name of (Applicant) Genesis Property Development, L.L.C.

Name of Appellant, if other than applicant see above

Address/location of APPELLANT'S property: _____

Application, or part of Application being Appealed (Explanation): Entire Application

Appellant (name): Genesis Property Development

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language):

The Community Zoning Appeals Board, in denying the requested district boundary change, based its decision, not on substantial competent evidence in the record, but on a conclusion that, because the property is located between two active agricultural enterprises, the application was "premature." The evidence in the record, including a staff recommendation in favor of the application, reflected that the clear majority of the surrounding area was zoned, platted or developed with estate density residential homes. The County Code does not permit a Community Zoning Appeals Board to deny a zoning application based solely on a perception that immediate adjacent lands may still have agricultural potential. The Community Zoning Appeals Board's action was therefore arbitrary and should be reversed.

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF BROWARD

Before me the undersigned authority, personally appeared Randy Greenfield Managing Member (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury and that under penalties of perjury I Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

[Signature]
Signature

Heidi Mock
Print Name

[Signature]
Signature

CAROL BRANDS
Print Name

[Signature]
Appellant's Signature

Randy Greenfield
Print Name

Appellant's Signature

Print Name

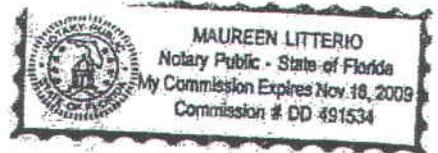
Sworn to and subscribed before me on the 10 day of Nov year 2008.

Appellant is personally know to me or has produced _____ as identification.

[Signature]
Notary Public

(stamp/seal)

Commission Expires:



APPELLANT MUST SIGN THIS PAGE

Date 10 day of Nov, year 2006

Signed [Signature]

Randy Greenfield, Managing Member
Genesis Property Development, L.L.C.
Print Name

751 N.W. 108 Avenue
Fort Lauderdale, Florida 33324

c/o Graham Penn, Berow and Radell, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

305-377-6229 305-377-6222
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of
of an association or other entity, so
indicate

Representing

Signature

Print Name

Mailing Address

Phone Fax

Subscribed and Sworn to before me on the 10 day of Nov, year 2006

Maureen Litterio
Notary Public

(stamp/seal)

Commission Expires:



RESOLUTION NO. CZAB14-36-06

WHEREAS, GENESIS PROPERTY DEV. L. L. C. applied for the following:

AU & EU-1 to EU-1

SUBJECT PROPERTY: The north 1/2 of the south 1/2 of the north 1/2 of the west 3/4 of the SW 1/4, all in Section 31, Township 56 South, Range 39 East, less the west 62.5' for right-of-way.

LOCATION: The Southeast corner of S.W. 177 Avenue (Krome Avenue) & theoretical S.W. 274 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Dawn Lee Blakeslee, seconded by Wilbur B. Bell, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	absent	Rose L. Evans-Coleman	aye
Wilbur B. Bell	aye	Curtis Lawrence	aye
Dawn Lee Blakeslee	aye		
	Dr. Pat Wade	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-1 be and the same is hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 1st day of November, 2006.

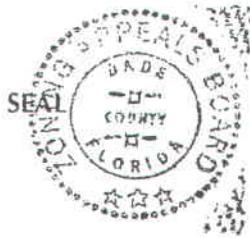
Hearing No. 06-11-CZ14-1
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-36-06 adopted by said Community Zoning Appeals Board at its meeting held on the 1st day of November 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 7th day of November 2006.



Luis Salvat

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning



Memorandum

Date: 10-AUG-06
To: Diane O'Quinn Williams, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000249

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated March 27 2006.
 Fire Water & Engineering has no objection to Site plans date stamped July 19 2006. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000249
 located at THE SOUTHEAST CORNER OF S.W. 177 AVENUE (KROME AVENUE) & S.W. 274 STREET, MIAMI-
 DADE COUNTY, FLORIDA.
 in Police Grid 2508 is proposed as the following:

<u>18</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> Institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 4.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 6 - Modello - 15890 SW 288 Street.
 Rescue, Tanker, Battalion.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped March 14 2006. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 04/05/07

REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

GENESIS PROPERTY
DEVELOPMENT L.L.C.

THE SOUTHEAST CORNER OF
S.W. 177 AVENUE (KROME
AVENUE) & THEORETICAL S.W. 274
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2005000249

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

4-5-07 No violations.

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Genesis Property Development, L.L.C.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Randy Greenfield</u>	<u>100%</u>
<u>751 N.W. 108 Avenue</u>	
<u>Fort Lauderdale, Florida 33324</u>	
<u> </u>	
<u> </u>	
<u> </u>	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____

Date of contract _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in his application to the best of my knowledge and belief.

Signature: *[Handwritten Signature]*
(Applicant)

Sworn to and subscribed before me this 16 day of Aug. Affiant is personally known to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)



Carol Brands
My Commission DD222883
Expires June 15, 2007

My commission expires June 15, 2007

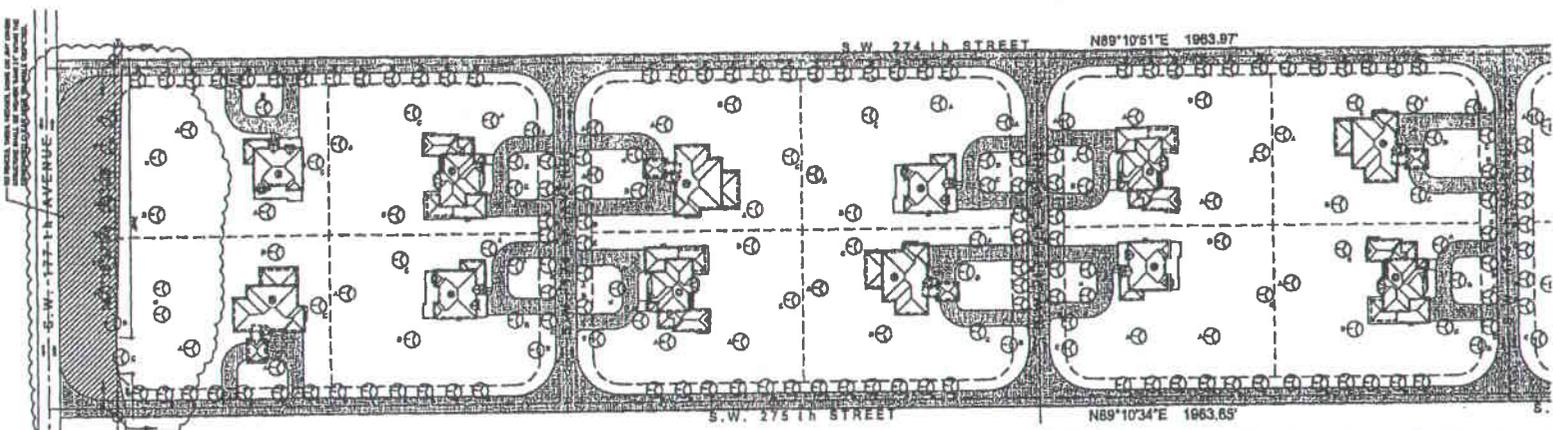
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.

31



15001 E.W. 138 AVENUE
MIAMI, FLORIDA 33165
T: (305) 278-7771
F: (305) 278-7272
WWW.BELLONVILANES.COM
AA-0003300

ARCHITECTURE
LAND PLANNING
INTERIORS
CONSTRUCTION MANAGEMENT



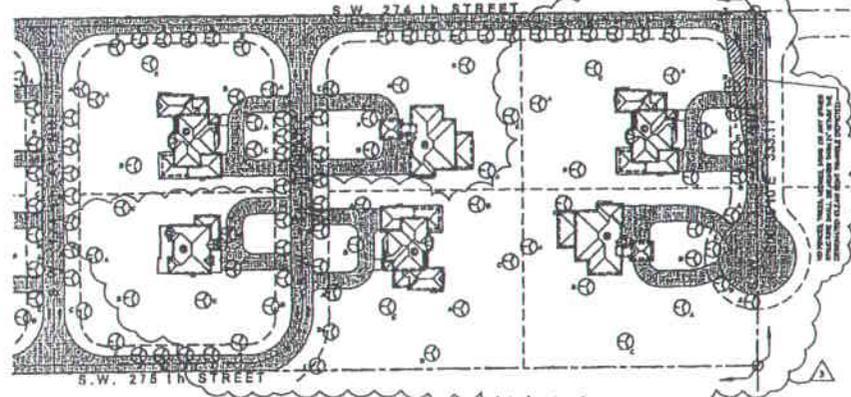
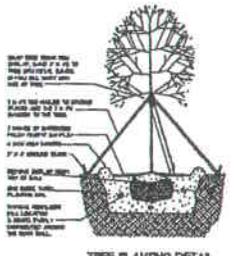
LANDSCAPING PLAN - WEST OF 174th AVENUE
SCALE: 1" = 50'

GENERAL NOTES
1. EACH LOT SHALL BE PROVIDED WITH A MINIMUM OF NINE (9) SHADE TREES PER NET ACRE. TREE TYPES A, B, C, D MAY BE USED BY MIXING DIFFERENT TREE TYPES.
2. STREET TREES AS INDICATED ON SITE PLAN.

LANDSCAPING LEGEND
SHADE TREE (S) - 10' TALL
LANDSCAPING LEGEND
SHADE TREE (S) - 10' TALL
LANDSCAPING LEGEND
SHADE TREE (S) - 10' TALL

REQUIRED	PROVIDED	(FILLING IN)
STREET TREES (10' TALL)	78	81
LOT TREES (10' TALL)	18	18
TOTAL NUMBER OF TREES	96	99
NET ACREAGE REQUIRED	1.08	1.08

THE MINIMUM TREE DENSITY REQUIRED IS 9 TREES PER ACRE. ALL LOTS REQUIRE AT LEAST 18 TREES EACH, UNLESS THE TOTAL LOTS EXCEEDING 100 AC. REQUIRE 1 TREE EACH.

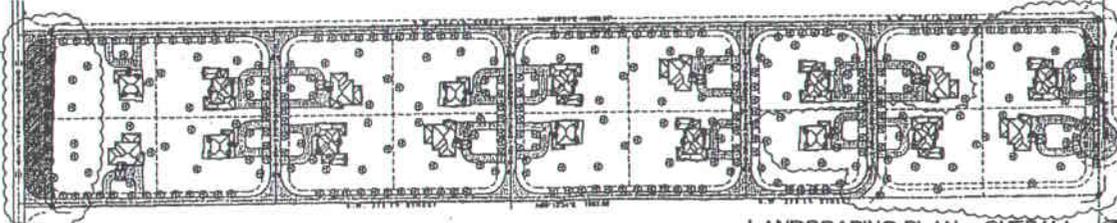


LANDSCAPING PLAN - EAST OF 174th AVENUE
SCALE: 1" = 50'

KRT	PLANT NAME	CALIP	HEIGHT	SPREAD	QUANT.
A	LIVE OAK (QUERCUS VIRGINIANA)	3" - 4"	8'	6' - 8'	150
B	NOEL HOBBS TABACCO (SANTALUM MEXICANUM)	3" - 4"	8'	6' - 8'	50
C	BURDEKA SPANISH (LIGULON LINDLEYI)	3" - 4"	8'	6' - 8'	100
D	CARDON PALM (CASCAL PALMETTO)	8"	8' - 10'	6' - 8'	100
E	ROYAL PALM (ROZELLEONIA ELATA)	8"	12' - 14'	-	-
F	GREEN PALM	8"	12' - 24'	-	-
G	WASHINGTON PALM (LIVISTONA ROSEI)	8"	14' - 24'	-	-
H	ROYAL PORCUPHIA	8" - 8"	12' - 24'	-	-



INFEASIBLE	DISCONTINUED	DISCONTINUED	QUANT.
1	ARECA PALM (CORYPHAEUM ALLENICUM)	120 ROWS 3' H x 34" D.C.	950
2	SAH FORTLE DWARF (CORYPHAEUM ALLENICUM)	12" x 12" x 34" D.C.	950
3	COCCOPI (CORYPHAEUM ALLENICUM)	14" x 14" x 34" D.C.	950



LANDSCAPING PLAN - OVERALL
SCALE: 1" = 100'

GENESIS PARCEL
SW. 177 AVENUE AND 274 STREET
MIAMI-DADE, FLORIDA

DATE: 05-2-2006
DRAWN: Jorge JF
CHECKED: HKS
PROJECT NO: 05000000
05-01-0000
05-02-0000
05-03-0000

LEOPOLD BELLOAN, AIA
AA-0003300
ANGEL BELLOAN, AIA
AA-00110000

LANDSCAPING PLAN

Handwritten signature and date: 7-14-06

RECEIVED
205-249
JUL 19 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

Vertical text on the left margin, likely a scanning artifact or reference text.

32
Bellon Milanés

13061 S.W. 120 AVENUE
MIAMI, FLORIDA 33166
T. (305) 870-7770
F. (305) 870-7428
WWW.BELLONMILANES.COM

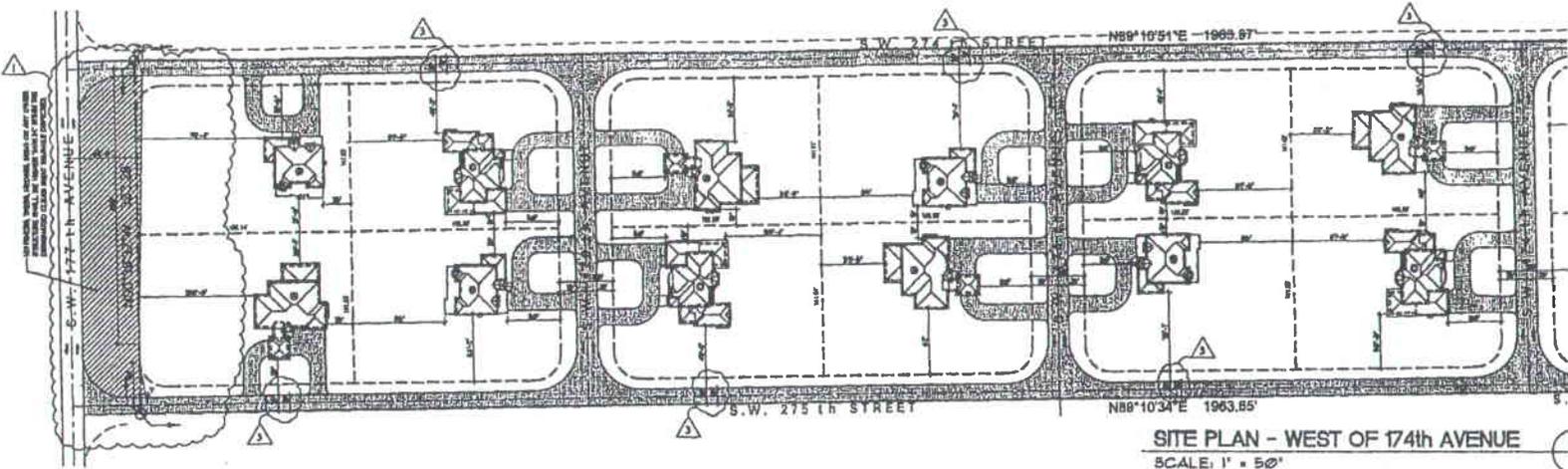
AA-000000
ARCHITECTURE
LAND PLANNING
INTERIORS
CONSTRUCTION MANAGEMENT

GENESIS PARCEL
S.W. 177 AVENUE AND 274 STREET
MIAMI-GISLES, FLORIDA

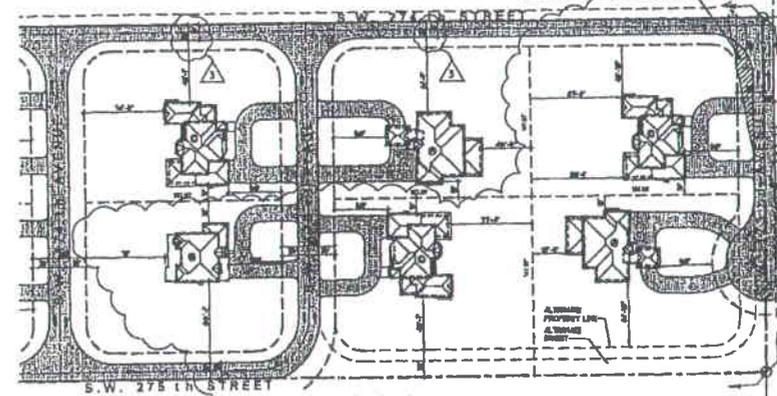
DATE: 06-01-2006
DESIGN: Jorge LF
CHECKER: AVL
PLOT NO: 000000000
01-01-2006
02-01-2006
03-01-2006

LEOPOLDO BELLON, P.A.
AA-00000000
LUCAS MILANÉS, P.A.
AA-00000000

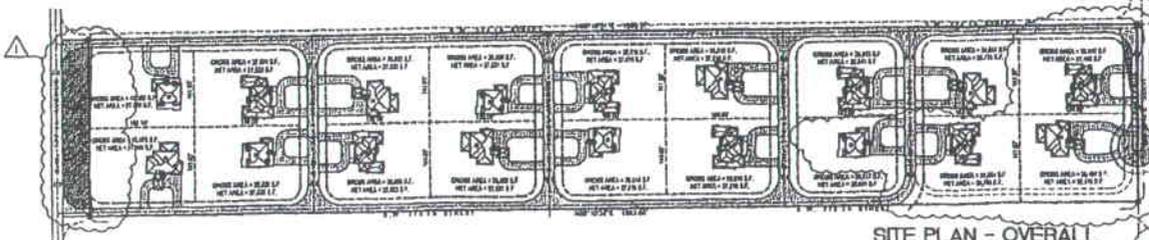
SP-1
OF -
714.0



SITE PLAN - WEST OF 174th AVENUE
SCALE: 1" = 50'



SITE PLAN - EAST OF 174th AVENUE
SCALE: 1" = 50'



SITE PLAN - OVERALL
SCALE: 1" = 100'

ZONING INFORMATION

ZONING DISTRICT: ED-1 (HRS-BUP)

GRAND TOTAL AREA: 475,708 S.F. (10.82 ACRES)

LESS BULK: 176,616 S.F. (4.02 ACRES)

LESS LOTS: 2 S.F.

LESS OFFICE: 2 S.F.

NET LAND AREA: 300,068 S.F. (6.87 ACRES)

TOTAL NUMBER OF DWELLING UNITS: 14 UNITS

DENSITY: 1.16 UNITS/ACRE

NET DENSITY: 1.16 UNITS/ACRE

LOT SIZES

MINIMUM GROSS AREA: 64,847 Sq. Ft. 5,230 Sq. Ft.

MINIMUM SPREAD AREA: 13,773 Sq. Ft.

AVERAGE SPREAD AREA: 17,208 Sq. Ft.

MINIMUM LOT COVERAGE: 13.00 % - 14 %

NUMBER OF STORIES: 3

MAXIMUM HEIGHT: 30'

* NOTE:
MINIMUM LOT COVERAGE SHOWN IS CALCULATED ON THE MOST-GAME MEASUREMENT WHICH IS THE ONE OF MODEL "C" ON THE SHALLEST LOT (2,640 S.F./28,841 S.F. = 13.00 %)

DWELLING UNIT BREAKDOWN

UNIT MODEL	COUNTY	PERCENT	UNIT COUNT	BEDROOMS	BATHS
A	2,200	5.10	2	2	1-1/2
B	2,200	5.10	2	2	1
C	1,200	4.70	1	2	1-1/2

TOTAL NUMBER OF UNITS: 14

SETBACKS

FRONT: 30 FEET - 30 FEET

REAR: 30 FEET - 30 FEET

OUTSIDE SIDE: 15 FEET - 10 FEET

5th STREET: 75 TO FEET - 10 FEET

STREET FRONTIER FOR THIS CALL: 3,041 FEET

RECEIVED
305-249
JUL 19 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY W

This document is the property of Bellon Milanés, P.A. and is not to be distributed, copied, or used in any way without the express written consent of Bellon Milanés, P.A. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

33



12001 S.W. 132 AVENUE
MIAMI, FLORIDA 33186
T: (305) 876-8776
F: (305) 876-7499
WWW.BELLONVILANES.COM

ARCHITECTURAL
LAND PLANNING
INTERIOR
CONSTRUCTION ADMINISTRATION

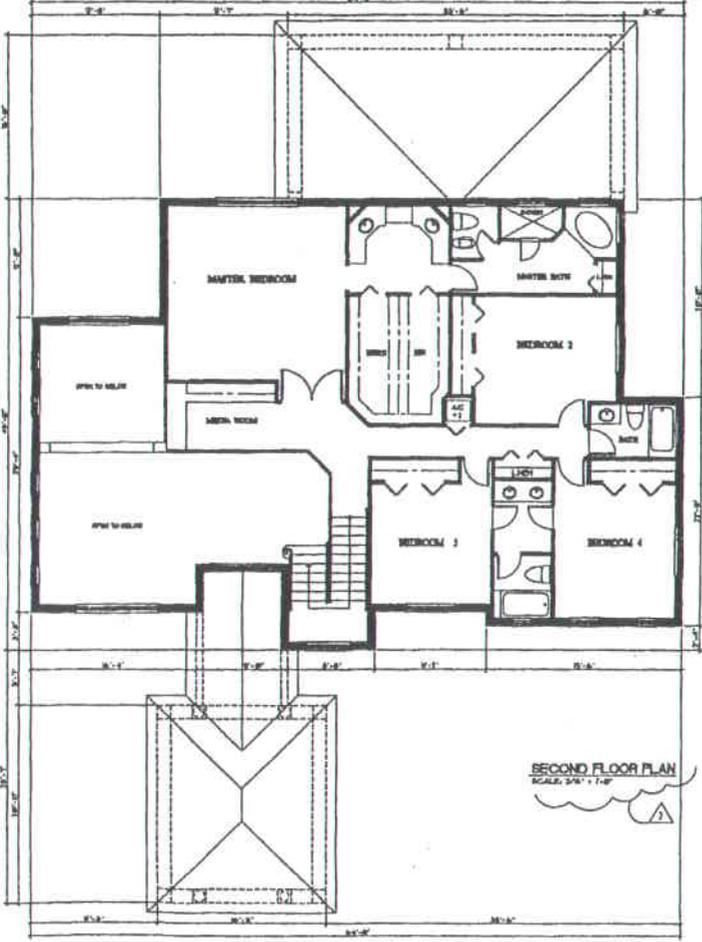
GENESIS PARCEL
S.W. 17 AVENUE AND 74 STREET
MIAMI-DADE PLANNING

DATE	03-03-06
DRAWN	Jorge IV
CHECKED	APL
PROJ. NO.	20050000
1.	03-03-06
2.	
DESIGNED BY	LEOPOLDO BELLOTTI, AIA
SCALE	AS SHOWN
PROJECT NO.	
DATE	
BY	

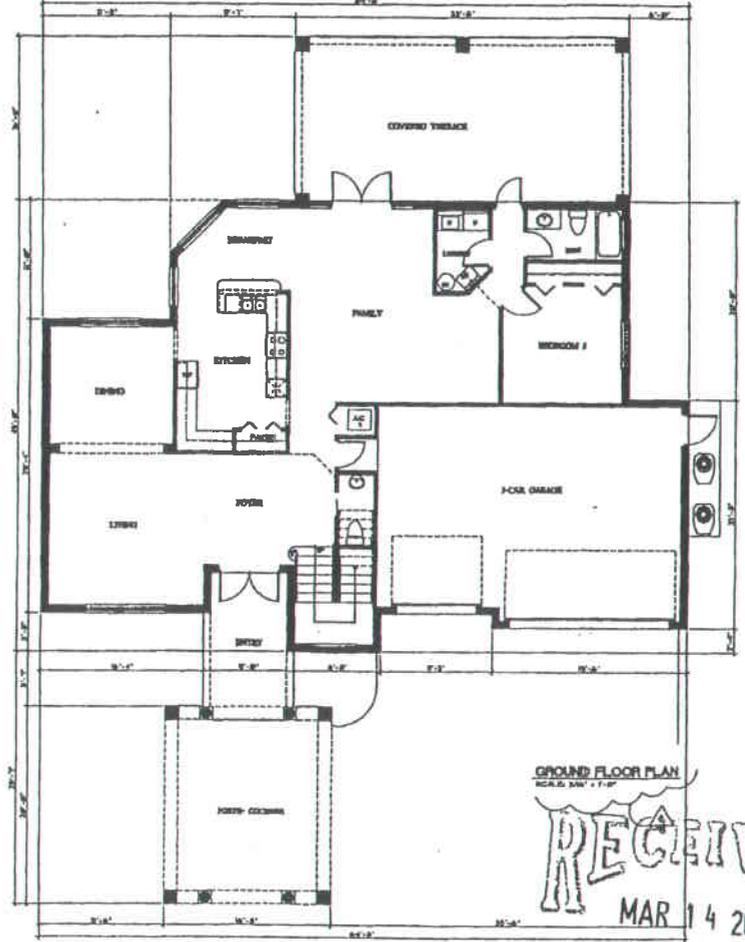
MODEL "A"	
AREA BREAKDOWN	
GENESIS FLOOR AND AREA	1,276 SQ. FT.
SECOND FLOOR AND AREA	1,276 SQ. FT.
TOTAL AND AREA	2,552 SQ. FT.
PERMITTED COVERED	888 SQ. FT.
DRIVE	8 SQ. FT.
CARPACE	282 SQ. FT.
COVERED TERRACE	888 SQ. FT.
MODEL FOOTPRINT	1,838 SQ. FT.
MODEL CONSTRUCTION AREA	1,838 SQ. FT.



FRONT ELEVATION
SCALE: 3/8" = 1'-0"



SECOND FLOOR PLAN
SCALE: 3/8" = 1'-0"



GROUND FLOOR PLAN
SCALE: 3/8" = 1'-0"

RECEIVED
MAR 14 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

Vertical text on the left margin, partially illegible.

Vertical text on the left margin, partially illegible.

Vertical text on the left margin, partially illegible.

34



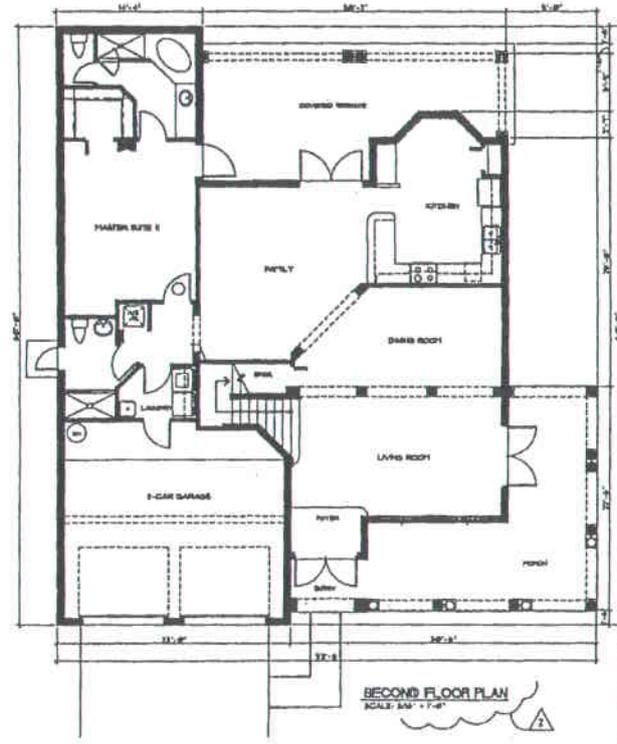
18001 S.W. 132 AVENUE
 MIAMI, FLORIDA 33186
 T. (305) 870-7770
 F. (305) 870-7470
 WWW.BELLONMILANES.COM

AA-000000
 ARCHITECTURE
 LAND PLANNING
 INTERIORS
 CONTRACTOR MANAGEMENT

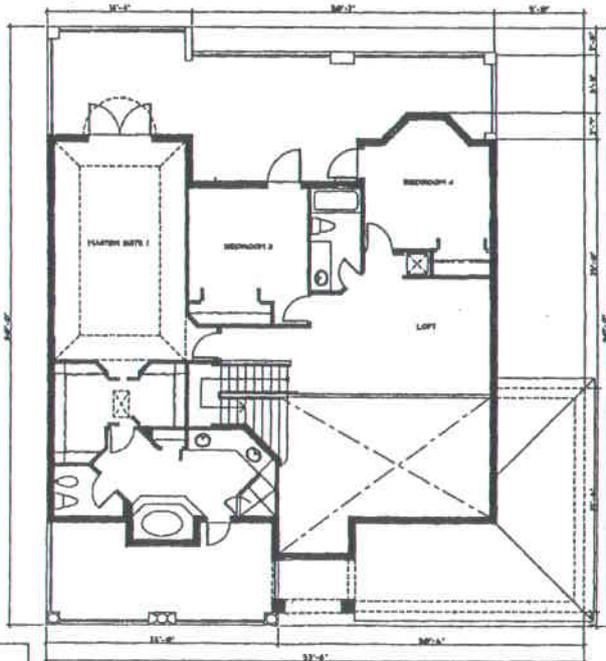
GENESIS PARCEL
 SW. 17 AVENUE AND 24 STREET
 MIAMI-SPRING, FLORIDA



FRONT ELEVATION
 SCALE: 3/8" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 3/8" = 1'-0"



GROUND FLOOR PLAN
 SCALE: 3/8" = 1'-0"

MODEL 'B'

AREA BREAKDOWN	
GROUND FLOOR A/C AREA	1,516 S.F.
SECOND FLOOR A/C AREA	1,516 S.F.
TOTAL A/C AREA	3,032 S.F.
ENTRY / PORCH	204 S.F.
GARAGE	428 S.F.
COVERED TERRACE	346 S.F.
FRONT TERRACE AT 2nd FLOOR	288 S.F.
FRONT TERRACE AT 1st FLOOR	488 S.F.
MODEL FOOTPRINT	1,516 S.F.
MODEL CONSTRUCTION AREA	1,516 S.F.

RECEIVED
 MAR 14 2006

ZONING HEARING'S SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

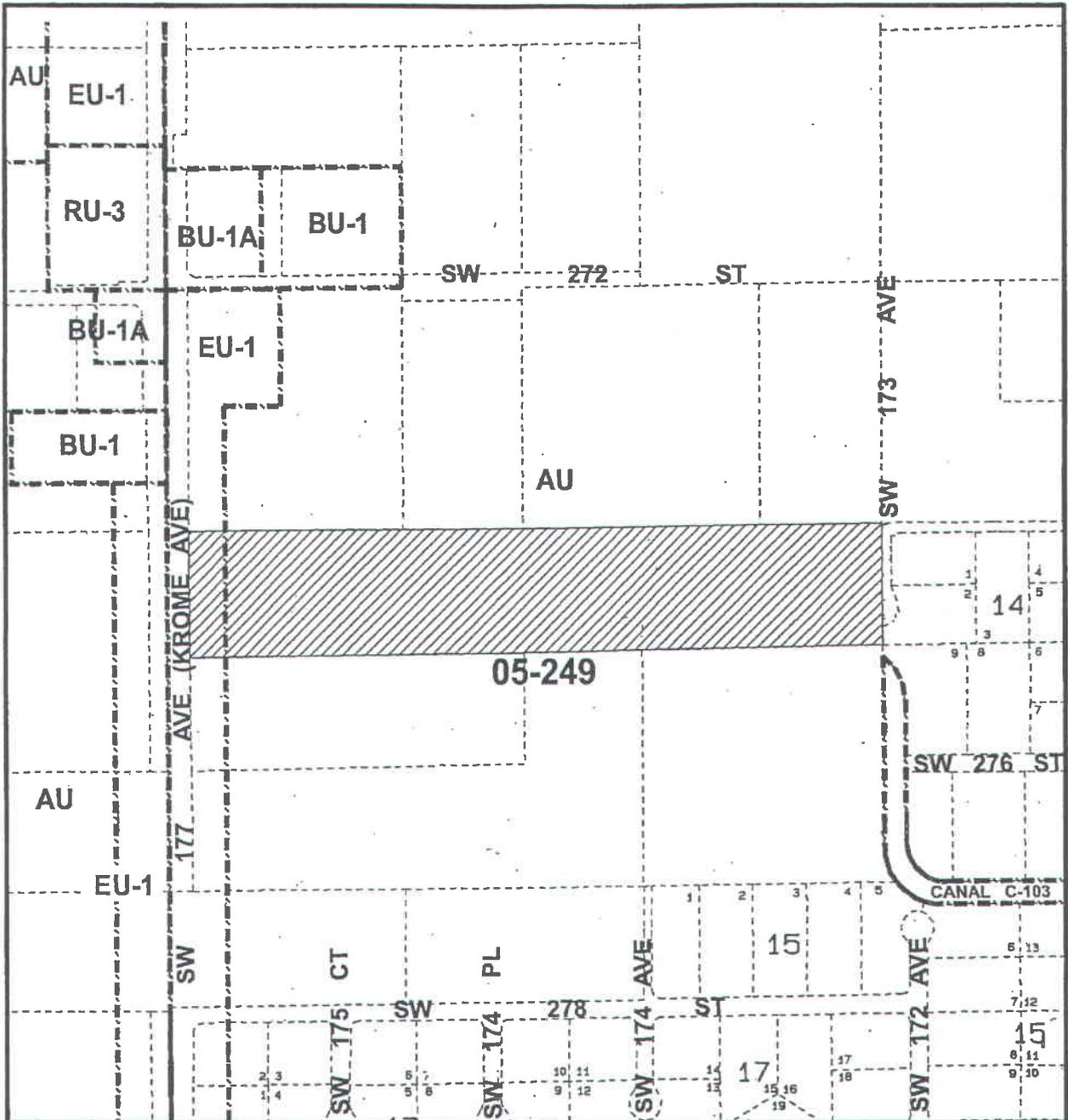
MODEL 'B' - FLOOR PLANS AND FRONT ELEVATION

DATE:	02-2-2006
DESIGN:	George W
CHECKED:	AK
PROJ. NO.:	00-000000
1.	
AA-000000	
2.	
LEONARDO BELLON, AIA 18-000177	
MARIO MILANES, AIA 18-001813	
A-2	
OF	

This set of plans is submitted with the understanding that the owner, architect, contractor, and other interested parties shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

The owner, architect, contractor, and other interested parties shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

The owner, architect, contractor, and other interested parties shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect and contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.



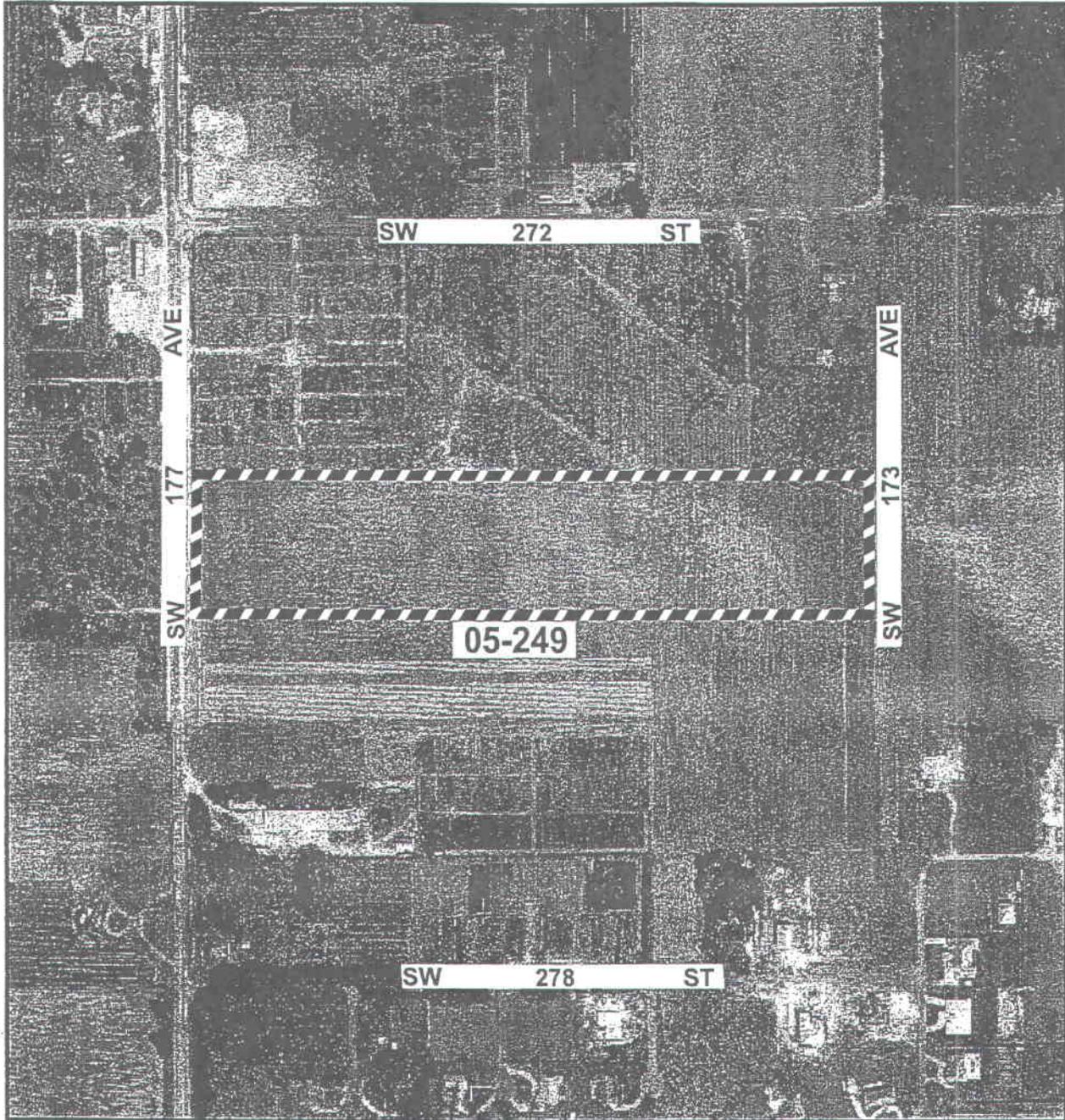
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 31 Township: 56 Range: 39
 Process Number: 05-249
 Applicant: GENESIS PROPERTY DEVELOPMENT LLC.
 Zoning Board: C14
 District Number: 08
 Drafter ID: ERIC
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

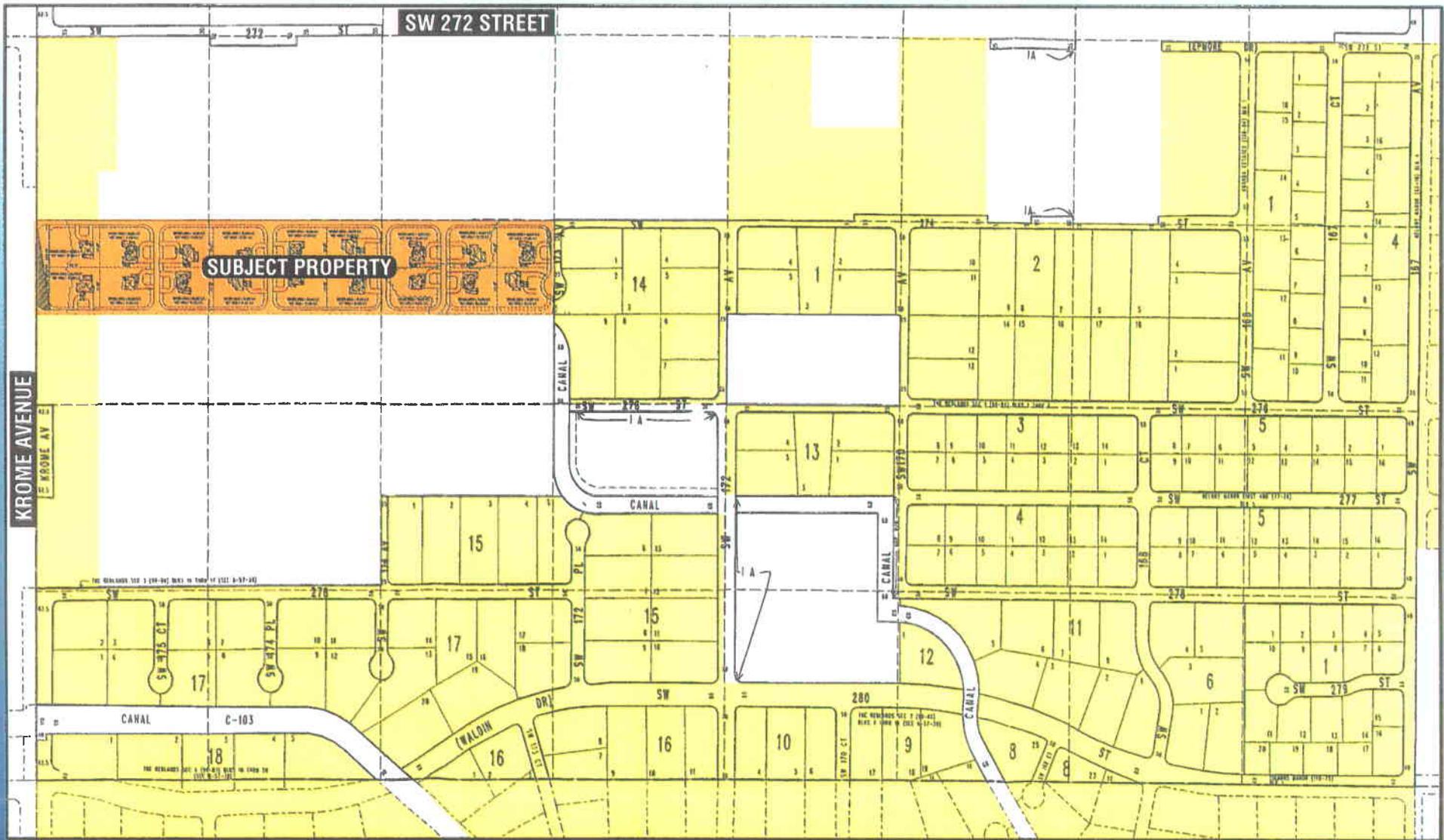
Section: 31 Township: 56 Range: 39
Process Number: 05-249
Applicant: GENESIS PROPERTY DEVELOPMENT LLC.
Zoning Board: C14
District Number: 08
Drafter ID: ERIC
Scale: NTS

S C A L E ↑
0 NTS N

 SUBJECT PROPERTY



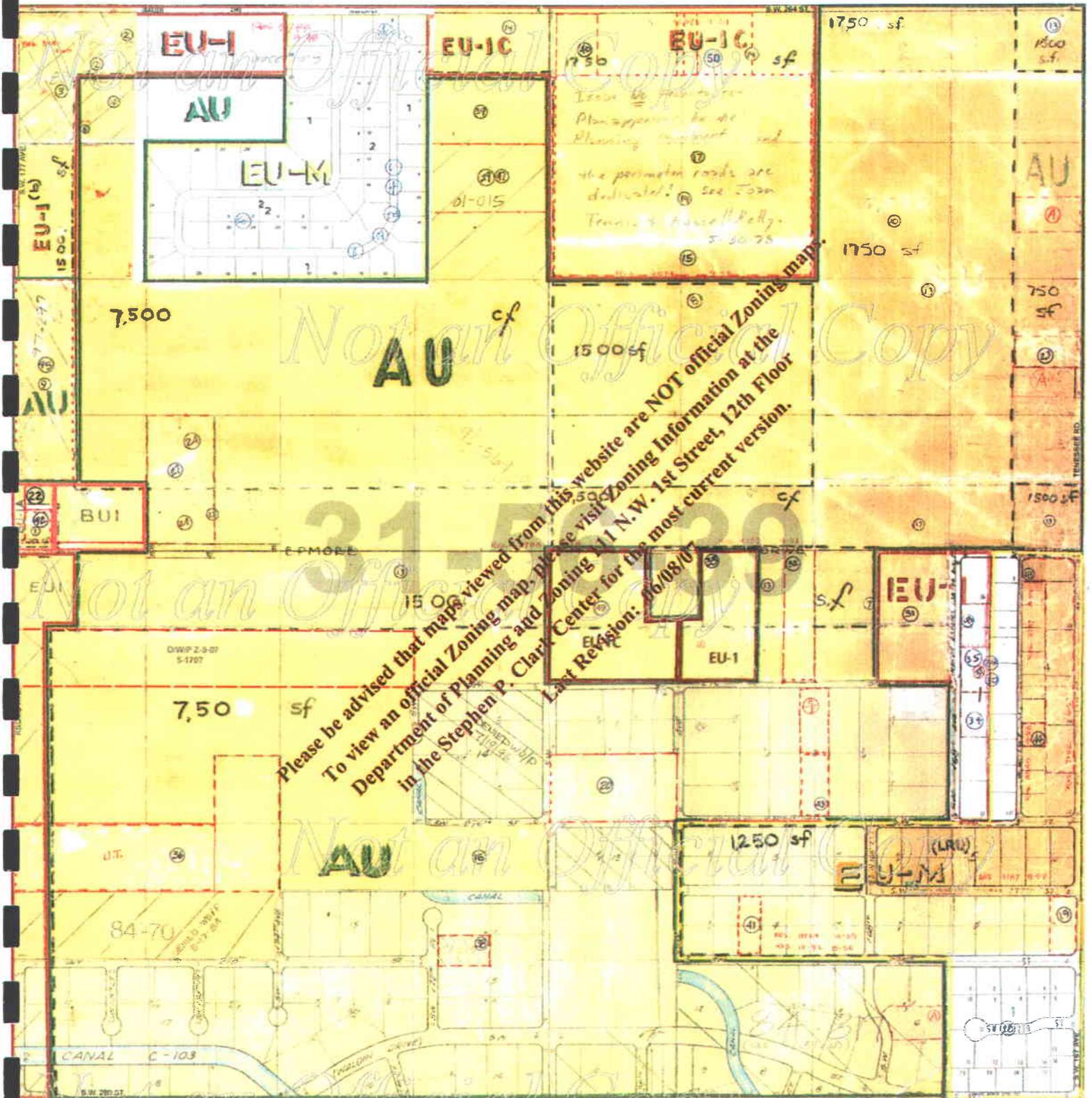
GENESIS PROPERTY DEVELOPMENT PH NO. 05-249



LEGEND

-  SUBJECT PROPERTY
-  PARCELS ZONED OR APPROVED FOR ESTATE RESIDENTIAL DEVELOPMENT

**AREA SURROUNDING SUBJECT PROPERTY IN SECTION 31, TOWNSHIP 56, RANGE 39
INCLUDES 213 LOTS PLATTED FOR ESTATE RESIDENTIAL DEVELOPMENT
OF 213 PLATTED ESTATE LOTS, 90 LOTS ARE ZONED EU-M**



EU-1

EU-1C

EU-1C

AU

EU-1K

01-015

1750

sf

1750 sf

1500 sf

AU

1750 sf

750 sf

7,500

AU

1500 sf

1500 sf

BUI

1500

EU-1

EU-L

7,500 sf

1250 sf

(LRU)

84-70

CANAL C-103

AU

Not an Official Copy
Please be advised that maps viewed from this website are NOT official Zoning maps.
To view an official Zoning map, please visit Zoning Information at the
Department of Planning and Zoning, 11 N.W. 1st Street, 12th Floor
in the Stephen P. Clark Center for the most current version.
Last Revision: 06/08/07

LAND USE ELEMENT

Introduction

The Land Use Element of the Comprehensive Development Master Plan (CDMP) for the years 2015 and 2025 constitutes the fifth major update of the CDMP Land Use Element. However, the pattern of land use and urban growth promoted in the original 1975 edition of the CDMP remains essentially unchanged. This growth policy includes, among other intents, that the intensification of physical development and expansion of the urban area should be managed to occur 1) at a rate commensurate with projected population and economic growth; 2) in a contiguous pattern centered around a network of high-intensity urban centers well connected by multimodal intraurban transportation facilities; and 3) in locations which optimize efficiency in public service delivery and conservation of valuable natural resources.

The Land Use Element identifies locations in Miami-Dade County where various land uses and intensities of use will be permitted to occur in the future. It establishes and articulates broad policy in keeping with the traditional role of the metropolitan area comprehensive plan as a framework for, or schematic plan of, areawide future development.

The Land Use Element is at the same time both reactive and proactive. It not only reflects previously adopted plans and established land use and zoning patterns, it also establishes the County's policy regarding future zoning and land use patterns. Similarly, while it reflects existing urban service capacities and constraints, it also establishes locations where future service improvements will have to follow. It also both reflects, and seeks to promote, activity in the private land market. Recent development trends are carefully considered, however, the Land Use Element endeavors to assert County influence on locations and intensity of future development activity.

The Land Use Element contains all of the material required by Section 163.3177(6)(a), *Florida Statutes* (F.S.) and Section 9J-5.006, *Florida Administrative Code* (F.A.C.) which establishes the minimum requirements for contents of the future land use element. Moreover, the Miami-Dade County portion of the Big Cypress Area of Critical State Concern is affected by, and addressed in this Element as well as in the Conservation, Aquifer Recharge and Drainage Element. The Big Cypress "Critical Area" boundaries coincide directly with the boundaries of the Big Cypress National Preserve in Miami-Dade County which are identified on the existing and future land use maps contained in this Element.

The *Adopted Components* of the Land Use Element include the Land Use Goal, Objectives and Policies, the Land Use Plan map for 2015 and 2025 and related text titled "Interpretation of the Land Use Plan Map", and maps of future historical and natural resources. Also included is a "monitoring program" for periodically measuring progress being made in implementing the comprehensive plan.

Supporting material for this Element includes the 1988 *Support Components* report, and the 2003 Evaluation and Appraisal Report which contains background data and information, analyses of land use trends and synopses of urban service and environmental opportunities and constraints.

The environmental and service analyses included in the land use support materials are brief synopses of extensive inventory and analyses contained in the Conservation and various service Elements of the Plan. The reader is referred to the 2003 EAR report addressing those elements for complete analyses of those services.

GOAL

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, AND PRESERVE MIAMI-DADE COUNTY'S UNIQUE AGRICULTURAL LANDS.

Objective LU-1

The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

Policies

- LU-1A. High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.
- LU-1B. Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

- LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.
- LU-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-1H. The County should identify sites having good potential to serve as greenbelts, and should recommend retention and enhancement strategies, where warranted. Such greenbelts should be suggested on the basis of their ability to provide aesthetically pleasing urban spaces, recreational opportunities, or wildlife benefits. Considered sites should include canal, road or powerline rights-of-way, or portions thereof, particularly where they could link other parklands, wildlife habitats, or other open spaces.
- LU-1I. The County shall consider urban design, water and energy conservation and wildlife habitat when designing sites and selecting landscape material for all public projects.
- LU-1J. Miami-Dade County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas, enhance the County's Enterprise Zone and participate in the Empowerment Zone program as tools to expand the economy in locally distressed areas.

- LU-1K. Miami-Dade County will maintain and enhance the housing assistance and public housing programs addressed in the Housing Element as a means to improve conditions of low and moderate income residents.
- LU-1L. Public facility and service providers shall give priority to eliminating any infrastructure deficiencies to facilitate rehabilitation or renewal of blighted areas.
- LU-1M. In formulating or amending development regulations, Miami-Dade County shall avoid creating disincentives to redevelopment of blighted areas. Where redevelopment occurs within the urban area, requirements for contributions toward provision of public facilities may be moderated where underutilized facilities or surplus capacities exist, and credit toward required infrastructure contributions may be given for the increment of development replaced by redevelopment.
- LU-1N. Miami-Dade County shall continue to support the Metro-Miami Action Plan to improve conditions of disadvantaged groups of the community.
- LU-1O. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.
- LU-1P. While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks.
- LU-1Q. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Objective EDU-2.
- LU-1R. Miami-Dade County shall take steps to reserve the amount of land necessary to maintain an economically viable agricultural industry. Miami-Dade County shall adopt and develop a transfer of developments rights (TDR) program to preserve agricultural land that will be supplemented by a purchase of development rights program to preserve agricultural land and environmentally sensitive property. The density cap of the land use category in the receiving area established by the TDR program may be exceeded. Land development regulations shall be developed to determine the extent that the density cap may be exceeded based on parcel size but in no case shall it exceed 20 percent.
- LU-1S. The Comprehensive Development Master Plan (CDMP) shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on

June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agriculture and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.

Objective LU-2

Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

Policies

- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map. Second priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agriculture and Open Land areas shall be avoided, except for those improvements necessary to protect public health and safety and which service the localized needs of these non-urban areas.
- LU-2C. Miami-Dade County shall maintain and enhance, as necessary, impact fee and comparable programs and procedures to require all development, regardless of size, to contribute its proportionate share of capital facilities, or funds or land therefore, necessary to accommodate impact of the proposed development or increment of redevelopment over and above preexisting development on a site. Miami-Dade County shall periodically review and update fee schedules to ensure that all public marginal costs are appropriately recognized, and that fee structures reflect pertinent geographic (i.e., core, fringe, or rural area) variability in facility usage.

LU-2D. Miami-Dade County agencies shall continue and, where possible, improve their efforts to coordinate projects to construct or repair infrastructure such as roadways and utilities in order to minimize the disruption and inconvenience caused by such construction activities.

LU-2E. The Department of Planning and Zoning (DP&Z) shall coordinate and centralize the compilation of monitoring information necessary to make determinations regarding existing and projected Levels of Service and to prepare Evaluation and Appraisal Reports for submittal to the State land planning agency, as required by Chapter 163, F.S. and Rule 9J-5, F.A.C.; and all Miami-Dade County agencies shall fully cooperate with the Department by carrying out necessary monitoring and reporting activities identified in the CDMP Monitoring Program.

Objective LU-3

Upon the adoption of the CDMP, the location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level, vegetation type, wildlife habitat, and hurricane and other flood hazards, and by reflecting the management policies contained in resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet, or included in the Comprehensive Everglades Restoration Plan approved by Congress through the Water Resources Development Act of 2000.

Policies

LU-3A. Development orders in Miami-Dade County shall be consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as all other elements of the CDMP.

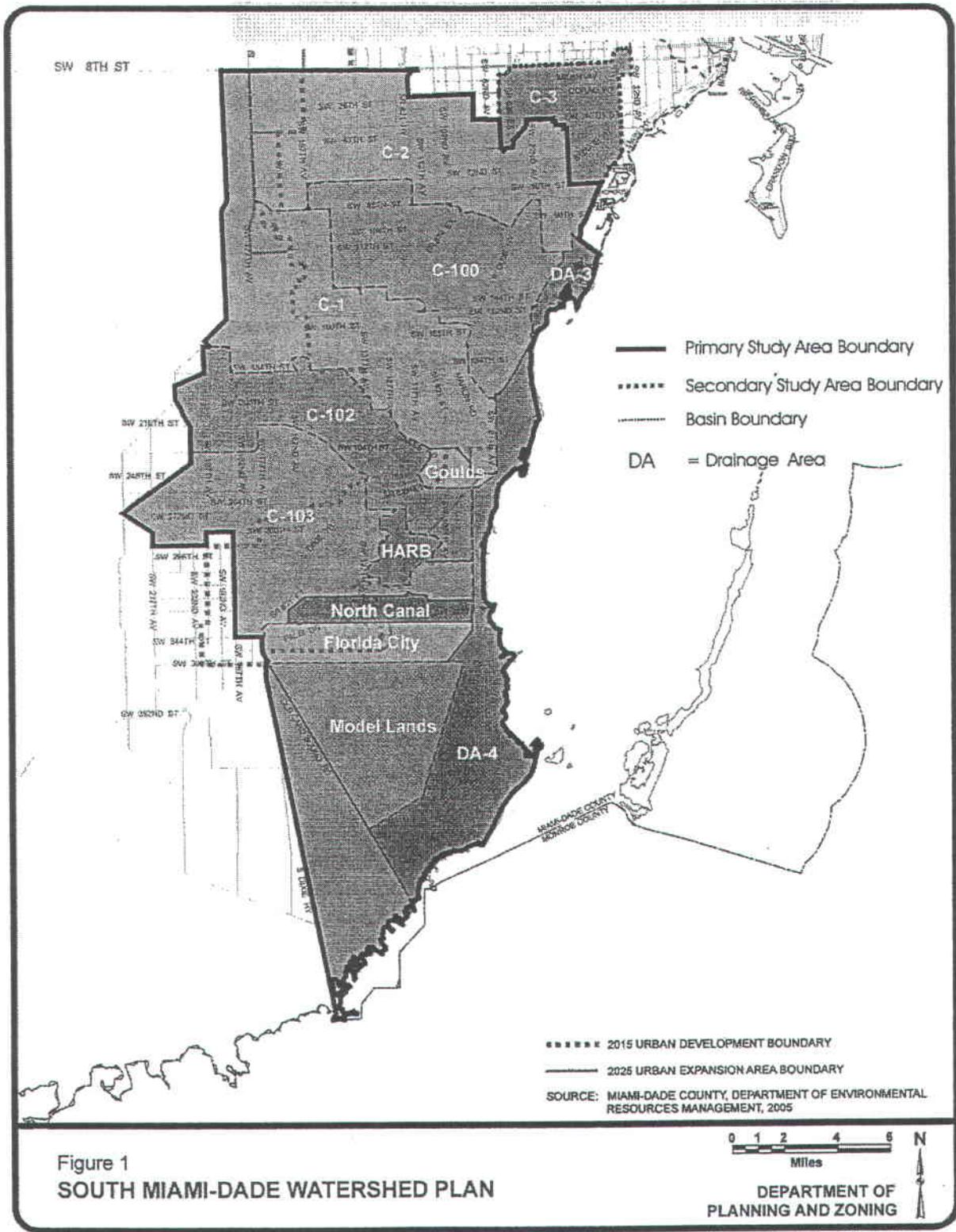
LU-3B. All significant natural resources and systems shall be protected from incompatible land use including Biscayne Bay, future coastal and inland wetlands, future potable water-supply wellfield areas identified in the Land Use Element or in adopted wellfield protection plans, and forested portions of Environmentally Sensitive Natural Forest Communities as identified in the Natural Forest Inventory, as may be amended from time to time.

LU-3C. Development in the Big Cypress Area of Critical State Concern, and in the East Everglades as defined in Section 33B-13, Code of Miami-Dade County, Florida (1981) shall be limited to uses, designs and management practices which are consistent with adopted State regulations and policies, the Comprehensive Everglades Restoration Plan, and related federal, State or County policies, plans or regulations as may be formulated, consistent with the goals, objectives and

policies of this comprehensive plan. Miami-Dade County shall improve its enforcement of East Everglades development regulations and shall improve such regulations if necessary to enable effective enforcement.

LU-3D. Miami-Dade County shall not sponsor any growth-subsidizing programs which promote future population growth and residential development on the barrier islands of Miami-Dade County. The provision of facilities and services to accomplish the timely evacuation of already-developed barrier islands in advance of approaching hurricanes shall be a priority of Miami-Dade County's transportation planning and hurricane preparedness programs.

- LU-3E.
1. By January 1, 2006, Miami-Dade County shall develop and initiate implementation of an integrated land use and water management plan for southeastern Miami-Dade County, based on a Comprehensive Study (the "Study") as described below. The Plan will direct the comprehensive management of land uses and surface and ground water, its quality, quantity, timing, and distribution. The plan will have two time horizons: 1) a short-term component extending through the year 2025, and 2) a long-term component extending through the year 2050. The overall goal of the plan will be to optimize the economic, social, and environmental values currently recognized in the County's Comprehensive Development Master Plan in the study area. As shown in Figure 1, the primary study area includes Basins C-2, C-100, C-1, C-102, Goulds, C-103, North Canal, and Florida City; the Model Lands; Drainage Areas DA-3 and DA-4; and the area between South Dixie Highway and Card Sound Road, while the secondary study area includes Canal C-3.
 2. This plan and study, to be known collectively as the South Dade Watershed Plan (the "Plan"), will be prepared by an impartial person or entity approved by the Board. The selection process will include representatives from the Biscayne National Park Buffer Development Review Committee (the "Working Group") on the selection committee. The Working Group will review and make recommendations regarding the final RFP.
 3. The Plan must fulfill the following specific objectives:
 - a. To identify and protect lands, including their uses and functions, that are essential for preserving the environmental, economic, and community values of Biscayne National Park;
 - b. To identify and establish mechanisms for protecting constitutional private property rights of owners of land identified in 3 (a) above;
 - c. To support a viable, balanced economy including agriculture, recreation, tourism, and urban development in the Plan area; and
 - d. To assure compatible land uses and zoning decisions in the Study Area consistent with long term objectives for a sustainable South Miami-Dade.



4. The Study must project, examine, and analyze surface- and ground water uses and corresponding land uses, including water uses for sustaining and restoring the environment, sustaining economically viable agriculture, providing flood protection, supplying and protecting drinking water, and other water uses pertinent to probable land uses. The Study must provide data and analysis necessary to thoroughly support the South Dade Watershed Plan. The Study must include an examination and analysis of:
 - a. Examples and models of mechanisms of conservation;
 - b. All relevant studies pertaining to the Study Area;
 - c. Property rights of landowners as they relate to objectives of the plan.
 - d. Existing and needed numeric standards for quality, quantity, timing and distribution of waters into and of Biscayne National Park;
 - e. Existing and needed studies of freshwater and groundwater supply;
 - f. Methods and policies for best management practices of all sources of water runoff and levels of service for flood control in the Study Area;
 - g. Socioeconomic factors for optimization of the objectives to the Plan; and
 - h. Ways to integrate the Plan into the Comprehensive Everglades Restoration Plan.

5. It is recognized that the subject Plan will provide extensive information that will greatly assist in the consideration of proposed new development in the Study Area. Until the plan is approved, the Board shall appoint a review committee (the Biscayne National Park Buffer Development Review Committee), fairly representing the interests of the Working Group, to evaluate and make recommendations on all requested development approvals and CDMP amendments in the Study Area outside the UDB which require initial approval at a public hearing. The committee's recommendations shall specifically address potential impacts on Biscayne National Park and consistency with the relevant provisions of the CDMP. Until the Plan is completed and adopted, the appropriate County Boards will apply heightened scrutiny to proposed changes in the UDB, land use designations and, zoning, including unusual uses. Because implementation of the Plan was not initiated by January 1, 2002, the BCC re-evaluated and adopted interim measures to further the objectives of the Plan upon recommendation by the Biscayne National Park Buffer Development Review Committee.

LU-3F. Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban

Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.¹

LU-3G. Any zoning action, or amendment to the Land Use plan map that would approve a use of property other than limestone quarrying, seasonal agriculture or permitted residential use in an area designated as Open Land on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.²

LU-3H. Any zoning action, or amendment to the Land Use plan map that would approve a use of property other than seasonal agricultural use in the Dade-Broward Levee Basin or permitted residential use in an area designated as Environmental Protection, on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to

¹ Policy on Appeal, Not Yet Applicable
October 2001 Cycle, Ordinance No. 02-198, October 10, 2002

² Policy on Appeal, Not Yet Applicable
October 2001 Cycle, Ordinance No. 02-198, October 10, 2002

this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.

- LU-3I. By 2007, Miami-Dade County shall identify disposal sites for dredged materials as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation.

Objective LU-4

Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.

Policies

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.
- LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.
- LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- LU-4E. Zoning shall be examined to determine consistency with the Comprehensive Plan, and if deemed necessary to remedy an inconsistency, rezoning action shall be initiated. Examination could occur through a special zoning study, area planning activity, or through a study of related issues.
- LU-4F. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master

Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.

- LU-4G. Through its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to ensure that suitable land is provided for placement of utility facilities necessary to support proposed development. Necessary utility facilities may be located throughout Miami-Dade County in all land use categories as provided in the "Interpretation of the Land Use Plan Map" text.

Objective LU-5

Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

Policies

- LU-5A. The textual material titled "Interpretation of the Land Use Plan Map" contained in this Element establishes standards for allowable land uses, and densities or intensities of use for each land use category identified on the adopted Land Use Plan (LUP) map, and is declared to be an integral part of these adopted Land Use Policies.
- LU-5B. All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
- LU-5C. All planning activities pertaining to development and redevelopment and the provision of public services and facilities in Miami-Dade County shall be consistent with the "Population Estimates and Projections" contained in this Element, and with the locations and extent of future land uses as identified by the LUP map and its interpretive text. Plans for providing public facilities and services in Miami-Dade County shall be updated by the responsible service providers as soon as possible after the filing of applications to amend the CDMP population projections, and the corresponding elements of the CDMP shall be updated in association with the updating of the facility/service plans.

- LU-5D. When estimates of current population are periodically updated by the Miami-Dade County Department of Planning and Zoning or U.S. Census Bureau, and when revised projections of future population or population distributions are officially filed by the Department as applications to amend the CDMP, these new estimates and projections may be used for planning in Miami-Dade County in lieu of previously published population estimates and the population projections currently adopted in the CDMP.

Objective LU-6

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, and shall continue to seek the addition of new listings to the National Register, and increase the number of locally designated historical and archeological sites, districts and zones.

Policies

- 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-6C. Miami-Dade County shall seek financial resources to develop, and promote implementation of management plans for the preservation, protection and adaptive reuse of historic and archaeological resources on County property.
- LU-6D. Public acquisition of historic and archaeological resources shall be pursued when public ownership would provide a major public benefit to the people of Miami-Dade County, when necessary financial resources can be secured, and when public acquisition is the last available resort.
- LU-6E. Historic structures shall be used to accommodate government functions where reuse of a facility is financially and logistically advantageous.
- LU-6F. Miami-Dade County shall seek to develop technical, legal and financial incentive programs to encourage private sector participation in the preservation and protection of historical and archaeological resources.
- LU-6G. Miami-Dade County will assist municipalities in developing fully operational historic and archaeological resource preservation programs that meet the minimum standards set by the County's Historic Preservation Ordinance.

- LU-6H. Through the Office of Historic Preservation, Miami-Dade County shall improve communication for multi-agency review processes, and expand informational networking with municipal, State and regional agencies and with the Miccosukee Tribe of Indians and private non-profit organizations.
- 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.
- LU-6J. Miami-Dade County shall seek to increase public awareness of the value of local historic and archaeological resources through support from the print and broadcast media, presentations, conferences, seminars and special programs and events such as Dade Heritage Days and National Historic Preservation Week, and by seeking emphasis of local history by the Miami-Dade County Public School System, particularly in grades K through 11.
- LU-6K. Awareness of historic sites and districts shall be promoted through tourist programs; expansion of the historic plaques and markers program; and production and dissemination of publications on local archaeology, historic sites, and development over 50 years of age.
- LU-6L. Through the Office of Historic Preservation in consultation with the Department of Planning and Zoning, Miami-Dade County shall formulate procedures for establishing Thematic Resource Districts (TRDs). These overlay districts shall contain architectural and landscape design guidelines, and may authorize approval of additional compatible uses, consistent with and which promote the purposes of the particular district.

Objective LU-7

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

Policies

- LU-7A. Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be

approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.

- LU-7B. It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid transit stations that is well designed, conducive to both pedestrian and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians, pedestrian accommodations shall include, as appropriate, continuous sidewalks to the transit station, small blocks and closely intersecting streets, buildings oriented to the street or other pedestrian paths, parking lots predominantly to the rear and sides of buildings, primary building entrances as close to the street or transit stop as to the parking lot, shade trees, awnings, and other weather protection for pedestrians.
- LU-7C. On all streets served by Metrobus and all arterial or collector streets designated in the Mass Transit Subelement as year 2015 or 2025 potential service areas,
- i) New non-residential buildings and substantial alterations¹ of existing non-residential buildings, and residential buildings wherever practical, shall provide at least one full-time building entrance that is recognizable and accessible from the street and is comparably as close to the street and/or bus stop as it is to the primary parking lot; and
 - ii) New residential and non-residential developments, subdivisions and replats shall provide for buildings that front the transit street, or provide streets or pedestrian connections that intersect with the transit street in close proximity to bus stops not more than 700 feet apart and, as appropriate, shall provide for new bus stops and/or pullouts.
- LU-7D. Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.
- LU-7E. Land uses that are not conducive to public transit ridership such as car dealerships, car oriented food franchises, and uses that require transporting large objects should not be permitted to locate or expand within 1/4 mile of rail rapid transit stations.

¹ Substantial alteration, as the term is used in this section, shall mean repair, modification, reconstruction, addition to, or other change to a building during any ten-year period which exceeds 50 per cent of the fair market value of the building.

- LU-7F. Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.
- LU-7G. Miami-Dade County should partner with the Metropolitan Planning Organization (MPO) and affected municipalities to establish a systematic program that will produce transit-oriented development (TOD) plans for the areas within ¼ to ½ mile around all Metrorail, the Miami Intermodal Center (MIC) and South Dade Busway stations. Transit-oriented development is a mix of land uses that promotes transit use and decreases the dependence on automobiles. A phasing program should be established to initiate and formulate updated or new station area plans based on the overall priority categories for urban centers established by the Board of County Commissioners. Within each priority category, the factors for individual area plans may include such conditions as locations and amounts of undeveloped and underutilized land providing development and redevelopment opportunities, ownership, land use patterns, infrastructure and service levels, recent and nearby development activity, and expressions of interest in cooperating by the municipalities.
- LU-7H. The Department of Planning and Zoning shall review land development regulations to identify reforms that would invite, and not impede, transit-oriented development in the station areas.
- LU-7I. Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

Objective LU-8

Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

Policies

- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- LU-8C. Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.
- LU-8D. The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.
- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
 - ii) Enhance or impede provision of services at or above adopted LOS Standards;

- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

LU-8F. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

LU-8G. When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:

- i) The following areas shall not be considered:
 - a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;
 - b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;
 - c) The Redland area south of Eureka Drive; and
- ii) The following areas shall be avoided:
 - a) Future Wetlands delineated in the Conservation and Land Use Element;
 - b) Land designated Agriculture on the Land Use Plan map;
 - c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge;

- d) Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project Implementation Reports; and
- iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:
 - a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;
 - b) Land contiguous to the UDB;
 - c) Locations within one mile of a planned urban center or extraordinary transit service; and
 - d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

Objective LU-9

Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

Policies

- LU-9A. To maintain consistency between Miami-Dade County's development regulations and comprehensive plan, Miami-Dade County's land development regulation commission shall review proposals to amend Miami-Dade County's development regulations and shall report on the consistency between said proposals and the CDMP, as required by Chapter 163, F.S.
- LU-9B. Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:
 - i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
 - ii) Subdivision of land;
 - iii) Protection of potable water wellfields;
 - iv) Areas subject to seasonal or periodic flooding;
 - v) Stormwater management;
 - vi) Protection of environmentally sensitive lands;
 - vii) Signage; and
 - viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.

The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.

- LU-9C. Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map. When revising development regulations such as may be required to comply with Chapter 163, F.S., the County shall seek to create additional incentives for acquisition and use of SURs. As recommended in Miami-Dade County's State Housing Initiatives Partnership (SHIP) Program Housing Incentives Plan, the receiver area density bonuses in Dade's SUR program should be increased to improve the effectiveness of the program and the production of affordable housing. The County shall consider modifying the SUR program to provide for the transfer of development rights from land acquired by government for uses other than residential or commercial purposes to development sites inside the UDB.
- LU-9D. Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.
- LU-9E. Miami-Dade County shall enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering.
- LU-9F. Miami-Dade County shall formulate and adopt zoning or other regulations to implement the policies for development and design of Metropolitan and Community Urban Centers established in the CDMP through individual ordinances for each urban center.
- LU-9G. Miami-Dade County shall review and revise its development regulations to promote building designs in multi-family residential zoning districts which are more compatible with, and sensitive to, surrounding neighborhoods, and to establish minimum densities for development in multifamily residential zoning districts.
- LU-9H. Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.
- LU-9I. Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

- LU-9J. Miami-Dade County shall continue to use, but not be limited exclusively to design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County.
- LU-9K. By 2007, Miami-Dade County shall initiate the review and revision of its Subdivision Regulations to facilitate the development of better planned communities. The Public Works Department shall specifically review and update the Subdivision Regulations for urban design purposes. Changes to be considered shall include provisions for:
- i) Open space in the form of squares, plazas, or green areas in residential and commercial zoning categories; and
 - ii) A hierarchy of street types and designs, ranging from pedestrian and bike paths to boulevards that serve both neighborhood and areawide vehicular and pedestrian trip making needs by addressing cross sections, corner radii, connectivity and rationality of street and pathway networks, and balanced accommodation of automobiles, pedestrians, bicyclists, and landscaping.
- LU-9L. Miami-Dade County shall formulate and adopt zoning overlay or other regulations applicable to land outside the Urban Development Boundary to orient the uses allowed in business and industrial zoning districts to those which support the rural and agricultural economy of the area. Uses permitted by right would relate exclusively to agricultural or mining industries, and other uses would be approvable as special exceptions upon demonstration that the use supports the non-urban economy of that area or is required by residents of the immediate area.
- LU-9M. Building, zoning and housing codes will be vigorously enforced in all areas of Miami-Dade County.
- LU-9N. Upon completion and adoption of the South Miami-Dade Watershed Study, the County shall review the "smart growth" initiatives that are recommended in the Study to determine feasibility on appropriateness of implementing these initiatives throughout the County. If appropriate "smart growth" initiatives are identified, the County shall prepare specific amendments to the CDMP, land development regulations, and other appropriate policies and programs to implement these initiatives in order to: achieve greater efficiency in the utilization of land; reduce public sector costs resulting from inefficient development patterns; protect and preserve environmental, agricultural, water and open land resources, and; maintain and improve the quality of life of existing and future residents, businesses and visitors.
- LU-9O. Miami-Dade County shall by 2007 review and revise its development regulations to provide a density bonus for good urban design in the zoning districts that fall within the Medium-High Density range of 25 to 60 dwelling

units per gross acre. These development regulations shall address such urban design concerns as identifying civic areas, incorporating any historic theme, defining open space and streets, and providing a pedestrian-friendly environment along roadways.

- LU-9P. Miami-Dade County shall revise land development regulations to allow live-work units and structures in urban centers and all land use categories that permit the mixture of residential and non-residential uses. Live-work refers to one or more individuals living in the same building where they earn their livelihood usually in professional, artisanal or light industrial activities. The quiet enjoyment expectations of the residential neighbors take precedence over the work needs in a live-work unit or building. Toward this end, the occupational use of the unit shall not include non-resident employees or walk-in trade. No outdoor activity; noise, vibration, odor, electric interference or other effect of the occupation shall be detectable outside the work-live unit. The regulations should provide for disclosure of neighboring industrial and commercial activities to prospective residential tenants and purchasers.
- LU-9Q. Miami-Dade County shall revise land development regulations to allow work-live units in the Business and Office and Industrial and Office land use categories. The term work-live means that the needs of the work component takes precedence over the quiet expectations of residents, in that there may be noise, odors, or other impacts of the business, as well as employees, walk-in trade or sales. The predominant use of a work-live unit is industrial or commercial work activity and residential activity is secondary.
- LU-9R. The County shall coordinate with affected municipalities to prepare plans for areas designated as "urban centers" on the Land Use Plan Map, and other small area and neighborhood plans as needed and appropriate. These plans shall formulate a vision for the development and redevelopment of these areas in order to identify appropriate locations for higher density development, recommend area specific design requirements, and produce working and living environments that reflect community goals.
- LU-9S. During FY 2006 the Department of Planning and Zoning will revise Chap. 33, Miami-Dade County Code by creating a new zoning district that permits, under certain conditions, both single-family detached houses and townhouses together. One of the conditions is that affordable housing will be a significant portion of the development.
- LU-9T. Miami-Dade County shall by 2009 review, analyze, and revise as necessary the land use intensity standards established in the CDMP, particularly as they apply to non-residential development, to ensure consistency between intensity standards for Urban Centers and those that apply to the Urban Infill Area, the Urbanizing Area (the area between the Urban Infill Area and the Urban Development Boundary) and outside the Urban Development Boundary. The

review, analysis and revision shall also address the need for minimum standards as well as maximums. Following revision of these standards, consideration shall be given to countywide adoption of them and establishment of a joint/city review board to address instances where standards cannot reasonably be met.

- LU- 9U. The County shall consider provisions to allow horizontal mixed-use developments, defined as the horizontal integration of parcels with different primary uses within the same site or block, in appropriate future land use categories in the Urban Development Boundary.

Objective LU-10

Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multimodal transportation systems.

Policies

- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.
- LU-10B. Solar design guidelines for such items as street and passageway alignments, landscaping, setbacks, building orientation, and relationship to water bodies shall be developed by 2008, and utilized in site plan reviews by the Department of Planning and Zoning.
- LU-10C. Miami-Dade County shall encourage energy conservation by adopting Florida Green Building Coalition, US Green Building Council Leadership in Energy and Environmental Design (LEED), or other acceptable commercial building standards for County-owned facilities.
- LU-10D. Miami-Dade County shall promote energy conservation by encouraging builders, remodelers, homeowners and homebuyers to implement Florida Green Building Coalition green home or other acceptable environmental standards and by encouraging site planners and land developers to implement Florida Green Building Coalition development standards.
- LU10-E. Miami-Dade County shall investigate incentives for developers and building owners to incorporate energy efficiency and other conservation measures that meet recognized green building standards into the design, construction or rehabilitation of their buildings.

Objective LU-11

Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

Policies

- LU-11A. The Department of Planning and Zoning will develop and maintain an appropriate methodology (model), which contains relevant variables and has been validated with respect to accuracy for indicating sites which have a high potential for redevelopment. The results forthcoming from applications of this model will be regularly reported and disseminated to the building and development industry.
- LU-11B. The Department of Planning and Zoning during FY 2007 will prepare a proposal for the establishment of a taskforce or study group, charged with the formulation of a comprehensive redevelopment program. The proposal shall set forth the purpose of the group, the tasks to be carried out, the appropriate membership, and a schedule for completion.
- LU-11C. Miami-Dade County shall continue to utilize its Community Redevelopment Area (CRA) Program and federal programs such as the Community Development Block Grant and the HOME program to facilitate redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures in eligible areas.

Objective LU-12

Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in PolicyTC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

Policies

- LU-12A. The Department of Planning and Zoning will utilize its Geographic Information System (GIS) Land Use File to identify vacant or underutilized sites, which might be suitable for infill housing. An infrastructure assessment will also be carried out and the results forthcoming from this process will be regularly reported and disseminated to the building and development industry.

- LU-12B. Miami-Dade County shall identify and consider for adoption a package of financial and regulatory incentives for new development on vacant properties in the UIA.
- LU-12C. Miami-Dade County shall evaluate the need to designate an Urban Infill Development Area (UIDA) in the CDMP and if needed develop policies specifying that this area shall receive priority for future public and private investments in infrastructure, services, development and compatible redevelopment.
- LU-12D. The County shall consider developing strategies that promote infill development in specific areas.

Interpretation of The Land Use Plan Map: Policy of the Land Use Element

This text describes each land use category shown on the Land Use Plan (LUP) map, and explains how each category and the Map are to be interpreted and used. Adherence to the LUP map and this text is a principal, but not the sole, vehicle through which many of the goals, objectives and policies of all elements of the CDMP are implemented. The LUP map illustrates where development of various types and densities, including agriculture, is encouraged, and areas where natural resource-based development and environmental protection are encouraged.

The LUP map provides six Residential Communities categories organized by gross density ranges. The non-residential land use categories, notably industrial, office, business, institutional, public facilities and transportation terminals, are organized by the types of predominant uses allowed or encouraged on land so designated, and relative intensities of development authorized in these categories are expressed as allowable land uses, as contrasted with land uses allowed in other LUP map categories. The specific intensity of development which may be approved on a particular parcel designated in a non-residential category on the LUP map will be dependent on the particular land use, design, urban service, environmental, and social conditions on and around the subject parcel at the time of approval including consideration of applicable CDMP goals, objectives and policies, including provisions of this text chapter, and provisions of applicable land development regulations which serve to implement the comprehensive plan. At a maximum, unless otherwise provided in this Plan, as provided for example for Urban Centers, the following shall be the maximum intensities at which land designated on the LUP map in one or more non-residential categories may be developed. Actual intensities approvable on a given site may be significantly lower than the maximum where necessary to conform with an overriding Plan policy, or to ensure compatibility of the development with its surroundings. Moreover, notwithstanding adoption of these intensity ceilings in the CDMP, estimations of prospective urban service demands or impacts of proposed developments will be based on the actual approved uses and/or intensity of a particular development when applicable, and for purposes of long-range areawide service facility planning purposes, such estimations may be

based on averages or trends of development types and intensities in localized areas when consistent with sound service/facility planning practice. The following allowable maximum intensities are expressed as the floor area ratio (FAR) of building square footage (not counting parking structures) divided by the net lot area of the development parcel.

Maximum Allowable Non-Residential Development Intensity	
Inside the UIA	2.0 FAR
Urbanizing Area, UIA to UDB	1.25 FAR
Outside UDB	0.5 FAR
[See Also Urban Centers]	

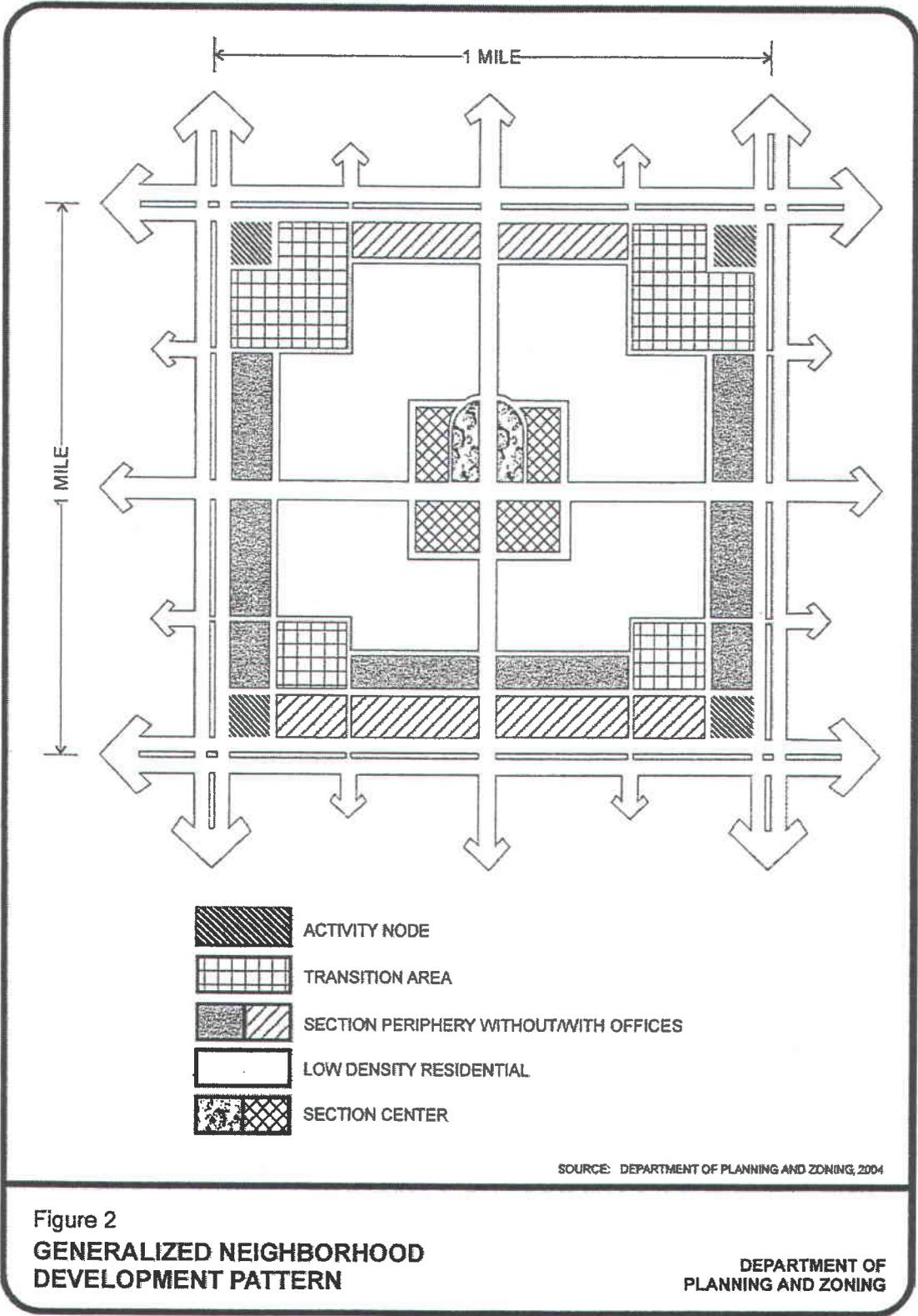
Residential Communities

The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the “neighborhood” reflects the intensity and design of developments mix of land uses, and their relationship.

Guidelines for Urban Form. The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patters and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Development of County Impact or (b) to conform the density, intensity, use, building, envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood. The general pattern promoted by these guidelines is schematically illustrated in Figure 2.

1. The section line roads should form the physical boundaries of neighborhoods.
2. The section line, half section line, and quarter-section line road system should form a continuous network, interrupted only when it would destroy the integrity of a neighborhood or development, or when there is a significant physical impediment. Pedestrian and vehicular traffic networks should serve as physical links between neighborhoods, with multiple points of access between neighborhoods.

3. Within a section, a variety of residential types and densities are encouraged, with higher densities being located at the periphery, and lower densities in the interior.
4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.
5. Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.
6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.
7. Sites located near the center of the section at or near the intersection of half-section roads may be utilized for neighborhood-serving community facilities such as elementary schools, day care, recreational uses, and open spaces.
8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.
9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.
10. The walling off of neighborhoods from arterial roadways should be avoided by alternatives such as placement of other compatible uses being along the periphery of suburban neighborhoods. These uses include public and semi-public uses, higher density residential building types, and office uses, where any of such uses are otherwise permitted by this category and justified. If lower density residential uses are to be located on an arterial, the building lots should be provided with ample setbacks, side yards and block ends should face the arterial, frontage roads may be utilized, or landscaping should be used in lieu of continuous walls.



180-13073 MetaPlan/CCDP Assessments/2004 October Cycle/Adopted Map/Generalized Neighborhood Development Pattern.cdr

11. In planning and designing new residential developments, the frontages of public canals should be designed to remain open and accessible to neighborhood residents by such measures as the provision of adjoining frontage streets, and the avoidance of platting new contiguous building lots which would back up to the canal rights of way and prevent access. Similarly, new developments should be designed so that at least a portion of the shoreline of private water bodies will remain visible and accessible to neighborhood residents.

Gross Residential Density. The basic unit of measurement of residential density is "dwelling units per gross residential acre." Among the land uses that may be included in the "gross residential acreage" when computing the number of dwelling units permitted per gross acre in a residential communities area are the following: housing; streets; public schools; local public parks; fire stations; police stations; private recreational open spaces that are protected in perpetuity by covenant; public or semipublic utility sites, easements or rights-of-way donated at the time of development approval; and nature preserves and water bodies created as open-space amenities during project development or credited for density purposes during previous development approval, or inland waters¹ wholly owned by the applicant. The sites of these nonresidential uses may be included in the gross residential acreage only if they are under the same ownership or are multiple ownerships that are legally unified (legally unified development) as the site for which gross density is being determined. Among the uses not considered to be part of the "residential" area when computing the number of units permitted are industrial, commercial and office sites; communication facility sites; utility sites; easements and rights-of-way unless expressly permitted elsewhere in this section; expressways; non-local parks and nature preserves; universities, colleges and other institutional use; any land that has been credited for other development; previously dedicated road rights-of-way; and any already-developed parcels whether underdeveloped or not. Hotels and motels may be approved in certain areas designated as Residential Communities only as provided in the following paragraphs. Where approved in Residential Communities, each hotel or motel unit shall count as two thirds (2/3) of a dwelling unit when calculating gross density. (Motels and hotels that are located in areas designated Business and Office or Industrial and Office on the LUP map are considered to be commercial uses and, therefore, their units are not considered in determining the number of residential units permitted in an area). In contrast, net density, is the number of housing units per acre of land that is used exclusively for residential units. For example, a ten-acre parcel of land, half of which is devoted to 30 residential units and half to a park, would have residential development at a NET density 6 units per acre and a GROSS density of 3 units per acre. gross density is used for long-range areawide comprehensive planning because it provides flexibility for design and development of varied unit types, while Net density, typically used in zoning and design regulations, provides greater control over physical characteristics of development such as building massing and height.

¹ Inland water means all freshwater as defined in Chapter 24 of the Code of Miami-Dade County, and any coastal waters as defined in Chapter 24 having no direct physical connection to Biscayne Bay or to a coastal tributary thereof, except as said connection may occur through ground strata.

The Land Use Plan map includes six residential density categories, each of which is defined in terms of its minimum and maximum allowable gross residential density. Development at a lower than maximum density may be required where conditions warrant. For example, in instances where a large portion of the "gross residential acreage" is not part of the "net" residential building area, the necessity to limit the height and scale of the buildings to that compatible with the surrounding area may limit the gross density. Severable Use Rights (SURs) or Transfer of Development Rights (TDRs) may be transferred to parcels within the designated receiving area. When Severable Use Rights or Transfer of Development Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs or TDRs, would exceed the Plan density limit. When an inclusionary zoning program required by Policy HO-3F is adopted to promote work force housing, development will be allowed to exceed, by up to 25%, the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district or zoning approval that, without the use of the inclusionary zoning program, would exceed the plan density limit.

The Board of County Commissioners, or the appropriate Community Zoning Appeals Board, may approve residential development at a density up to 17 percent above the maximums provided below where the developer is a not-for-profit housing provider and it is certified that no less than 30 percent of the units in the development, excepting accessory dwelling units, will be priced to be affordable to low and very-low income households. In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

Open space consisting of green spaces such as natural areas, gardens, greens, squares, and plazas; water bodies, and/or recreational facilities shall be provided for each townhouse or multi-family development. Where practical for the planning of new townhouse developments or multi-family developments, an open space network consisting of interconnected active (e.g. play areas, swimming pools and tennis courts) and passive areas shall be provided for. The passive portion of the open space shall include any on-site archaeological or historic sites, environmentally sensitive areas such as wetlands and Natural Forest Communities, water bodies and the shoreline walkway for sites abutting Biscayne Bay or the Atlantic Ocean. The open space for a parcel should be connected to the open space network for the neighborhood, which is built by joining major public and private open spaces into a continuous system. When practical, the open space on a parcel shall be interconnected with adjacent public lands and the open space of adjacent residential parcels. To provide for the open space on a parcel, the clustering of residential structures on the property will be permitted. If a public park with existing recreational facilities or programmed facilities is located within a ¼ mile of a

residential parcel, recreational facilities need not be provided on-site. However, the open space requirement must be met, unless authorized after public hearing. The on-site open space shall be maintained by the property owner for rental apartments and by the homeowner association for ownership housing.

Estate Density. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

Low Density. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Low-Medium Density. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

Medium Density. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

Medium-High Density. This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-90, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.

High Density. This category permits from 60 to 125 dwelling units or more per gross acre. This density is found only in a few areas that are located within certain municipalities where land costs are very high and where services will be able to meet the demands.

Density Increase With Urban Design. Some parcels are designated on the LUP map both with a color designating the allowable residential density basis and one of two hatch patterns. The hatch pattern labeled on the LUP map legend as DI-1 (Density Increase 1) denotes that the parcel is eligible for approval of one density category higher than the residential density indicated by the underlying color code, and DI-2 denotes eligibility for approval of up to two density categories higher. A property shall be eligible for a D-1 designation only if the development containing the designated property utilizes sound urban design principles adopted by County ordinance pursuant to Land Use Policy LU-9K, or incorporated in the Urban Design Manual endorsed by Resolution R-1360-98, or addresses the urban design concerns listed in Policy LU-9K in another binding instrument approved by action of the Board of County Commissioners. A property shall be eligible for a D-2 designation only if it meets the above urban design principles, is located in a transit corridor and addresses in a development agreement or site plan the urban design concerns of identifying civic areas, defining open spaces and streets, incorporating any historic theme and providing a pedestrian-friendly environment along roadways. For purposes of this paragraph, transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP. To provide a transition between the transit corridor and adjacent neighborhoods, the height of buildings along the edge of the corridor should taper for at least 20 horizontal feet to the height of the existing adjacent buildings outside the corridor. However, where the adjacent property is vacant, heights of buildings at the edge of the corridor may be based on adopted comprehensive plans and the zoning of the surrounding area. Existing or proposed developments with vehicular entrances that are controlled or have entry gates with private streets are not eligible for a density increase designation of D1-1 or D1-2. If the referenced urban design principles are not employed, the allowable density shall be limited to that authorized only by the underlying color code.



(D1-1) One Density Increase With Urban Design



(D1-2) Two Density Increase With Urban Design

Density Averaging. The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.

Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided

that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.

The land use and residential density patterns indicated for municipalities represent the development basis that Miami-Dade County will use to plan and program public facilities and services that are its responsibility. The patterns of land use and densities indicated along municipal boundaries also seek to minimize conflicts between different jurisdictions. Because municipal planning agencies possess greater familiarity and the authority to plan land use of their jurisdiction, adopted municipal comprehensive plans may average densities among different density categories indicated on the LUP map, within unit areas bounded by Major and Minor Roadways indicated on the Land Use Plan map. However, the total potential number of dwelling units and acreage of other land uses should not be changed from the total indicated by the County plan for the unit area bounded by these roadways. Moreover, maintenance of compatible uses and housing types at local government jurisdictional boundaries is particularly important.

Housing Variety. Residential communities having a variety of housing types, such as standard single-family detached homes, townhouse, other single-family attached homes, and multi-family units, are encouraged by this plan. Toward this end, all new residential developments should include housing types which will contribute to the diversity of housing types in the immediate area, and in all instances residential developments exceeding 40 acres in size shall contain more than one of the foregoing housing types. It is especially important to mix townhouses with single-family detached and the former with multi-family units. Multi-family buildings should offer a variety of sizes ranging from efficiency units through two and three bedroom apartments.

Accessory Dwelling Units. Accessory dwelling units ranging from 400 to 800 square feet of habitable area are authorized on single-family lots with a minimum area of 7,500 square feet

that are located inside the Urban Development Boundary. The appearance of the structure(s) containing the primary and accessory units shall maintain an appearance consistent with the character of the neighborhood. Accessory dwelling units provided in accordance with this section shall not be counted toward the LUP map residential density maximum which governs the subject property.

Uses and Zoning Not Specifically Depicted. As provided in the previous paragraphs, mixing of different housing types and densities is allowed within certain unit areas. The average gross residential densities depicted on the Land Use Plan map reflect such averaging. They also reflect certain non-residential use sites previously credited in accordance with the section titled "Gross Residential Density" and its predecessor standard.

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

Other Potential Uses in Residential Communities. The uses generally permitted in Residential Communities are listed above under the residential, and gross residential density headings. The establishment of other new uses in residential areas is not allowed; however, under limited circumstances and conditions, some other land uses may be permitted to locate in Residential Communities. These special use situations are described below. No "other new use" in a residential area as described in this section shall be deemed consistent with the CDMP where the use or zoning district has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities. "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be

compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.

Public Facilities. Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical substations and distribution facilities, cell antenna, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or Business and Office areas. Cemeteries may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.

Commercial Uses (in Residential Communities). Commercial uses are prohibited in areas designated as Residential Communities except as specifically provided in this chapter; ample sites for business and office uses are provided in the Business and Office, Industrial and Office, and Office/Residential Categories on the Land Use Plan map. However, under the following specific circumstances limited commercial uses may be authorized in areas designated as Residential Communities.

Office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with

the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

Hotels and Motels shall not be approved in the Estate or Low Density residential categories. They may, however, be approved in the Low-Medium, Medium, Medium-High or High Density residential categories if the site on which the hotel or motel is located has frontage on a Major roadway as identified on the LUP map and where compatible with adjacent uses. Factors considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, on-site parking, landscaping and buffering. In addition, hotel-motel uses may be approved where they are incidental to, and integrated with a recreational facility internal to a planned residential development. Hotel-motel uses may also be approved as an oceanfront resort or as part of an oceanfront resort.

Convenience retail facilities may be permitted in multifamily developments containing 300 or more units, as an accessory use for the convenience of the development's residents. Such facilities shall be restricted in size to relate solely to the needs of the development's residents and shall be limited to convenience commercial and personal service uses such as restaurants, food and drugstores, barbershop and dry cleaning service pick up/drop off. Wherever possible, such uses should be located in the principal structure or in a community service structure. Where this ancillary use must be self standing, its site shall be no larger than one-half acre per 300 dwelling units. These uses shall not be visible from sites outside the subject development or have direct access from public roads, and shall not utilize signage to attract persons from outside the development. In addition, the location of any such convenience facilities shall be designed as an integral part of the total development, and will be subject to site plan approval.

Marina facilities and recreation facility clubhouses, private and semiprivate, (including commercial uses which are incidental and complementary to, and usually associated with, clubhouses, such as pro-shops, snack bars, restaurants, and the sale of alcoholic beverages) within, and primarily designed, sized and scaled to serve the immediate needs of a residential development may also be permitted in the residential classifications if compatible with the neighborhood.

Neighborhood Corner Store development may also be considered for approval in Residential Community-designated areas except Estate-designated areas. Up to one acre of neighborhood corner store development may be considered for approval on land designated as Residential Communities for each 600 dwelling units in the development. The siting of Neighborhood Corner Store developments on land designated residential communities should be as consistent as possible with the Guidelines for Urban Form presented on the preceding pages.

Home Occupations. Home occupations may be approved as a subordinate, accessory, conditional use in single-family residences in accordance with the following conditions: The occupational use must be incidental and secondary to the primary use as a residence; all structures must maintain a residential appearance; no signs or displays are allowed in windows or outdoors; all occupational materials and activity must occur indoors; employment shall be limited solely to residents who live on the premises; no products or goods in trade may be sold from stock on the premises; no activities will be allowed which cause noise, vibration, heat, light, odor, or electrical interference detectable outside the residence; uses will be restricted to maintain residential traffic characteristics; and periodic inspections, annual operating permits, and business licenses shall be required to protect the safety and tranquility of the residential neighborhood.

Hospitals in Residential Communities. New hospitals may not be permitted in Residential Communities except that they may be approved to locate in the Medium-High and High Density categories. They should be located in areas designated Institutional, Business and Office or Industrial and Office. However, existing hospitals and associated medical buildings which are not specifically depicted on the LUP map may be approved for addition or expansion in all density categories where compatible with the surrounding neighborhood.

Thematic Resource District (TRD). Pursuant to Land Use Policy LU-6L, Thematic Resource Districts (TRDs) may be established in areas designated as Residential Communities on the LUP map to provide protection and replication of community historical, architectural, design or other physical attributes that constitute aesthetic, cultural and economic assets of the community. TRD's established pursuant to Policy LU-6L may be established in Residential Community areas which allow residential use at a density up to one Land Use Plan map density category higher than the underlying LUP map designation, and compatible non-residential uses.

Traditional Neighborhood Developments (TNDs). Traditional neighborhood developments which incorporate a broad mixture of uses under specific design standards may also be approved in Residential Communities in the manner specifically authorized in this subsection. The purpose of the traditional neighborhood development is to enable the creation of new communities that offer social and architectural quality, characteristic of early American town planning. Many of these early models, developed prior to 1940, offer insight into the design of coherently planned communities. The concept is patterned after those inherent in these earlier developments and provides a design clarity through a hierarchy of streets, a focus towards pedestrian activity, low scale community support activities and the use of civic symbols of community buildings and open squares as the focal point of the neighborhood. The objectives of a traditional neighborhood development shall include the following:

- to provide a physical environment and to foster a social environment that allows inhabitants to satisfy such basic psychological needs as security, community identity and self-esteem;
- to provide significant employment within the neighborhood, allowing both small and large scale businesses. This mixing of jobs and housing reduces traffic impacts and adds to the liveliness and security of the neighborhood;
- to provide a full range of housing types, from detached single family houses to apartments above shops, fostering social and cultural integration;
- to provide neighborhood civic buildings, squares and parks to reinforce community identity;
- to reduce dependence on the automobile by encouraging foot and bicycle traffic, by providing consumer services, jobs, recreation, and cultural opportunities within walking and cycling distance, and by general compactness of community layout;
- to create streets that accommodate pedestrians as well as automobiles;
- to provide guidelines for building placement and street design that protect the neighborhood environment while allowing latitude for individual choices.

Within areas designated on the LUP map as Residential Communities, a mixed use Traditional Neighborhood Development permitting business, office, industrial, artisanal, live-work, home occupations and other uses authorized by this subsection may be approved providing that the following criteria are met:

Urban Development Boundary

The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

The CDMP seeks to facilitate the necessary service improvements within the UDB to accommodate the land uses indicated on the LUP map within the year 2015 time frame. Accordingly, public expenditures for urban service and infrastructure improvements shall be focused on the area within the UDB, and urban infrastructure is discouraged outside the UDB. In particular, the construction of new roads, or the extension, widening and paving of existing arterial or collector roadways to serve areas outside the UDB at public expense will be permitted only if such roadways are shown on the LUP map and in the Transportation Element.

The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

No new commercial agricultural use of property may be established within the Urban Development Boundary, except on property designated Agriculture on the LUP map or zoned AU (Agricultural) or GU (Interim). All property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. An additional exception is that land in utility easements or rights-of-way or airport or other large government-owned properties may be approved for new commercial agricultural uses where the use would be compatible with, and would have no unfavorable effect on, the surrounding area. Commercial agricultural uses include, without limitation, all uses of property associated with commercial horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; apiculture; pisciculture, when the property is used principally for the production of tropical fish; all forms of farm production; and all other such uses, except retail nurseries and retail greenhouses. Incidental agricultural use of property specifically authorized by zoning which is otherwise consistent with the LUP map does not constitute commercial agriculture use within the meaning of this provision.

Urban Expansion Area

The Land Use Plan map also contains a year 2025 Urban Expansion Area (UEA) Boundary. The UEA is comprised of that area located between the 2015 UDB and the 2025 UEA Boundary. The Urban Expansion Area is the area where current projections indicate that further urban development beyond the 2015 UDB is likely to be warranted some time between the year 2015 and 2025. Until these areas are brought within the year 2015 UDB through the Plan review and amendment process, they are allowed to be used in a manner consistent with the provisions set forth for lands designated as "Agriculture" or the applicable "Open Land" area.

Urban infrastructure and services should be planned for eventual extension into the UEA, sometime between the years 2015 and 2025. However, if water or sewer lines or major roadway improvements are extended beyond the UEA in order to serve a necessary public facility that has been approved consistent with the Comprehensive Development Master Plan, these improvements should be sized or restricted to accommodate only the needs of the public facility.

Agriculture

The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.

Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

In an effort to enable compatible diversification of the economy of Agriculture areas and provide additional land use options for owners of properties that surround structures having historical significance, after such time as the County adopts procedures for the establishment of Thematic Resource Districts (TRDs) pursuant to Policy LU-6L, and a TRD including architectural and landscape design guidelines is established in an area designated Agriculture, additional uses may be authorized in such TRDs established in Agriculture areas. Such additional uses must be designed and developed in accordance with TRD standards, must promote ecotourism activities in the Agriculture area, and must not be incompatible with nearby agricultural activities.

Also included in the Agriculture area are enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in this area except that lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the approval or expansion of any use inconsistent with this plan. To the contrary, it is the intent of this Plan to contain and prevent the expansion of inconsistent development in the Agriculture area.

Agricultural Subarea 1 (East Everglades Agricultural Area). This Subarea is bounded on the north by SW 168 Street; on the east by Levee 31N and Canal 111; on the south by Environmental Protection Subareas D and Everglades National Park; and on the west by Everglades National Park (See Figure 3A). Notwithstanding any uses otherwise permitted in the Agriculture area, uses in Agricultural Subarea 1 are limited solely to: (1) lawful agricultural uses; (2) rural residences at a maximum density of one dwelling unit per 40 acres, or one dwelling unit per 20 acres if ancillary to a lawfully established agricultural use; and (3) uses permitted under the vested rights provisions of Section 33B-29, Code of Miami-Dade County, Florida.

Environmental Protection Subarea E (Southeast Wetlands). This Environmental Protection subarea is bounded on the west by US Highway 1 on the north by Open Land Subarea 5, on the east by Levee 31E and on the south by a hypothetical line extending between the point at which Card Sound Road meets Levee 31E, and the intersection of US Highway 1 and Canal-111. The area is low lying, poorly drained, flood prone, and is characterized predominantly by high-quality wetland communities. Accordingly, any land use or site alteration proposal will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

Because of the importance of maintaining the biotic and hydrologic functions provided by this area, the southeast wetlands should be studied to determine whether public acquisition would be mutually beneficial to public and private interests in the area. Uses which could be considered for approval include rural residential use at a maximum density of one dwelling unit per five acres or communications, utility or recreation facilities with limited ground coverage. Approval of any use and its access roads or easements should be conditioned on its demonstrated consistency with the adopted goals, objectives and policies of this plan, and conformity with all prevailing environmental regulations.

Environmental Protection Subarea F (Coastal Wetlands and Hammocks). This subarea includes all coastal wetlands designated as Environmental Protection Area on the LUP map which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies.

Because of the importance of maintaining biologic and hydrologic functions provided by these areas, the coastal wetlands should be managed toward these ends and acquired whenever possible. However, until these lands are acquired for natural resource management uses which could be considered for approval include residential use at a density not to exceed one dwelling unit per five acres, water-dependant uses, or necessary compatible public, water related facilities consistent with the Conservation, Aquifer Recharge and Drainage Element and the Coastal Management Element of this Plan. In addition, necessary electrical generation and transmission facilities are also permitted in this area. The approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

Concepts and Limitations of the Land Use Plan Map

The Land Use Plan map of the Comprehensive Development Master Plan provides the general land use framework indicating how, where and the extent to which land may be used between now and the year 2015. It also indicates locations where urban expansion is projected to be warranted between the years 2015 and 2025.

The LUP map is based on many considerations including existing development patterns, zoning, provision of public services and infrastructure, characteristics of both the man-made and natural environment, suitability of areas for developments, growth projections, programmed infrastructure and service improvements, as well as the goals, objectives and policies of the Plan Elements.

Concepts. Among the long-standing concepts embodied in Miami-Dade County's CDMP are the following:

1. Control the extent and phasing of urban development in order to coordinate development with the programmed provision of public services.
2. Preserve and conserve land with valuable environmental characteristics, recreation uses or scenic appeal.
3. Encourage development in areas most suitable due to soil conditions, water table level, vegetation type and degree of flood hazard. Restrict development in particularly sensitive and unique natural areas.
4. Maximize public ownership of beaches and shorelines within the Coastal Area to insure their preservation, conservation or public use.
5. Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.
6. Shape the pattern of urban development to maximize the efficiency of existing public facilities and support the introduction of new public facilities or services such as improved mass transit systems.
7. Preserve sound and stable residential neighborhoods.
8. Rejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses.
9. Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.
10. Redirect higher density development towards activity centers or areas of high countywide accessibility.
11. Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.
12. Prohibit new residential development and other noise sensitive activities from locations near airport noise impact zones.
13. Avoid excessive scattering of industrial or commercial employment locations.
14. Encourage agriculture as a viable economic use of suitable lands.

Population Distribution. The concepts above have been considered not only as a basis for delineating areawide patterns of development, but also to develop a time-phased distribution of population within Miami-Dade County. Accordingly, the projected distribution of population for the years 2015 and 2025 (Figure 6) reflects the following factors:

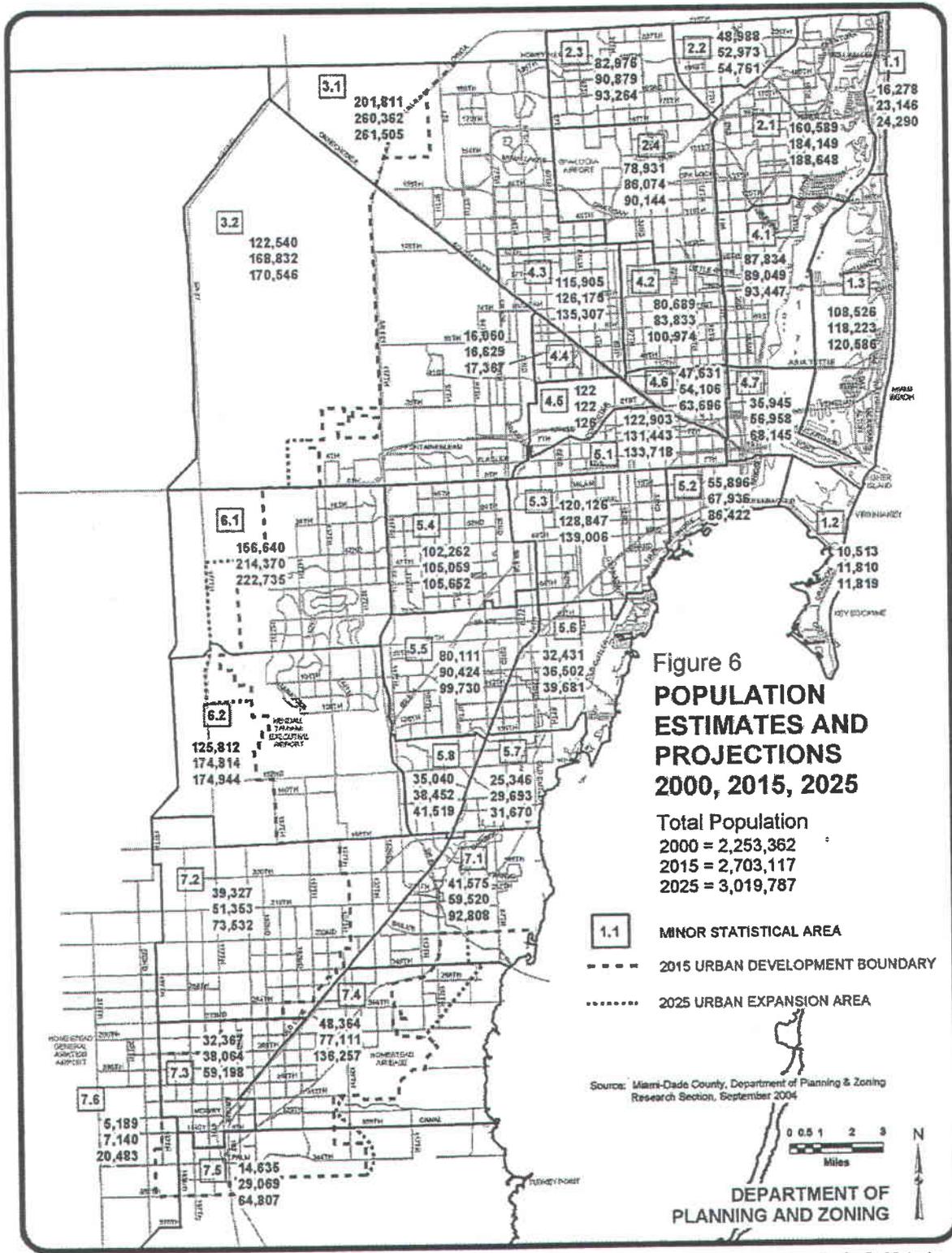
- Existing conditions (land uses; densities; compatibilities and conflicts in land uses; distribution of vacant land suitable or desirable for residential, commercial, or industrial development; and existing zoning);
- Emerging demographic and economic trends (housing markets, household sizes, limited redevelopment potential, property values and mobility patterns);
- Planning studies (municipal master plans, area studies and other special studies such as rapid transit station area plans); and
- Existing, programmed and planned public improvements (roads, sewers, water, fire protection, parks and schools).

The subarea populations shown on the Population Estimates and Projections map are those for which Miami-Dade County will strive to provide urban services. These numbers will be used by public agencies to plan for the range of public facilities and services including roads, parks, schools and sewers. The numbers reflect a middle course of action between planning for the minimum projected growth and planning for the maximum population projection.

Coordinated-Managed Growth. The Land Use Plan map, the Population Estimates and Projections map and this interpretive text all help translate the goals, objectives and policies of the Comprehensive Development Master Plan into a more specific course of action. They are intended to be used in directing public and private developmental activities. Actions that must be consistent with these maps and related text include functional service plans and amendments, capital improvement programs, public facilities site approvals, subdivision plat and zoning actions, and federal grant application reviews. Before any decision is made in connection with any of these or other developmental processes, a determination will be made as to the consistency of the proposed developmental action with the goals, objectives and policies of the CDMP, including the Land Use Plan map, the Estimated Population Distribution map, and this text. Proposed developmental actions and orders should be evaluated to determine the extent to which they are consistent with these Plan components which embody the essence of the County's development policy. Vested rights and legal non-conformity shall be given consideration in all determinations of developmental action or order approval. Developmental actions or orders that preceded the official adoption of this Plan shall not be deemed inconsistent with the Plan until so determined through one of the several developmental decision processes.

Critical in achieving the desired pattern of development is the adherence to the 2015 Urban Development Boundary (UDB) and 2025 Urban Expansion Area (UEA) Boundary. Given the fundamental influences of infrastructure and service availability on land markets and development activities, the CDMP has since its inception provided that the UDB serve as an envelope within which public expenditures for urban infrastructure will be confined. In this regard the UDB serves as an urban services boundary in addition to a land use boundary.

Consistency with the CDMP will ensure that the actions of one single-purpose agency does not foster development that could cause other agencies to subsequently respond in kind and



150430078MetroPlan2004 Amendments2004 October Cycle/Adopted Maps/Pop. Est. & Proj.mxd

provide facilities in unanticipated locations. Such uncoordinated single-purpose decision making can be fiscally damaging to government and can undermine other comprehensive plan objectives.

Plan Amendments. It is recognized that the development capacity of the area within the UDB and UEA will vary with time. Part of the supply will be utilized and additional supply will be added from time-to-time through the approval of Plan amendments. Some land will be built upon at densities which are higher than permitted by existing zoning because rezonings will occur in the future, and some development will occur at densities lower than that permitted by zoning. Moreover, impediments can arise to the maximum utilization of all lands within the boundaries. In some urbanized areas, it may be difficult to acquire sufficiently large parcels of land. In other areas, neighborhood opposition to proposed developments could alter the assumed density or character of a particular area. Because the development capacity of the LUP map fluctuates with time, it will be reevaluated on a periodic basis as part of the Plan review and amendment process.

Limitations. The Comprehensive Plan, as used in large metropolitan areas, establishes broad parameters within which the various levels of government can conduct detailed land use planning and zoning activities, and functional planning and programming of urban infrastructure and services. It also serves the full range of other governmental planning and programming activities which required information about the location and extent of future population growth and land use. Among the primary purposes for adopting the long-range Land Use Plan map are to establish continuity and certainty as bases for individual, small-scale land use decisions in both the public and private sectors, and to enable coordinated, timely, cost-effective expansion, maintenance and utilization of the full range of urban facilities and services. The existence of an adopted comprehensive plan does not obviate the need to conduct detailed examinations of localized land use and service conditions. Nor does the Comprehensive Plan substitute for detailed functional plans for infrastructure such as roadways, water and sewer facilities.

Given the range and scope of the comprehensive plan elements as now required in Florida, the extent and complexity of development patterns in Miami-Dade County, the long-range time horizons of the plan and the legal status of the comprehensive plan, it is critical to maintain viable programs to augment the CDMP. The Land Use Plan map of the CDMP is a framework indicating the large-scale pattern of future land use in the metropolitan area. The land use pattern indicated on the Plan map is very detailed from a countywide perspective. However, the map does not specifically depict each and every individual occurrence of land use and zoning throughout the hundreds of neighborhoods which comprise Miami-Dade County; each of the land use categories indicated on the LUP map contains dominant uses, ancillary uses and secondary uses.

The land use categories used on the LUP map are necessarily broad, and there are numerous instances where existing uses and parcels zoned for a particular use, are not specifically depicted on the Land Use Plan map. This is due largely to graphic limitations. Miami-Dade County encompasses more than 1,549,792 acres (2,420 square miles) of land and water, of

which about 362,464 acres (510.1 square miles) were developed for urban or agricultural uses in 2003. In addition, the mixing of uses in individual buildings, projects and neighborhoods is common in many parts of the urban area, and is becoming a more widely accepted land use practice when compatible uses are properly integrated through the use of sound land use, planning and design principles. Accordingly, a countywide land use plan map for an area the size of Miami-Dade County cannot readily depict specific land use, let alone parcel-specific density or intensity of use, without broadly defining the land use categories and areas. Generally, the smallest area distinguished on the LUP map is 5 acres (smaller existing use-areas are not specifically shown). Each of the land use categories utilized on the LUP map also provides for the inclusion of some other uses under certain conditions.

Other Land Uses Not Addressed. Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

Uses and Zoning Not Specifically Depicted on the LUP Map. Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining

operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree which has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

Wellfield Areas. Miami-Dade County's sole source of drinking water is the Biscayne Aquifer which is discussed in the Conservation, Aquifer Recharge and Drainage Element of the Plan. Many characteristics of the Aquifer make it highly vulnerable to contamination from activities on the land surface. Land uses and activities near and upgradient from wellfields directly impact the quality of water ultimately withdrawn from the wells.

Numerous public water supply wellfields exist throughout Miami-Dade County, and new ones will be constructed in the future. Only the largest existing wellfields are depicted on the Land Use Plan map. However, the County restricts land use within portions of cones of influence of all public water supply wellfields to minimize the threat of water pollution. Moreover, newly constructed and future regional wellfields warrant greater and more extensive protection for two reasons. First, the opportunity still exists to maintain pristine water quality around the new and future wellfields because the land within the full extent of their cones of influence is largely undeveloped. Secondly, if these become contaminated there are no alternative sites for the construction of comparable high-capacity wellfields.

In order that the new and future regional water supply wellfields constructed in predominantly undeveloped areas will remain free from contamination, land use and development within and upgradient from the full extent of their cones of influence must be carefully controlled to limit land uses to those which will pose no threat to water quality. County regulations governing land use and development within the full extent of the cones of influence are necessary to provide desirable levels of protection to new and future wellfields. Future wellfields and their protection areas are identified on Figure 8 in the following section of this Element. The protection area boundaries identified in this Plan will be periodically reviewed and revised, when appropriate, to maintain consistency with the wellfield protection area boundaries established pursuant to Chapter 24 of the Miami-Dade County Code. The County's wellfield protection regulations and protection area boundary maps must be consulted when applying or interpreting the Land Use Plan map as it relates to wellfield protection areas.

ADOPTED 2015 AND 2025 LAND USE PLAN FOR MIAMI-DADE COUNTY, FLORIDA

RESIDENTIAL COMMUNITIES

- ESTATE DENSITY (LUMI 1-2-3 DUAL)
- LOW DENSITY (LUMI 2-3-4 DUAL)
- LOW-MEDIUM DENSITY (LUMI 3-4-5 DUAL)
- MEDIUM DENSITY (MEDI 1-2-3 DUAL)
- MEDIUM-HIGH DENSITY (MEDI 3-4-5 DUAL)
- HIGH DENSITY (HIGH 1-2-3 DUAL OR BROWARD 1-2-3)
- STATE DENSITY WITH DENSITY INCREASE (SD-I)
- LOW-MEDIUM DENSITY WITH DENSITY INCREASE (LD-I)
- LOW-MEDIUM DENSITY WITH DENSITY INCREASE (LD-II)
- MEDIUM DENSITY WITH DENSITY INCREASE (MD-I)
- TWO DENSITY INCREASES WITH URBAN DENSITY (2D-I)

INDUSTRIAL, OFFICE, BUSINESS AND OFFICE

- INDUSTRIAL, OFFICE, BUSINESS AND OFFICE
- INDUSTRIAL, OFFICE, BUSINESS AND OFFICE
- INDUSTRIAL, OFFICE, BUSINESS AND OFFICE

INSTITUTIONAL, EDUCATIONAL, AND COMMUNICATIONS

- INSTITUTIONAL, EDUCATIONAL, AND COMMUNICATIONS
- INSTITUTIONAL, EDUCATIONAL, AND COMMUNICATIONS

PARKS AND RECREATION

- PARKS AND RECREATION

AGRICULTURE

- AGRICULTURE

OPEN LAND

- OPEN LAND

ENVIRONMENTALLY PROTECTED AREAS

- ENVIRONMENTALLY PROTECTED AREAS

TRANSPORTATION (ROAD, RAIL, METRO, ETC.)

- TRANSPORTATION (ROAD, RAIL, METRO, ETC.)

TELECOMMUNICATIONS

- TELECOMMUNICATIONS

LAND USE TRANSITION

- LAND USE TRANSITION

ADDITIONAL INFORMATION

- ADDITIONAL INFORMATION

ADOPTED METROPOLITAN AREA (MA)

- ADOPTED METROPOLITAN AREA (MA)

ADOPTED COUNTY URBAN LIMITS (UL)

- ADOPTED COUNTY URBAN LIMITS (UL)

2015 URBAN DEVELOPMENT BOUNDARY (UDB) (EXPANSION AND ECONOMY)

- 2015 URBAN DEVELOPMENT BOUNDARY (UDB) (EXPANSION AND ECONOMY)

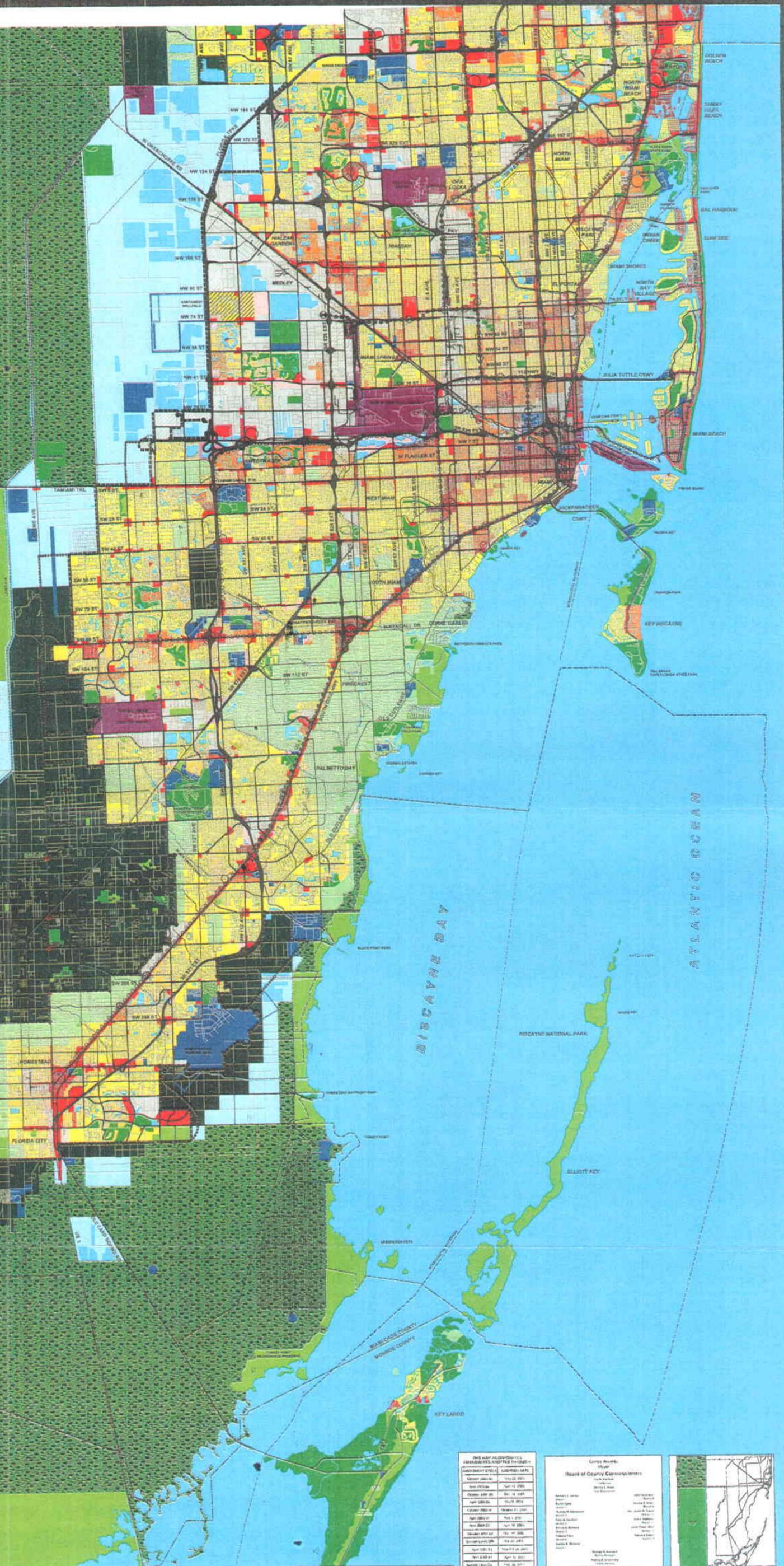
CANALS

- CANALS

Scale: 0 0.5 1 2 Miles

THIS PLAN IS NOT A ZONING MAP and does not establish zoning districts. It is a land use plan that shows the general location and extent of various land uses. The actual zoning districts are established by the County Commission through the adoption of zoning ordinances. The zoning districts are shown on the County's zoning map.

THE COUNTY COMMISSION HAS ADOPTED THIS PLAN as a land use plan for Miami-Dade County, Florida. The plan is intended to guide the County's land use decisions and to provide a framework for the development of the County. The plan is subject to change and may be amended from time to time.



ADOPTED 2015-2025 COMPREHENSIVE DEVELOPMENT MASTER PLAN

PRINTED OCTOBER 2008

Item	Description	Effective Date
1	Adopted 2015-2025 Comprehensive Development Master Plan	October 2008
2	Adopted 2005-2010 Comprehensive Development Master Plan	October 2005
3	Adopted 2000-2005 Comprehensive Development Master Plan	October 2000
4	Adopted 1995-2000 Comprehensive Development Master Plan	October 1995
5	Adopted 1990-1995 Comprehensive Development Master Plan	October 1990
6	Adopted 1985-1990 Comprehensive Development Master Plan	October 1985
7	Adopted 1980-1985 Comprehensive Development Master Plan	October 1980
8	Adopted 1975-1980 Comprehensive Development Master Plan	October 1975
9	Adopted 1970-1975 Comprehensive Development Master Plan	October 1970
10	Adopted 1965-1970 Comprehensive Development Master Plan	October 1965
11	Adopted 1960-1965 Comprehensive Development Master Plan	October 1960
12	Adopted 1955-1960 Comprehensive Development Master Plan	October 1955
13	Adopted 1950-1955 Comprehensive Development Master Plan	October 1950
14	Adopted 1945-1950 Comprehensive Development Master Plan	October 1945
15	Adopted 1940-1945 Comprehensive Development Master Plan	October 1940
16	Adopted 1935-1940 Comprehensive Development Master Plan	October 1935
17	Adopted 1930-1935 Comprehensive Development Master Plan	October 1930
18	Adopted 1925-1930 Comprehensive Development Master Plan	October 1925
19	Adopted 1920-1925 Comprehensive Development Master Plan	October 1920
20	Adopted 1915-1920 Comprehensive Development Master Plan	October 1915
21	Adopted 1910-1915 Comprehensive Development Master Plan	October 1910
22	Adopted 1905-1910 Comprehensive Development Master Plan	October 1905
23	Adopted 1900-1905 Comprehensive Development Master Plan	October 1900
24	Adopted 1895-1900 Comprehensive Development Master Plan	October 1895
25	Adopted 1890-1895 Comprehensive Development Master Plan	October 1890
26	Adopted 1885-1890 Comprehensive Development Master Plan	October 1885
27	Adopted 1880-1885 Comprehensive Development Master Plan	October 1880
28	Adopted 1875-1880 Comprehensive Development Master Plan	October 1875
29	Adopted 1870-1875 Comprehensive Development Master Plan	October 1870
30	Adopted 1865-1870 Comprehensive Development Master Plan	October 1865
31	Adopted 1860-1865 Comprehensive Development Master Plan	October 1860
32	Adopted 1855-1860 Comprehensive Development Master Plan	October 1855
33	Adopted 1850-1855 Comprehensive Development Master Plan	October 1850
34	Adopted 1845-1850 Comprehensive Development Master Plan	October 1845
35	Adopted 1840-1845 Comprehensive Development Master Plan	October 1840
36	Adopted 1835-1840 Comprehensive Development Master Plan	October 1835
37	Adopted 1830-1835 Comprehensive Development Master Plan	October 1830
38	Adopted 1825-1830 Comprehensive Development Master Plan	October 1825
39	Adopted 1820-1825 Comprehensive Development Master Plan	October 1820
40	Adopted 1815-1820 Comprehensive Development Master Plan	October 1815
41	Adopted 1810-1815 Comprehensive Development Master Plan	October 1810
42	Adopted 1805-1810 Comprehensive Development Master Plan	October 1805
43	Adopted 1800-1805 Comprehensive Development Master Plan	October 1800
44	Adopted 1795-1800 Comprehensive Development Master Plan	October 1795
45	Adopted 1790-1795 Comprehensive Development Master Plan	October 1790
46	Adopted 1785-1790 Comprehensive Development Master Plan	October 1785
47	Adopted 1780-1785 Comprehensive Development Master Plan	October 1780
48	Adopted 1775-1780 Comprehensive Development Master Plan	October 1775
49	Adopted 1770-1775 Comprehensive Development Master Plan	October 1770
50	Adopted 1765-1770 Comprehensive Development Master Plan	October 1765
51	Adopted 1760-1765 Comprehensive Development Master Plan	October 1760
52	Adopted 1755-1760 Comprehensive Development Master Plan	October 1755
53	Adopted 1750-1755 Comprehensive Development Master Plan	October 1750
54	Adopted 1745-1750 Comprehensive Development Master Plan	October 1745
55	Adopted 1740-1745 Comprehensive Development Master Plan	October 1740
56	Adopted 1735-1740 Comprehensive Development Master Plan	October 1735
57	Adopted 1730-1735 Comprehensive Development Master Plan	October 1730
58	Adopted 1725-1730 Comprehensive Development Master Plan	October 1725
59	Adopted 1720-1725 Comprehensive Development Master Plan	October 1720
60	Adopted 1715-1720 Comprehensive Development Master Plan	October 1715
61	Adopted 1710-1715 Comprehensive Development Master Plan	October 1710
62	Adopted 1705-1710 Comprehensive Development Master Plan	October 1705
63	Adopted 1700-1705 Comprehensive Development Master Plan	October 1700
64	Adopted 1695-1700 Comprehensive Development Master Plan	October 1695
65	Adopted 1690-1695 Comprehensive Development Master Plan	October 1690
66	Adopted 1685-1690 Comprehensive Development Master Plan	October 1685
67	Adopted 1680-1685 Comprehensive Development Master Plan	October 1680
68	Adopted 1675-1680 Comprehensive Development Master Plan	October 1675
69	Adopted 1670-1675 Comprehensive Development Master Plan	October 1670
70	Adopted 1665-1670 Comprehensive Development Master Plan	October 1665
71	Adopted 1660-1665 Comprehensive Development Master Plan	October 1660
72	Adopted 1655-1660 Comprehensive Development Master Plan	October 1655
73	Adopted 1650-1655 Comprehensive Development Master Plan	October 1650
74	Adopted 1645-1650 Comprehensive Development Master Plan	October 1645
75	Adopted 1640-1645 Comprehensive Development Master Plan	October 1640
76	Adopted 1635-1640 Comprehensive Development Master Plan	October 1635
77	Adopted 1630-1635 Comprehensive Development Master Plan	October 1630
78	Adopted 1625-1630 Comprehensive Development Master Plan	October 1625
79	Adopted 1620-1625 Comprehensive Development Master Plan	October 1620
80	Adopted 1615-1620 Comprehensive Development Master Plan	October 1615
81	Adopted 1610-1615 Comprehensive Development Master Plan	October 1610
82	Adopted 1605-1610 Comprehensive Development Master Plan	October 1605
83	Adopted 1600-1605 Comprehensive Development Master Plan	October 1600
84	Adopted 1595-1600 Comprehensive Development Master Plan	October 1595
85	Adopted 1590-1595 Comprehensive Development Master Plan	October 1590
86	Adopted 1585-1590 Comprehensive Development Master Plan	October 1585
87	Adopted 1580-1585 Comprehensive Development Master Plan	October 1580
88	Adopted 1575-1580 Comprehensive Development Master Plan	October 1575
89	Adopted 1570-1575 Comprehensive Development Master Plan	October 1570
90	Adopted 1565-1570 Comprehensive Development Master Plan	October 1565
91	Adopted 1560-1565 Comprehensive Development Master Plan	October 1560
92	Adopted 1555-1560 Comprehensive Development Master Plan	October 1555
93	Adopted 1550-1555 Comprehensive Development Master Plan	October 1550
94	Adopted 1545-1550 Comprehensive Development Master Plan	October 1545
95	Adopted 1540-1545 Comprehensive Development Master Plan	October 1540
96	Adopted 1535-1540 Comprehensive Development Master Plan	October 1535
97	Adopted 1530-1535 Comprehensive Development Master Plan	October 1530
98	Adopted 1525-1530 Comprehensive Development Master Plan	October 1525
99	Adopted 1520-1525 Comprehensive Development Master Plan	October 1520
100	Adopted 1515-1520 Comprehensive Development Master Plan	October 1515
101	Adopted 1510-1515 Comprehensive Development Master Plan	October 1510
102	Adopted 1505-1510 Comprehensive Development Master Plan	October 1505
103	Adopted 1500-1505 Comprehensive Development Master Plan	October 1500
104	Adopted 1495-1500 Comprehensive Development Master Plan	October 1495
105	Adopted 1490-1495 Comprehensive Development Master Plan	October 1490
106	Adopted 1485-1490 Comprehensive Development Master Plan	October 1485
107	Adopted 1480-1485 Comprehensive Development Master Plan	October 1480
108	Adopted 1475-1480 Comprehensive Development Master Plan	October 1475
109	Adopted 1470-1475 Comprehensive Development Master Plan	October 1470
110	Adopted 1465-1470 Comprehensive Development Master Plan	October 1465
111	Adopted 1460-1465 Comprehensive Development Master Plan	October 1460
112	Adopted 1455-1460 Comprehensive Development Master Plan	October 1455
113	Adopted 1450-1455 Comprehensive Development Master Plan	October 1450
114	Adopted 1445-1450 Comprehensive Development Master Plan	October 1445
115	Adopted 1440-1445 Comprehensive Development Master Plan	October 1440
116	Adopted 1435-1440 Comprehensive Development Master Plan	October 1435
117	Adopted 1430-1435 Comprehensive Development Master Plan	October 1430
118	Adopted 1425-1430 Comprehensive Development Master Plan	October 1425
119	Adopted 1420-1425 Comprehensive Development Master Plan	October 1420
120	Adopted 1415-1420 Comprehensive Development Master Plan	October 1415
121	Adopted 1410-1415 Comprehensive Development Master Plan	October 1410
122	Adopted 1405-1410 Comprehensive Development Master Plan	October 1405
123	Adopted 1400-1405 Comprehensive Development Master Plan	October 1400
124	Adopted 1395-1400 Comprehensive Development Master Plan	October 1395
125	Adopted 1390-1395 Comprehensive Development Master Plan	October 1390
126	Adopted 1385-1390 Comprehensive Development Master Plan	October 1385
127	Adopted 1380-1385 Comprehensive Development Master Plan	October 1380
128	Adopted 1375-1380 Comprehensive Development Master Plan	October 1375
129	Adopted 1370-1375 Comprehensive Development Master Plan	October 1370
130	Adopted 1365-1370 Comprehensive Development Master Plan	October 1365
131	Adopted 1360-1365 Comprehensive Development Master Plan	October 1360
132	Adopted 1355-1360 Comprehensive Development Master Plan	October 1355
133	Adopted 1350-1355 Comprehensive Development Master Plan	October 1350
134	Adopted 1345-1350 Comprehensive Development Master Plan	October 1345
135	Adopted 1340-1345 Comprehensive Development Master Plan	October 1340
136	Adopted 1335-1340 Comprehensive Development Master Plan	October 1335
137	Adopted 1330-1335 Comprehensive Development Master Plan	October 1330
138	Adopted 1325-1330 Comprehensive Development Master Plan	October 1325
139	Adopted 1320-1325 Comprehensive Development Master Plan	October 1320
140	Adopted 1315-1320 Comprehensive Development Master Plan	October 1315
141	Adopted 1310-1315 Comprehensive Development Master Plan	October 1310
142	Adopted 1305-1310 Comprehensive Development Master Plan	October 1305
143	Adopted 1300-1305 Comprehensive Development Master Plan	October 1300
144	Adopted 1295-1300 Comprehensive Development Master Plan	October 1295
145	Adopted 1290-1295 Comprehensive Development Master Plan	October 1290
146	Adopted 1285-1290 Comprehensive Development Master Plan	October 1285
147	Adopted 1280-1285 Comprehensive Development Master Plan	October 1280
148	Adopted 1275-1280 Comprehensive Development Master Plan	October 1275
149	Adopted 1270-1275 Comprehensive Development Master Plan	October 1270
150	Adopted 1265-1270 Comprehensive Development Master Plan	October 1265
151	Adopted 1260-1265 Comprehensive Development Master Plan	October 1260
152	Adopted 1255-1260 Comprehensive Development Master Plan	October 1255
153	Adopted 1250-1255 Comprehensive Development Master Plan	October 1250
154	Adopted 1245-1250 Comprehensive Development Master Plan	October 1245
155	Adopted 1240-1245 Comprehensive Development Master Plan	October 1240
156	Adopted 1235-1240 Comprehensive Development Master Plan	October 1235
157	Adopted 1230-1235 Comprehensive Development Master Plan	October 1230
158	Adopted 1225-1230 Comprehensive Development Master Plan	October 1225
159	Adopted 1220-1225 Comprehensive Development Master Plan	October 1220
160	Adopted 1215-1220 Comprehensive Development Master Plan	October 1215
161	Adopted 1210-1215 Comprehensive Development Master Plan	October 1210
162	Adopted 1205-1210 Comprehensive Development Master Plan	October 1205
163	Adopted 1200-1205 Comprehensive Development Master Plan	October 1200
164	Adopted 1195-1200 Comprehensive Development Master Plan	October 1195
165	Adopted 1190-1195 Comprehensive Development Master Plan	October 1190
166	Adopted 1185-1190 Comprehensive Development Master Plan	October 1185
167	Adopted 1180-1185 Comprehensive Development Master Plan	October 1180
168	Adopted 1175-1180 Comprehensive Development Master Plan	October 1175
169	Adopted 1170-1175 Comprehensive Development Master Plan	October 1170
170	Adopted 1165-1170 Comprehensive Development Master Plan	October 1165
171	Adopted 1160-1165 Comprehensive Development Master Plan	October 1160
172	Adopted 1155-1160 Comprehensive Development Master Plan	October 1155
173	Adopted 1150-1155 Comprehensive Development Master Plan	October 1150
174	Adopted 1145-1150 Comprehensive Development Master Plan	October 1145
175	Adopted 1140-1145 Comprehensive Development Master Plan	October 1140
176	Adopted 1135-1140 Comprehensive Development Master Plan	October 1135
177	Adopted 1130-1135 Comprehensive Development Master Plan	October 1130
178	Adopted 1125-1130 Comprehensive Development Master Plan	October 1125
179	Adopted 1120-1125 Comprehensive Development Master Plan	October 1120
180	Adopted 1115-1120 Comprehensive Development Master Plan	October 1115
181	Adopted 1110-1115 Comprehensive Development Master Plan	October 1110
182	Adopted 1105-1110 Comprehensive Development Master Plan	October 1105
183	Adopted 1100-1105 Comprehensive Development Master Plan	October 1100
184	Adopted 1095-1100 Comprehensive Development Master Plan	October 1095
185	Adopted 1090-1095 Comprehensive Development Master Plan	October 1090
186	Adopted 1085-1090 Comprehensive Development Master Plan	October 1085
187	Adopted 1080-1085 Comprehensive Development Master Plan	October 1080
188	Adopted 1075-1080 Comprehensive Development Master Plan	October 1075
189	Adopted 1070-1075 Comprehensive Development Master Plan	October 1070
190	Adopted 1065-1070 Comprehensive Development Master Plan	October 1065
191	Adopted 1060-1065 Comprehensive Development Master Plan	October 1060
192	Adopted 1055-1060 Comprehensive Development Master Plan	October 1055
193	Adopted 1050-1055 Comprehensive Development Master Plan	October 1050
194	Adopted 1045-1050 Comprehensive Development Master Plan	October 1045
195	Adopted 1040-1045 Comprehensive Development Master Plan	October 1040
196	Adopted 1035-1040 Comprehensive Development Master Plan	October 1035
197	Adopted 1030-1035 Comprehensive Development Master Plan	October 1030
198	Adopted 1025-1030 Comprehensive Development Master Plan	October 1025
199	Adopted 1020-1025 Comprehensive Development Master Plan	October 1020
200	Adopted 1015-1020 Comprehensive Development Master Plan	October 1015
201	Adopted 1010-1015 Comprehensive Development Master Plan	October 1010
202	Adopted 1005-1010 Comprehensive Development Master Plan	October 1005
203	Adopted 1000-1005 Comprehensive Development Master Plan	October 1000
204	Adopted 995-1000 Comprehensive Development Master Plan	October 995
205	Adopted 990-995 Comprehensive Development Master Plan	October 990
206	Adopted 985-990 Comprehensive Development Master Plan	October 985
207	Adopted 980-985 Comprehensive Development Master Plan	October 980
208	Adopted 975-980 Comprehensive Development Master Plan	October 975
209	Adopted 970-975 Comprehensive Development Master Plan	October 970
210	Adopted 965-970 Comprehensive Development Master Plan	October 965
211	Adopted 960-965 Comprehensive Development Master Plan	October 960
212	Adopted 955-960 Comprehensive Development Master Plan	October 955
213	Adopted 950-955 Comprehensive Development Master Plan	October 950
214	Adopted 945-950 Comprehensive Development Master Plan	October 945
215	Adopted 940-945 Comprehensive Development Master Plan	October 940
216	Adopted 935-940 Comprehensive Development Master Plan	October 935
217	Adopted 930-935 Comprehensive Development Master Plan	October 930
218	Adopted 925-930 Comprehensive Development Master Plan	October 925
219	Adopted 920-925	

**Genesis Property Development
Board of County Commissioners**

May 10, 2007

Photos of Development in Surrounding Area



View of Gas Station and Café at NE Corner of Krome and S.W. 272 Street



View of Estate Homes Along S.W. 274 Street



View of Home Under Construction Along S.W. 172 Avenue



View of Homes Along S.W. 276 Street



View of Home Along S.W. 172 Place