Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z26-106 **November 19, 2026**
Item No. 8C5

Recommendation Summary	
Commission District	7
Applicant	Miami-Dade County Parks, Recreation and Open Spaces
Summary of Requests	The applicant seeks to rezone the subject property uplands from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District, on approximately 36.50 gross acres instead of the minimum 50 acres required; install three monument signs up to 30 feet tall and 250 square feet each instead of one sign up to six feet tall and 40 square feet; install directional signs up to 15 feet tall, with parking lot location signs up to 20 feet tall, and sign areas up to 75 square feet instead of the permitted 10-foot height and three-square-foot area; and upgrade or replace the three existing sewage lift stations with up to three new stations, with exact locations determined during administrative site plan review. For the submerged lands portion of the property, the application seeks approval for a marina with boat slips and recreational and commercial marina-related uses. Additionally, the application also seeks to ratify the release of a Declaration of Restrictive Uses concerning Miami Seaquarium Village.
Location	3400 and 4400 Rickenbacker Causeway, Miami-Dade County, Florida.
Property Size	+/- 94.57 gross acres (+/- 92.88 net acres)
Existing Zoning	GU, Interim District
Existing Land Use	Property developed as Miami Seaquarium, an oceanarium in 1955, closed to the public since October 2025.
2030-2040 CDMP Land Use Designation	Seaquarium Activity Area Special District +/-36.51 acres **(Subject to approval of the concurrent CDMP amendment Application No. CDMP20260007)** and Water (Submerged Lands) on ±58.06 acres *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent subject to approval of CDMP application and related covenant
Applicable Zoning Code Section(s)	Section 33-284.28.6, Review and Approval Procedures, Section 33-311 District Boundary Change, Section 33-311(A)(3) Special Exception, Unusual Use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards and Section 33-311(A)(7) Generalized Modification Standards (*see attached Zoning Recommendation Addendum*)
Recommendations	**Approval of request #1, subject to approval of concurrent CDMP amendment application CDMP20260007 and acceptance of the proffered Zoning Declaration of Restrictions, withdrawal of request #2 and approval with conditions of requests #3 through #7.**

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 33-314(A)(8) which states "The County Commission shall have jurisdiction to directly hear any application for district boundary change to, or modification of: a Retail Entertainment District Planned Area Development District (REDPAD), subject to the requirements of Article XXXIIID.2."

REQUESTS:

REQUESTS #1 THROUGH #5 FOR PARCEL A (UPLANDS)

(1) DISTRICT BOUNDARY CHANGE from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District.

(2) NON-USE VARIANCE to permit the designation of REDPAD with +/-36.50 gross acres (50 gross acres minimum required).

(3) NON-USE VARIANCE to permit 3 monument signs each with a maximum height of up to 30 feet and a maximum signage area of up to 250 square feet (1 monument sign, 6 feet in height and a sign area of 40 square feet maximum permitted).

(4) NON-USE VARIANCE to permit directional signs with a maximum height of 15 feet (with the exception of parking lot locational signs which will have a maximum height of 20 feet) and maximum sign area of 75 square feet (10 feet maximum height and 3 square feet maximum sign area permitted).

(5) UNUSUAL USE to permit the upgrading or removal of the 3 existing sanitary sewer lift stations and replacement with up to 3 new sanitary sewer lift stations with the exact locations to be provided at Administrative Site Plan Review.

REQUEST #6 FOR PARCEL B (SUBMERGED LANDS)

(6) UNUSUAL USE for marina uses in the submerged lands area, to wit: a wet slip marina with recreational and commercial marina-related uses.

REQUEST #7 FOR PARCEL A AND A PORTION OF PARCEL B (UPLANDS AND A PORTION OF SUBMERGED LANDS)

(7) RATIFICATION of the Release of Declaration of Restrictive Uses Concerning Miami Seaquarium Village as recorded in Official Records Book 35175, Page 1280 of the Public Records of Miami-Dade County, Florida.

PROJECT HISTORY AND PROJECT DESCRIPTION:

Miami-Dade County established its initial zoning regulations in 1938. According to zoning records, the application site was designated GU (Interim District) in 1955, allowing the Seaquarium to operate as a major tourist attraction that included an aquarium with marine exhibitions with mammals, fish, and ocean education programs. On March 9, 1954, Miami-Dade County leased the Seaquarium to a private operator for public recreation purposes and for use as a themed

attraction destination. The Seaquarium operated continuously for 70 years as a marine-themed attraction until Miami-Dade County in October 2025 and the facility was closed to the public.

In 1991, pursuant to Resolution No. Z-131A-91, the Board of County Commissioners approved with conditions an unusual use and special exception to expand the existing Seaquarium with a water-use facility, tourist attraction, amusement enterprise, and amphitheater, including food and beverage sales, boat docking facilities, souvenir shops, and social, charitable, educational, and related functions with live music. That approval also included an entrance feature and non-use variances for directional signs, parking setbacks, a reduction in required parking to 913 spaces, and structure heights ranging from 35 to 65 feet. As part of that 1991 application, a Declaration of Restrictive Uses Concerning Miami Seaquarium Village was recorded in Official Records Book 15669, Page 880, and re-recorded in Official Records Book 15677, Page 3214. The Village of Key Biscayne subsequently challenged the 1991 zoning resolution in court and prevailed in Key Biscayne v. Dade County, 627 So. 2d 1180 (Fla. 3d DCA 1993).

As part of this application, the applicant seeks a district boundary change from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District, for Parcel A (uplands) (request #1). Section 33-284.28.8(A) of the Code establishes REDPAD to accommodate major entertainment, recreational, and mixed-use venues that draw their audience from throughout Miami-Dade County and beyond and further the County's economic development and tourism. Pursuant to Section 33-284.28.10(A), permitted uses include amusement centers; amusement parks or theme parks; heliports; museums; performing arts centers; regional entertainment venues not otherwise specified; stadiums and arenas; transit or transportation facilities; residential multifamily uses only when vertically integrated into mixed-use developments; and all uses permitted in the BU-2 District, subject to the residential limitations.

The application also includes a non-use variance to permit the REDPAD designation on ±36.50 gross acres where a minimum of 50 gross acres was previously required (request #2). Staff recommends withdrawal of this request because Ordinance No. 26-85 reduced the minimum site area to 30 gross acres. Additional non-use variances seek to permit three monument signs, each up to 30 feet in height and 250 square feet in sign area, where one monument sign up to 6 feet in height and 40 square feet in sign area is permitted (request #3); and directional signs up to 15 feet in height, except parking lot locational signs up to 20 feet in height, with a maximum sign area of 75 square feet, where a maximum height of 10 feet and sign area of 3 square feet are permitted (request #4). For Parcel A, the applicant also requests an unusual use to permit the upgrading or removal of the three existing sanitary sewer lift stations and replacement with up to three new lift stations, with exact locations to be determined through Administrative Site Plan Review (request #5). For Parcel B (submerged lands), the applicant requests an unusual use to permit a wet slip marina with recreational and commercial marina-related uses (request #6). Additionally, for Parcel A and a portion of Parcel B, the applicant seeks ratification of the Release of Declaration of Restrictive Uses Concerning Miami Seaquarium Village, recorded in Official Records Book 35175, Page 1280, of the Public Records of Miami-Dade County, Florida (request #7).

On November 4, 2026, the Shoreline Development Review Committee reviewed the initial development plan and provided comments to improve public access and views to the bay. Prior to ASPR approval, the Shoreline Development Review Committee will review the site plan to confirm compliance with Section 33D-38.
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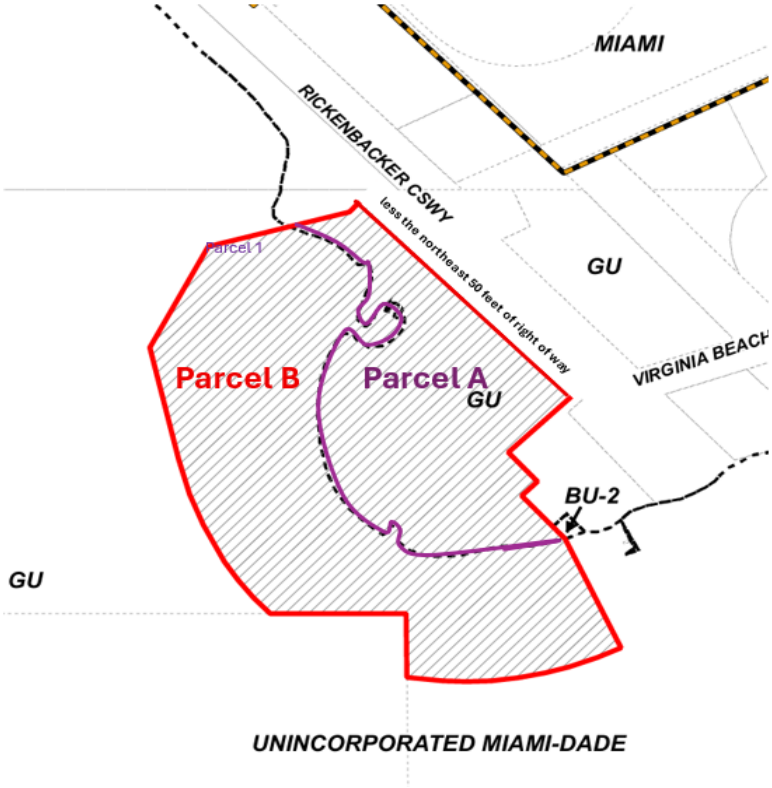
On November 10, 2026, in accordance with Section 33-284.28.6(B)(2) of the County Code, the Executive Council of the County's Developmental Impact Committee (DIC) considered the initial development plan and forwarded it to the Board of County Commissioners with a favorable recommendation for approval with conditions.

The map below shows Parcel A as the uplands and Parcel B as the submerged lands:



As background, the Board of County Commissioners, in Resolution No. R-1177-25, directed the County Mayor or designee to negotiate an amended and restated lease for the Miami Seaquarium property and authorized actions necessary to submit the land use, zoning, and permitting applications required for the contemplated development. As outlined in the term sheet attached to the resolution, the proposed development was to include a new, accredited aquarium without marine mammals; immersive marine and aquatic experiences emphasizing Biscayne Bay's unique environment; an education, conservation, and research center; wellness spaces and experiences connected to the natural waterfront habitat; a marina/fisherman's village with marine-oriented retail and food and beverage establishments; preservation and adaptive reuse of the historic Buckminster Fuller Seaquarium dome as an event space for public and private gatherings; a marina with wet slips, dry stack storage, fueling facilities/dock, and customary ancillary or accessory uses; required parking; public green areas; and a public walkway along the marina.

As part of the proposed rezoning of the uplands to REDPAD, the application is subject to the review and approval procedures set forth in Section 33-284.28.6, which establish three stages: a preapplication conference; initial development plan review, including Developmental Impact Committee review, Shoreline Development Review Committee review and approval, and public hearing approval by the Board of County Commissioners; and final development review through Administrative Site Plan Review (ASPR). The initial review requires written and graphic exhibits

addressing the proposed uses, density and intensity, building heights, open space, access, development timeframe, compliance with applicable design standards, and requested variances, together with a recordable instrument. Final plans are reviewed through ASPR for compliance with applicable requirements and evaluated by County departments and other public entities for potential impacts on infrastructure and services, with mitigation coordination required where impacts are identified.

Staff notes that the subject application has completed the initial review process, including review by the Lower Development Impact Committee, Shoreline Development Review Committee, and Executive Development Impact Committee. All three committees expressed no objections and provided recommendations that are incorporated into this report.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	GU; Miami Seaquarium, an oceanarium in 1955, closed to the public since October 2025	Park and recreation uses, institutional uses, utilities, communication uses, and water uses.
North	GU, Federal institutional uses for the National Oceanographic and Atmospheric Administration (NOAA)	Park and recreation, and institutional, utilities, and communication uses
South	GU; water	Park and recreation uses, institutional uses, utilities, communication uses, and water uses.
East	GU and BU-2; University of Miami Rosenstiel School of Marine, Atmospheric, and Earth Science (RSMAS) campus	Institutions, Utilities, and Communications
West	GU; Rickenbacker Beach and Hobie Beach, dog-friendly beaches with shallow water, public parking and multiuse pedestrian walkways that are popular for windsurfing.	Parks and Recreation

NEIGHBORHOOD COMPATIBILITY:

The subject property encompasses ±94.57 gross acres (±92.88 net acres), is zoned GU, Interim District, and was developed in 1955 as the Miami Seaquarium, an oceanarium that has been closed to the public since October 2025. To the north are federal institutional uses associated with the National Oceanic and Atmospheric Administration (NOAA), zoned GU. To the south are waters zoned GU. To the east is the University of Miami Rosenstiel School of Marine, Atmospheric, and Earth Science (RSMAS) campus, zoned GU and BU-2, Special Business Use District. To the west are Rickenbacker Beach and Hobie Beach, zoned GU, with recreational amenities including public parking and multiuse pedestrian walkways.

SUMMARY OF THE IMPACTS:

The approval of this application would allow redevelopment of the subject property with an aquarium, entertainment, educational, and marina development. The initial development program includes 289,931 square feet of aquarium, experience, and attraction uses, comprising 150,000 square feet of aquatic attraction/park experience and back-of-house space, 74,583 square feet of event space, 46,000 square feet of food and beverage uses, and 19,348 square feet of retail uses. The program also includes 120,000 square feet of research, education, and conservation uses and a 692,000-square-foot marina with 552 dry stack units and 295 wet slip units. Based on memoranda from the departments reviewing this application, staff opines that approval of same will not create significant traffic or environmental impacts on the surrounding area. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that they have no objections and that this application will generate approximately 627 PM peak hour vehicle trips.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

As previously mentioned, the subject property is also the subject of CDMP amendment application CDMP20260007, which is being processed concurrently with this zoning application and is scheduled for consideration by the Board of County Commissioners before the zoning application. The CDMP application seeks to redesignate ±36.51 acres from “Parks and Recreation” (±31.21 acres) and “Institutions, Utilities, and Communications” (±5.30 acres) to “Special District” and amend the CDMP Land Use Element’s “Special District” text to establish the “Seaquarium Activity Area Special District” outlining allowable uses and development criteria for the Seaquarium property.

The submerged lands proposed for the wet slip marina are included in the zoning application but fall outside the CDMP amendment area and would retain their existing Water designation. This category includes *all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. Man-made water bodies are permitted in any land use category subject to applicable environmental and other regulations, may be filled and developed pursuant to the applicable land use category, and are therefore illustrated on the LUP map as water features and not designated as “Water.”* Staff opines that the proposed unusual use for a wet slip marina with recreational and commercial marina-related uses constitutes water-dependent and water-related development **consistent** with the Water designation, subject to compliance with applicable CDMP policies, environmental regulations, and the proffered Declaration of Restrictions.

The application seeks to facilitate redevelopment and revitalization of the historic Miami Seaquarium consistent with **Objective LU-1 and Policies LU-1C, and LU-10A** of the CDMP Land Use Element. The Objective and Policies require the County to give priority to infill development on vacant sites within the urban area and redevelopment of substandard or underdeveloped environmentally suitable urban areas, where urban services and facilities have the capacities to accommodate additional demand. As discussed in the CDMP application, existing public facilities have adequate capacities to accommodate the impacts that would be generated by the development proposed on the application site.

The Miami Seaquarium opened on September 24, 1955, and was ultimately developed with 114,246 square feet of aquarium, recreational, educational, and commercial uses. These uses predominantly predate the CDMP and are allowed under the current CDMP land use designations of “Parks and Recreation”, on ±31.207 acres, and “Institutions, Utilities, and Communications”, on

±5.30 acres. The requested "Special District" designation would enable the application site to be developed at a maximum 1.5 floor area ratio (FAR), which allows up to 2,385,367 square feet of development on the ±36.51-acre site. The CDMP Land Use Element text currently allows a maximum 2.0 FAR for the site.

The requested rezoning of ±36.50 gross acres of uplands from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District, corresponds to the area subject to the concurrent CDMP amendment. Accordingly, this analysis assumes approval of the requested CDMP amendment and acceptance of the accompanying Declaration of Restrictions (covenant). The covenant establishes commitments for marina operations, environmental protection, public access, and historic preservation. It limits the marina to a maximum of 552 dry slips and 295 wet slips, subject to future regulatory approvals, and establishes restrictions on dredging, channel location, vessel dimensions, and minimum vessel clearance to protect water quality, manatees, and benthic resources. It also provides for environmental monitoring, vessel inventory reporting, Clean Marina certification, and mitigation of environmental impacts within Miami-Dade County. Public amenities include a minimum 18-foot-wide baywalk, a public kayak launch, and pocket parks. At least 10 percent of the developable uplands must be designated as open space, including a minimum of 3.4815 acres of public open space. The baywalk and public open spaces would be accessible without an admission fee, except for applicable parking fees, from sunrise until at least two hours after sunset. Additional commitments address landscaping and mangrove protection, marina parking and traffic management, public safety slips, adaptive reuse of the Buckminster Fuller Dome and Flipper House, and onsite retention of runoff from the 100-year, three-day storm event without offsite discharge or overflow.

Therefore, subject to the Board's approval of concurrent CDMP amendment application CDMP20260007 and acceptance of the proffered CDMP Declaration of Restrictions, staff opines that the proposed rezoning from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District (request #1), and the unusual use to permit a wet slip marina with recreational and commercial marina-related uses on the submerged lands (request #6) would be **consistent** with the applicable CDMP Land Use Element interpretative text, the existing Water designation, and the proposed Seaquarium Activity Area Special District designation on the CDMP Adopted Land Use Plan (LUP) map. Staff further opines that approval of the application would not result in significant impacts that would disrupt or degrade the safety and tranquility of neighboring properties and would be **compatible** with the surrounding area, as further discussed in the Zoning Analysis below.

ZONING ANALYSIS:

The subject property encompasses ±94.57 gross acres (±92.88 net acres), is located at 3400 and 4400 Rickenbacker Causeway, and is proposed for redevelopment with aquarium, entertainment, research, education, conservation, retail, food and beverage, and marina uses. As previously mentioned, this zoning application is being processed concurrently with CDMP amendment application CDMP20260007, which requires review and approval by the Board of County Commissioners before approval of the zoning application.

To facilitate the redevelopment, the applicant seeks to rezone ±36.50 gross acres of uplands from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District (request #1); obtain non-use variances to permit the REDPAD designation on less than the required 50 gross acres (request #2), three monument signs exceeding the permitted number, height, and sign area (request #3), and directional signs exceeding the permitted height and sign

area (request #4); and obtain an unusual use to permit the upgrading or removal of three existing sanitary sewer lift stations and replacement with up to three new lift stations, with exact locations to be determined through Administrative Site Plan Review (request #5). The applicant also seeks an unusual use to permit a wet slip marina with recreational and commercial marina-related uses on the submerged lands (request #6) and ratification of the Release of Declaration of Restrictive Uses Concerning Miami Seaquarium Village, recorded in Official Records Book 35175, Page 1280, for the uplands and a portion of the submerged lands (request #7).

For the reasons stated above and below, staff opines that the proposed rezoning (request #1), when analyzed under Section 33-311, District Boundary Change, and Section 33-284.28.6, Review and Approval Procedures, would be compatible with the surroundings, considering the necessity and reasonableness of the proposed uses in relation to the present and future development of the area concerned. This finding is subject to approval of the concurrent CDMP amendment, acceptance of and compliance with the proffered Zoning Declaration of Restrictions, and compliance with the recommended conditions. Staff further opines that, subject to these requirements, approval of the rezoning would not have an unfavorable impact on the environment, natural resources, or economy of the County.

Section 33-311 of the Code establishes that zoning regulations are intended to provide a comprehensive plan that, among other objectives, reduces congestion, promotes public health, safety, morals, convenience, and general welfare, and gives due consideration to the character of the area and its suitability for particular uses. In this case, staff supports the requested District Boundary Change from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development District, as it would facilitate redevelopment of the former Miami Seaquarium with an integrated mix of aquarium, educational, research, conservation, recreational, commercial, and marina uses. Staff opines that these uses would be generally **compatible** with the surrounding institutional and recreational character, including the University of Miami RSMAS campus to the east, NOAA facilities to the north, and the Hobie Beach recreation area to the west. The proposed aquarium, research, education, and conservation components would complement the marine science and educational activities of the neighboring institutions, while the recreational and supporting commercial uses would complement the waterfront setting and the property's longstanding use as a visitor destination since the 1950's.

Additionally, a proposed public baywalk, as further discussed in the Initial Development Plan Analysis below, would connect along Rickenbacker Causeway near the northeast and northwest portions of the application site. These connections would improve pedestrian and bicycle access through the property, link the proposed public waterfront amenities with surrounding recreational areas, and provide opportunities for public enjoyment of Biscayne Bay. The proposed public open spaces, pocket parks, and kayak launch would further support the recreational character of the area. Subject to compliance with the proffered declarations of restrictions, recommended conditions, and subsequent regulatory approvals, staff opines that the REDPAD designation would provide an appropriate framework for coordinated redevelopment while addressing public access, environmental protection, historic preservation, and potential impacts on surrounding properties.

In addition, as discussed in the Comprehensive Development Master Plan (CDMP) Analysis, the proposed rezoning, subject to approval of the concurrent CDMP amendment and acceptance of and compliance with the proffered Declaration of Restrictions, would be consistent with the proposed Seaquarium Activity Area Special District designation on the CDMP Land Use Plan Map and would facilitate aquarium, educational, research, conservation, recreational, and supporting

commercial uses that complement the surrounding institutional and waterfront recreational uses. With respect to transportation impacts, staff finds that the request will not adversely affect surrounding roadways or transportation facilities. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the subject property has access from Rickenbacker Causeway and lies within the Urban Infill Area, where traffic concurrency does not apply. The proposed development is projected to generate 627 PM peak-hour vehicle trips based on the applicant's traffic study. The memorandum indicates that the analyzed roadway segments on Rickenbacker Causeway west of Virginia Key and Crandon Boulevard north of Harbor Drive would remain at Level of Service "C" with the proposed development. Accordingly, the Section has no objections to the application. Staff further notes that the request constitutes an Initial Development Order only, and the memorandum requires subsequent traffic concurrency determinations before development is permitted. The property also requires platting in accordance with Chapter 28 of the County Code, through which any required right-of-way dedications and improvements would be addressed. Staff also finds that the proposed development will not adversely impact the County's adopted Level of Service (LOS) standards for non-transportation public facilities. The Departments of RER and Environmental Resources Management (DERM) have determined that the application meets all applicable LOS standards for potable water, wastewater, and flood protection. Additionally, other reviewing agencies, including the Miami-Dade Fire Rescue Department and the Water and Sewer Department, have indicated no objections to the application. Based on these findings, staff concludes that the proposed development will not generate excessive noise or impose undue burdens on public facilities, including water, sewer, solid waste, recreation, or other infrastructure that is existing or planned. In addition, the Parks, Recreation and Open Spaces Department (PROS) has no objection to the application, subject to its recommendations. PROS recommends a separate folio for the property, clarification that residential and lodging uses are prohibited in both the uplands and marina, and a continuous, unobstructed baywalk connecting to the Rickenbacker Trail at both ends. At Administrative Site Plan Review ASPR (Final Development Review), PROS recommends detailed landscaping and open-space plans, safe pedestrian and bicycle connections, bicycle facilities, an ADA-accessible public watercraft launch, and shaded streets and pathways. The property is within Park Benefit District 1, which meets park concurrency requirements.

As part of the proposed rezoning to REDPAD, and in accordance with the initial development review procedures and requirements of Section 33-284.28.6 of the Code, the applicant has submitted an initial development plan depicting a development program totaling 1,101,931 square feet. This includes 289,931 square feet of aquarium, experience, and attraction uses, comprising 150,000 square feet of aquatic attraction/park experience and back-of-house space, 74,583 square feet of event space, 46,000 square feet of food and beverage uses, and 19,348 square feet of retail uses; 120,000 square feet of research, education, and conservation uses; and 692,000 square feet of marina uses, including dry stack storage, wet slip docks, and supporting facilities, with up to 552 dry slips and 295 wet slips. The plan also provides for a minimum of 10 percent open space, including an 18-foot-wide public access baywalk. The development program is conceptual, with the final distribution and intensity of uses, roadway network, access points, and open-space locations to be established through Administrative Site Plan Review, consistent with applicable CDMP and REDPAD requirements and the vehicle trip equivalency matrix.

The REDPAD regulations establish use and site requirements for properties seeking rezoning to the district, including use as a major regional entertainment, recreational, and mixed-use venue; designation as Business and Office, or such other category as may permit the uses authorized in the district, on the CDMP Land Use Plan Map; location within the Urban Development Boundary

(UDB); and direct access to a major roadway identified on the CDMP Land Use Plan Map. Staff notes that Ordinance No. 26-85, adopted by the Board of County Commissioners on October 20, 2026, reduced the minimum site area from 50 to 30 gross acres. That ordinance, per its terms, became effective on October 30, 2026.

Staff opines that the proposed aquarium, entertainment, educational, recreational, commercial, and marina development satisfies the intended use and site requirements of the REDPAD district. The property is located within the UDB, has direct access to Rickenbacker Causeway, and meets the amended minimum site area requirement. Subject to approval of the concurrent CDMP amendment, the proposed Seaquarium Activity Area Special District designation would permit the proposed uses and satisfy the land use designation requirement.

Staff also notes that, **consistent** with Section 33-284.28.6(B), the applicant has submitted all required written and graphic exhibits for the initial development review, including a recordable instrument securing development commitments, a development timeframe, quantitative development data, statements addressing design compliance and requested variances, a signed and sealed boundary survey, and an initial development plan. The exhibits also address surrounding properties, perimeter treatments, access, circulation, open space, and potential mitigation areas. Staff has reviewed the submitted documents and determined that the application is **complete** and **satisfies** the initial development review requirements for REDPAD.

For the reasons stated above, staff opines that the requested district boundary change to REDPAD, Retail Entertainment District Planned Area Development District for the subject property would be consistent with the CDMP and compatible with the surrounding area. Based on the analysis herein, staff recommends approval of request #1, under Section 33-284.28.6 Review and Approval Procedures and section 33-311, District Boundary Change Subject to approval of the concurrent CDMP amendment Application No. CDMP20260007 and it becoming effective and subject to the acceptance of the proffered zoning covenant.

Request #2 was submitted to permit the REDPAD designation on ±36.50 gross acres where a minimum of 50 gross acres was previously required. On October 20, 2026, the Board of County Commissioners adopted Ordinance No. 26-85, amending Section 33-284.28.9 of the Code to reduce the minimum site area for REDPAD designation from 50 to 30 gross acres. **Accordingly, the upland portion satisfies the amended minimum site area requirement, and staff recommends withdrawal of request #2 because the requested acreage variance is no longer necessary.**

Staff further notes that the Miami-Dade County Retail/Entertainment District Assessment, accepted by the Board of County Commissioners on March 6, 2012, identified the Miami Seaquarium as one of the County's major non-retail attractions. The assessment was subsequently referenced in Ordinance No. 17-43, adopted on July 6, 2017, which established the REDPAD district. This supports staff's opinion that the property's longstanding role as a regional entertainment and recreational destination is consistent with the types of uses contemplated when the district was created. The initial development plan provides for the coordinated arrangement of the proposed uses, supporting infrastructure, open space, and public waterfront access, subject to the applicable development standards, covenant restrictions, recommended conditions, and subsequent regulatory reviews and approvals.

Additional non-use variances are requested to permit three monument signs, each with a maximum height of 30 feet and a maximum sign area of 250 square feet, where one monument

sign with a maximum height of 6 feet and a maximum sign area of 40 square feet is permitted (request #3); and directional signs with a maximum height of 15 feet, except parking lot locational signs with a maximum height of 20 feet, and a maximum sign area of 75 square feet, where a maximum height of 10 feet and a maximum sign area of 3 square feet are permitted (request #4). When analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that the requests would be compatible with the surrounding area and would not be detrimental to the community's appearance. The property has approximately 1,473 linear feet of frontage along Rickenbacker Causeway, with varying landscaping along the frontage and a 50-foot right-of-way separating the property from the paved roadway. These conditions support the requested monument sign dimensions by providing separation from passing traffic while allowing visitors to identify the destination and its entrances. The internal directional signs would assist visitors in navigating the development and locating parking and other facilities and would generally not be visible from neighboring properties. Staff further notes that the REDPAD regulations provide for an optional signage plan, which offers a framework for coordinating signage throughout the development, subject to applicable Code requirements. Accordingly, staff finds the requested variances reasonable in relation to the scale, frontage, and visitor-oriented nature of the proposed development. **Based on the aforementioned, staff recommends approval with conditions of requests #2, #3 and #4, under Section 33-311(A)(4)(b), Non-Use Variance from Other than Airport Regulations.**

Similarly, the applicant seeks unusual uses to permit the upgrading or removal of three existing sanitary sewer lift stations and replacement with up to three new lift stations on Parcel A, with exact locations to be determined through Administrative Site Plan Review (request #5), and a wet slip marina with recreational and commercial marina-related uses on Parcel B, the submerged lands (request #6). When these requests are analyzed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, staff opines that approval with conditions would be **compatible** with the surrounding area. The proposed lift station improvements would provide supporting infrastructure for the redevelopment, with their final locations and design subject to review through ASPR and applicable permitting requirements. The proposed marina would complement the waterfront setting and the aquarium, recreational, educational, and commercial uses proposed on the uplands. Subject to compliance with the proffered declarations of restrictions, recommended conditions, and applicable environmental permitting requirements, including the Class I permit process, staff opines that the unusual uses could be accommodated while addressing potential impacts on neighboring properties, water quality, manatees, and benthic resources.

The submitted initial development plan and exhibits depict the general arrangement of aquarium, experience, and attraction areas; research, education, and conservation uses; parking areas; dry stack boat storage; and a wet slip marina on the adjacent submerged lands. The plan identifies up to 552 dry slips and 295 wet slips, major points of ingress and egress along Rickenbacker Causeway, internal traffic circulation, and designated open-space areas, including an 18-foot-wide public access baywalk along the waterfront. The final locations of the proposed sanitary sewer lift stations, together with the detailed layout of uses, access, circulation, and open space, would be determined through Administrative Site Plan Review. **Based on the aforementioned, staff recommends approval with conditions of requests #5 and #6, under Section 33-311(A)(3), Standards for Special Exceptions, Unusual Uses and New Uses.**

Lastly, the applicant seeks ratification of the Release of Declaration of Restrictive Uses Concerning Miami Seaquarium Village, recorded in Official Records Book 35175, Page 1280, of the Public Records of Miami-Dade County, Florida (request #7). The original declaration was

submitted in connection with the development approved in 1991 pursuant to Resolution No. Z-131A-91 and tied the property to the site plan approved by that 1991 resolution. In 1993, the Third District Court of Appeal reversed the 1991 zoning approval in Key Biscayne v. Dade County, 627 So. 2d 1180 (Fla. 3d DCA 1993), preventing the approved development from proceeding. Because the declaration's development obligations were dependent upon that 1991 zoning approval and its associated site plan, staff interprets those restrictions in the declaration as moot following the judicial reversal. In essence, the 1991 declaration tied the property to a site plan, but a court subsequently prohibited the property from being developed pursuant to that site plan, thus impacting the County's ability to enforce the 1991 declaration. For all of these reasons, RER administratively approved a release of the declaration, which was recorded on February 24, 2026. The applicant now seeks ratification of that previously executed and recorded release. Staff opines that ratification is not needed because the declaration was properly released administratively. However, staff has no objection to the request for ratification by this Board of the release and recommends approval as stated more specifically below.

When analyzed under Section 33-311(A)(7), Generalized Modification Standards, staff opines that release of the declaration would appropriately address a declaration that tied the property to a development approval that was judicially reversed and never implemented. Neither release of the declaration nor ratification of this release of the declaration would independently authorize new development, which remains subject to the approvals, conditions, and restrictions associated with the current application. Considering the necessity and reasonableness of the request in relation to the present and future development of the area, staff opines that ratification of the release of the declaration would be **compatible** with the surroundings and would not itself generate excessive noise or traffic, create dangerous hazards or overcrowding, or provoke a nuisance. Accordingly, for all of the reasons stated above, staff supports approval of request #7. **As such, staff recommends approval with conditions of request #7, under Section 33-311(A)(7), Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted initial development plan depicts vehicular access from Rickenbacker Causeway, general internal traffic circulation, and parking areas serving the proposed development. Shared-use areas may accommodate parking and aquarium, experience, and attraction uses, while portions of the areas designated for dry stack storage and research, education, and conservation may also accommodate parking. The plan provides an 18-foot-wide public access baywalk connecting to the multiuse path along Rickenbacker Causeway near the northeast and northwest portions of the property. Final access locations, internal roadway design, pedestrian and bicycle connections, loading areas, and parking requirements will be determined through Administrative Site Plan Review. Consistent with PROS recommendations, detailed plans must address safe pedestrian and bicycle circulation, bicycle facilities, and connections between buildings, public spaces, and the surrounding trail network. Any proposed reduction in required parking through shared parking would require separate administrative approval by the Director, supported by data demonstrating that peak parking demands do not normally overlap and that the applicable Code criteria are satisfied.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to approval of concurrent CDMP amendment application CDMP20260007 and acceptance of the proffered Zoning Declaration of Restrictions, withdrawal of request #2 and approval with conditions of requests #3 through #7.

CONDITIONS FOR APPROVAL: For requests #3 through #7 only.

1. The development shall comply with all applicable requirements of CDMP amendment application CDMP20260007, as adopted by the Board of County Commissioners, and all provisions of the Declaration of Restrictions accepted in connection with that amendment.

2. Prior to issuance of building permits for development authorized by this approval, the applicant shall obtain final development approval through Administrative Site Plan Review (ASPR) in accordance with Section 33-284.28.6(C) of the Code. Prior to filing an ASPR application, the applicant shall participate in the required pre-application conference.

3. The ASPR plans shall demonstrate compliance with the approved initial development plan, applicable REDPAD regulations, the adopted Seaquarium Activity Area Special District requirements, the accepted declarations of restrictions, and all conditions of this approval. Any proposed adjustments to the development program shall comply with the approved equivalency matrix and applicable Code requirements.

4. The ASPR submittal shall include detailed plans and supporting information addressing the location and intensity of uses, building heights, access and internal circulation, parking and loading, pedestrian and bicycle facilities, landscaping, open space, public waterfront access, drainage, utilities, and the proposed sanitary sewer lift stations.

5. Final development plans shall be reviewed by the applicable County departments and other public entities identified in Section 33-284.28.6(C). Where impacts on infrastructure or services are identified, the applicant shall coordinate with the affected department or entity and submit documentation of that coordination and any required mitigation.

6. Final development plans for improvements within the shoreline review boundary shall be submitted to the Shoreline Development Review Committee for review and approval in conjunction with ASPR, as required by the applicable Code provisions.

7. Approval of the initial development plan or subsequent ASPR shall not constitute approval of any environmental permit or other regulatory authorization. The applicant shall obtain all applicable permits and approvals, including those required for marina development and operations, before commencing the activities requiring such authorization.

8. This approval does not authorize or guarantee the proposed number of wet or dry slips. The number of slips permitted shall be subject to regulatory review under the Manatee Protection Plan and the Class I coastal permitting process.

9. That all applicable conditions, requirements, recommendations, requests, and other provisions of the Miami-Dade County Department of Transportation and Public Works (DTPW) Transportation Planning and Policy Division and Traffic Engineering Division as indicated in the attached memorandum.

10. That all applicable conditions, requirements, recommendations, requests, and other provisions of the Department of Regulatory and Economic Resources Development Services Division - Platting and Traffic Review Section as indicated in the attached memorandum.

11. That all applicable conditions, requirements, recommendations, requests, and other provisions of the Water and Sewer Department (WASD) as indicated in the attached memorandum.

12. That all applicable conditions, requirements, recommendations, requests, and other provisions of the Parks, Recreation and Open Space (PROS) Department as indicated in the attached memorandum.

13. That all applicable conditions, requirements, recommendations, requests, and other provisions of The Departments of RER and Environmental Resources Management (DERM) as indicated in the attached memorandum.

14. That all applicable conditions, requirements, recommendations, requests, and other provisions of the Department of Regulatory and Economic Resources Historic Preservation as indicated in the attached memorandum.

15. The baywalk/ocean walk shall remain open to the public and have a continuous and unobstructed, include shaded areas and landscaping, and connect at its eastern and western along Rickenbacker Causeway to provide a continuous pedestrian loop.

16. Compliance with Section 21-28 of the Code, “Noises; unnecessary and excessive prohibited,” as amended, is required.

ES:JB:SS:EA

Eric Silva

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Miami-Dade County Parks, Recreation and Open Spaces
PH: Z26-106

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Building and Neighborhood Compliance (BNC)	*No objection*
Departments of RER and Environmental Resources Management (DERM)	*No objection**
Platting and Traffic Review Section (RER)	*No objection**
Miami-Dade County Department of Transportation and Public Works (DTPW) Transportation Planning and Policy Division and Traffic Engineering Division	*No objection**
Miami-Dade Fire Rescue (MDFR)	*No objection*
Water and Sewer Department (WASD)	*No objection**
Miami-Dade County Police Department	*No objection*
Miami-Dade County Solid Waste	*No objection*
Miami-Dade County Parks, Recreation and Open Spaces (PROS)	*No objection**
Miami-Dade County Historic Preservation	*No objection**
**Subject to conditions in their memorandum.*	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Policy LU-1C (Page. I-2)	*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.*
Policy LU-10A (Page. I-23)	*Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to reduce emissions and promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.*
Water (Page. I-68)	*This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. Man-made water bodies are permitted in any land use category subject to applicable environmental and other regulations, may be filled and developed pursuant to the applicable land use category, and are therefore illustrated on the LUP map as water features and not designated as "Water."*
Objective LU-1 (Pages. I-104 and 105)	*A. Acreage added to the UDB and population density within the UDB of the LUP map since adoption of the last EAR. These measurements shall be made by the Department of Regulatory and Economic Resources immediately preceding preparation of the EAR.* *B. Residential dwelling units and non-residential square footage permitted, or for which certificates of occupancy (COs) have been issued (for new uses and rehabilitation) in Neighborhood Revitalization Strategy Areas (NRSA) and/or Community Development Block Grant (CDBG)-eligible census block groups within unincorporated Commission District Areas. This information will be compiled annually by the Department of Regulatory and Economic Resources from the computerized permitting file. The cumulative totals will be reported in the EAR.* *C. Numbers and dollar value of public facility improvements in the NRSA and/or CDBG-eligible census block groups. The Department of Regulatory and Economic Resources will acquire this information annually and shall report cumulative totals in the EAR.*

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	D. Development activities since adoption of the last EAR within urban centers and areas subject to zoning ordinances adopted under the County's area planning program and other new or revised ordinances and programs established to promote improved design of neighborhoods, developments and buildings in unincorporated Miami-Dade County. List the number of developments approved, which implemented urban design principles contained in the County's Urban Design Manual and/or the Guidelines for Urban Form. *E. Total acreage of agricultural land and environmentally sensitive properties preserved, since adoption of the last EAR, as a result of Miami-Dade County Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) programs referenced in Policy LU-1R. This Information is to be acquired from the annual report provided by the Agriculture Manager pursuant to Resolution No. 1036-07.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Sec. 33-284.28.9. - Site Requirements.	*A property to be designated as a REDPAD shall comply with the following criteria:* *(A) Minimum Size. The minimum size of the property to be designated as a REDPAD shall be 50 gross acres.*
Sec. 33-284.87. - Signs.	*C. Permanent Point of Sale Signs. Permanent point of sale signs (Class B) shall be permitted as follows:* *1. The following permanent point of sale signs are permitted in all Sub-districts in conjunction with permitted business and industrial uses: flat attached, hanging, awning, cantilever, projecting, and monument. No other detached sign shall be permitted except monument signs.* *a. Projecting signs shall be mounted and perpendicular to the building.* *b. The copy of an awning sign shall only be located on the valance of the awning.* *c. The bottom of a hanging sign shall be located at a minimum height of eight (8) feet from the finished floor.* *d. Monument signs, which are freestanding, 2-faced signs, shall have a base at least seventy-five (75) percent of the horizontal width of the sign and located directly on the ground or a maximum of twelve (12) inches above grade.* *e. Cantilever signs are mounted on those portions of the building that project horizontally.* *2. Maximum size, location, and number of signs shall be as follows:*

Sign Type	***Size***	***Number of Signs***
*Flat Attached, Cantilever, Projecting**	*10% of wall area***	*Not limited*
Hanging, Awning	*6 sq. ft.*	*Not limited*
Monument	*25 sq. ft. maximum for first 50 feet of street frontage plus .75 sq. ft. for each additional foot of street frontage to a maximum of 40 sq. ft. per sign face.*	*One per street frontage*

** Each side of a projecting sign with multiple faces shall count toward the maximum permitted sign area.*
*** Where a building may be occupied by multiple tenants, the permitted sign area that results from the percentage of wall area is shared among all tenants. A sign survey shall be*

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	required at time of permitting to demonstrate compliance with the maximum sign area permitted. In all Sub-districts, for flat attached signs only, up to thirty (30) percent of the sign may be illuminated using digital technology. *D. Directional Signs. Directional signs, to direct traffic flow and locate entrances and exits shall be permitted on private property in connection with any permitted use. Detached directional signs shall not exceed three (3) square feet in area; directional signs attached to buildings shall not exceed twelve (12) square feet in area. The maximum height of a detached directional sign shall be ten (10) feet. Directional signs shall be shown and approved on site plans which indicate sign size, location, copy, etc.*
Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F)* ***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.*
Section 33-311(A)(3) Special	***Special exceptions*** *(for all applications other than public charter schools),* ***unusual*** *and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after*

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Exception, Unusual and New Uses	*public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards	*The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by **resolution**; and to **modify** or **eliminate** any provisions of restrictive **covenants**, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that (a) the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

Consumer and Neighborhood Protection

ENFORCEMENT HISTORY

MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES	3400 RICKENBACKER CSWY MIAMI-DADE COUNTY, FLORIDA
APPLICANT	**ADDRESS**
	Z2026000106
DATE	**HEARING NUMBER**

FOLIO: 30-4220-000-0010

REVIEW DATE:
November 3, 2026

SUMMARY OF CONSUMER AND NEIGHBORHOOD PROTECTION ENFORCEMENT:
Miami-Dade County Parks, Recreation and Open Space (the "Applicant") has multiple open cases with no outstanding balance, as outlined in the chart below.

On September 23, 2026, payment was remitted to the Consumer and Neighborhood Protection Division ("RER-CNP") for the enforcement costs associated with the outstanding violations identified in the chart below as well as Unsafe Structure Cases 2006093309-U, 2006093310-U, and F2022011805-U.

Case Number	Building / Map Identifier	Violation Description
20210211348-U	GOLDEN DOME	Failure to maintain
F2024013768-U	GOLDEN DOME	Failure to recertify the building
20240226297-B	AREA-Y / Filtration Area	Failure to obtain a permit
20240229377-B	BUILDING P / Flipper House	Failure to obtain a permit for two plastic sheds and one metal
20240229407-B	CORRIDOR A	Failure to maintain
20210211271-B	CORRIDOR A	Failure to maintain
20230218376-U	CORRIDOR A	Failure to maintain

20240226294-B	BLDG-D	Failure to maintain
20240226310-B	BLDG-O	Failure to maintain Flipper Stadium
20240226312-B	BLDG-V	Work without permit west side of workshop
20240226315-B	BLDG-W	Failure to maintain Fish House Building.
20240226322-B	BLDG-DD	Work without permit for finance building's canvas canopy; failure to maintain Finance Buildings
20240226329-B	BLDG-FF	Failure to maintain manatee tank area
20240226332-B	BLDG-HH	Failure to maintain roof of manatee bay cafe
20240226359-B	BLDG-T	Work without permit for detached landscape shed
20240226372-B	BLDG-GG	Failure to maintain Dolphin Stadium
20240226378-B	BLDG-R	Work without permit for canopy installed over penguin chiller area
20240226287-B	BLDG-N	Failure to maintain Dolphin Harbor Building
20240226350-B	COMMON AREAS	Work without permit for several structures
20210211387-U	WHALE BOWL	Failure to repair/maintain Whale Bowl
F2021009142-U	WHALE BOWL	Failure to obtain required recertification
F2024013769-U	DOLPHIN EXHIBIT	Failure to obtain required recertification
20240226206-U	BLDG-U – CARPENTER'S SHOP	Failure to maintain carpenter workshop storage
F2024013770-U	ENTRANCE / OFFICES /	Failure to obtain required recertification
A2020001358-X	whale bowl	Failure to obtain required inspections for work at the whale bowl
A2023001802-X	whale bowl	Failure to obtain required inspections for work at the whale bowl
A2024001816-X	dolphin exhibit	Failure to obtain required inspections for work at the dolphin exhibit

A2020000759-X	whale stadium	Failure to obtain required inspections for work at the whale stadium

For any and all enforcement cases against Miami-Dade County and/or PROS, there are no monies owed, because as stated above, all such outstanding amounts were paid. Specifically, for any such enforcement cases against Miami-Dade County and/or PROS, there are no (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.

Department of Regulatory and Economic Resources
Code Coordination & Environmental Initiatives
701 NW 1st Court 4th Floor
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6759

miamidade.gov

Date: November 10, 2026

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources (RER)

From: Ninfa Rincon, RER Code Coordination and Public Hearings

Subject: Z2026000106-2nd Review
Miami-Dade County Park, Recreation and Open Spaces
3400 Rickenbacker Causeway
DBC from GU to Retail Entertainment District Planned Area Development ("REDPAD"). Proposed thematically marine laboratory and educational attraction to revitalize the historic seaquarium, public spaces and marine related uses: research center, wet and dry marina, and dry boat storage, event space and fisherman themed village with food and beverage with park /outdoor recreation.
(GU) (94.60 acres)
20-54-40

According to the information submitted with this request, this application is to be reviewed concurrently with Comprehensive Development Master Plan (CDMP) application CDMP20260007.

Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 of the Code with respect to certain water and wastewater issues. With respect to other issues discussed herein RER does not object to this application provided that all the conditions contained herein are complied with. This memorandum also includes comments and conditions from DERM, and as discussed herein, DERM does not object to this application provided that all of the conditions contained herein are complied with.

Finally, if the Board adopts the CDMP application but with modifications, the recommendations and analyses provided in this report may have to be supplemented or revised to address any such modifications.

Potable Water Supply and Wastewater Disposal

According to RER records, the subject property is currently connected to public water and public sanitary sewers. Pursuant to the Code and based on the conceptual plan submitted in support of this application, the proposed development shall connect to public water and sanitary sewers in accordance with Code requirements. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from RER to allow an alternative means of domestic wastewater disposal.

According to the last site plan submitted with this application, stamped received by zoning on October 14, 2026, the proposed development consists of:

BUILDING	ALLOWED	PROVIDED
FAR *(ALLOWED ZONING 2.00 / CDMP 1.50)* - NOTE 1	1.50	0.73
TOTAL SQUARE FEET	2,274,822	1,101,931
AQUARIUM / EXPERIENCES / ATTRACTIONS		289,931
AQUATIC ATTRACTION / PARK EXPERIENCE / BOH		*150,000*
EVENT SPACE		*74,583*
FOOD AND BEVERAGE		*46,000*
RETAIL		*19,348*
RESEARCH / EDUCATION / CONSERVATION		120,000
MARINA		692,000
DRY STACK UNITS	552	SLIPS
WET SLIP UNITS	295	SLIPS

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the 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 the County for this proposed development order.

The site is currently connected to the public sewer system via private sewer pump stations (PSO 99-895A, 99-895B and 99-895C) which are currently under Temporary Moratorium status. In accordance with the USEPA/FDEP Consent Decree (Case: No. 1:12-cv-24400-FAM, effective December 6, 2013) between the Environmental Protection Agency and Miami Dade County, RER-Environmental Plan Review Section cannot issue Sewer Capacity Certification nor approve building permits or Certificates of Use until pump stations 99-895A, 99-895B and 99-895C have been certified complete and operating in compliance.

Please contact the DERM Water and Wastewater Division (305)372-6920 for additional information regarding the pump station status.

Please be advised, RER-Environmental Plan Review Section review and approval is required for any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are proposed within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

Conditions of Approval: None

Water Control Review

The RER Water Control Section has reviewed the “Miami Seaquarium Conceptual Stormwater Plan” (Sheet C-1) signed and sealed by Hernando J. Navas, P.E. on October 1, 2026, and the "Conceptual Stormwater Management Study" signed and sealed by Hernando J. Navas, P.E. on October 2, 2026, and has no objections to this zoning application approval.

The following information is provided as advisory comments:

- The proposed scope of work may require an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) or the Florida Department of Environmental Protection (FDEP).

- At a minimum, the County Flood Criteria adopted in Miami-Dade County in October 2022, or subsequent standards in effect at the time of review and approval, shall be complied with. The most current and stringent groundwater level data available at the time of review and approval, from the County or other applicable agencies, shall be used.

- For compliance with Miami-Dade County stormwater disposal requirements, stormwater shall be retained on-site utilizing a properly designed seepage, infiltration, or other approved drainage system. Any grading and drainage improvements within the parcels will require review and approval by RER. Any public road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.

- Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as all applicable state and federal criteria, and shall not cause flooding of adjacent properties. Any proposed development shall comply with County and federal flood criteria requirements.

Pursuant to section 24-48.1(1)(e) of the Code, Class V permits are required for any dewatering of groundwater, surface water, or water that has entered an underground facility, excavation, or trench.

Further, the applicant has committed to a stormwater management system for the proposed development that will be designed, permitted, and constructed to provide full onsite retention of the stormwater runoff volume generated by the 100-year, 3-day storm event, without any offsite discharge or overflow,

The following conditions shall be incorporated in the Declaration of Restrictions:

The Property's stormwater management system shall be designed, permitted, and constructed to provide full onsite retention of the stormwater runoff volume generated by the 100-year, 3-day storm event, without any offsite discharge or overflow, and shall comply with the Conceptual Stormwater Management Plan submitted by Tenant. Commitment to this higher onsite retention standard, and compliance with the obligations in the Conceptual Stormwater Management Plan, shall be incorporated into all applicable State stormwater management permit applications, authorization requests, and approvals. Following construction, the stormwater management system shall be maintained in a fully operational condition in accordance with the applicable Environmental Resource Permit requirements and other applicable permits, including required inspections, certifications, reporting, repairs, and corrective actions. The system shall be operated and maintained to continuously preserve its permitted functionality, required water quality treatment performance, and the onsite retention capacity throughout the operational life of the Project

The applicant is advised to contact the RER Water Control Section at (305) 372-6681 or rerwatercontrol@miamidade.gov for further information regarding permitting procedures and requirements.

Coastal Resources

The subject application must comply with Miami-Dade County's CDMP, the Code, the Biscayne Bay Management Plan, Miami-Dade County's Manatee Protection Plan (MPP) and all other applicable County regulations and policies.

The application proposes development on submerged lands that are designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), federally designated as threatened by the US Fish and Wildlife Service (USFWS).

Applications shall demonstrate how proposed activities comply with the objectives and policies of the CDMP for the protection of benthic resources, coastal wetlands, and wildlife including endangered and threatened animal species.

The CDMP includes the following objectives and policies of the Conservation, Aquifer Recharge and Drainage Element (CON) and the Coastal Management Element (CM):

1. Objective CON-9: *Freshwater fish, wildlife and plants shall be conserved and used in an environmentally sound manner and undeveloped habitat critical to federal, state or County designated endangered, threatened, or rare species or species of special concern shall be preserved.*
    a. Policy CON-9A: *All activities that adversely affect habitat that is critical to federal or State designated, endangered or threatened species shall be prohibited unless such activity(ies) are a public necessity and there are no possible alternative sites where the activity(ies) can occur.*
    b. Policy CON-9B: *All nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized.*

2. Policy CM-1E: … *Habitats of endangered or threatened species shall not be degraded or destroyed.*

3. Policy CM-1G: *No further dredging or filling that would result in the destruction of grass/algal flats, hard bottom or other viable benthic communities shall be permitted in… Biscayne Bay, or Card Sound or Barnes Sound, or the tidal portions of their natural tributaries, except as provided for in Chapter 24 of the Code of Miami-Dade County, as may be amended from time to time.*

4. Objective CM-4: *Miami-Dade County shall continue to work in cooperation with other appropriate agencies to increase the acreage, restoration and enhancement of publicly owned benthic, coastal wetland and coastal hammock habitat.*

    a. Policy CM-4A: *Areas that are used for nesting, feeding or congregation by endangered and threatened species shall be protected from alteration and human activities that would further imperil those species.*
    b. Policy CM-4C: *Travel corridors used by endangered or threatened species shall be protected to the extent possible from alteration and human activities that would further imperil those species.*
    c. Policy CM-4F: *Planning and permitting of new or expanded marine facilities shall be consistent with the requirements of Section III. C, Land Development of the Miami-Dade County Manatee Protection Plan, which states:*
        i. *"All new marine facility sites and marina expansion sites in Dade coastal waters should meet the following criteria:*
            1. *Cause minimal or no manatee/boat travel pattern overlap*
            2. *Cause minimal or no wetlands or benthic community disturbance*
            3. *Be compatible with surrounding land use*

3. Policy CM-5F(i): *Construction or subsequent operation of any proposed marina/ water-dependent project shall not destroy or degrade: … (c) Seagrass or hard bottom communities…*

4. Policy CM-5F(iv): *The proposed marina/water-dependent facility shall: … (b) Preserve or enhance the quality of the estuarine and coastal waters, water circulation, tidal flushing and light penetration….*

The applicant is advised that a Class I Permit is required prior to the commencement of work in, on, over or upon any tidal waters, bay bottom lands, or in wetlands supporting halophytic vegetation, including, but not limited to, dredging or filling, or to trim, cut, or alter a mangrove tree anywhere in Miami-Dade County.

The conceptual site plan entitled “Seaquarium” dated as received by Miami-Dade County on October 6, 2026, submitted in support of this zoning application, depicts work in tidal waters which requires a Class I Permit. The applicant is advised that projects should be designed considering the evaluation factors outlined in sections 24-48.3 and 24-48.4 of the Code and be compatible with the CDMP, including but not limited to the objectives and policies of the CON and CM Elements of the CDMP referenced above, and all other applicable County, State, and Federal regulations and policies. In addition, projects posing potential and/or cumulative adverse environmental impacts shall require mitigation plans designed to avoid and/or minimize such impacts.

Additionally, the boundary survey submitted in support of this zoning application denotes coastal wetlands landward of the property’s existing shoreline; specifically, within a depressional area located in the southeast corner of Parcel 1B as identified on the survey. The coastal wetland area is further described and depicted in Exhibit B of the Conservation Easement entered between Miami-Dade County and the State of Florida, as recorded in the Clerk of the Court of Miami-Dade County, Official Records Book 15240, Pages 3385 through 3395 on October 23, 1991. Please be advised that the Conservation Easement requires that the natural attributes of the wetland area shall be protected, enhanced, and maintained in perpetuity. The existing wetland area shall be depicted as “Mangrove Preservation Area” on all plans associated with future applications.

The applicant has submitted to RER, in support of this application and the CDMP application, an Environmental Assessment Plan (EAP) dated August 6, 2026, a supplement to the EAP dated August 28, 2026, and additional supporting documents in subsequent submittals. As described in the EAP, the applicant proposes to minimize impacts to seagrass resources by restricting marina-related development to historically dredged areas, to avoid potential impacts to adjacent shallow flats with significant seagrass cover. New dredging shall be prohibited within the Property or associated with the Property. Notwithstanding such dredging restrictions, maintenance dredging for silt removal may be permitted. The EAP further details how the project incorporates measures to minimize impacts to benthic habitats. The marina design attempts to retain sufficient light penetration to sustain benthic resources; specifically, the project incorporates environmentally friendly design principles, such as elevated fixed pier design, grated and open spaced decking, dock orientation and layout meant to reduce long-term shading, utilization of boatlifts, and limited use of floating docks.

RER acknowledges the applicant’s narrative in the EAP addressing CDMP Policies CM5-A, CM-5B, CM-5D, and CM-5F. To conform with CDMP policies CM-5B and CM-5F, the EAP considers several alternatives to address marina capacity goals. Of the alternative sites and designs considered, the proposed location and marina design presupposes lesser impacts to submerged aquatic vegetation, aquatic wildlife utilization, and access to open waters from dredging, filling, turbidity, and water-dependent structures and activities. RER acknowledges that the project proposes implementation of Best Management Practices (BMPs) during construction. The project proposes to include measures to protect adjacent aquatic resources such as turbidity controls, water quality monitoring, protected species monitoring, and daylight-only construction activities that would allow continuous observation of water quality conditions.

RER acknowledges receipt of the Coral Relocation and Avoidance Plan dated April 2026 and the Coral Inventory Sheets with survey dates of November 12, 13, and December 18, 2025. To address CDMP policies CM-4J and CM-5F, the applicant proposes to stabilize the existing seawall and unconsolidated shoreline with the installation of a new concrete bulkhead with printed three-dimensional (3-D) textured surface features across 3,772 linear feet of shoreline. To minimize adverse impacts to corals from the proposed seawall, the applicant has proposed the relocation of any corals located between the existing seawall’s wetface and five feet waterward. Additionally, the plan proposes avoidance measures for the

29 corals documented between two and five feet waterward of the seawall along areas already containing riprap.

RER acknowledges receipt of the hydrographic survey, digitally signed and sealed by Javier De La Rocha, P.S.M. no. 6080 on August 11, 2026.

To address compliance with CDMP Policy CM-5F, the applicant submitted the Seaquarium Marina Tide & Current Study dated August 5, 2026, and the Water Circulation and Tidal Flushing Summary dated September 2026. The applicants claim in both documents that the project area is subject to regular tidal influence and substantial natural water movement. The marina and wave break configuration proposes to preserve substantial areas of water through which tidal currents can freely move.

To address compliance with CDMP Policy CM-5F and Objective CM-6, the applicant has submitted a Channel Access Exhibit dated August 7, 2026, and a Location Map with Coordinates for channel markers and signage dated September 10, 2026. The Channel Access Exhibit generally depicts the expected Seaquarium access routes and a 100-foot-wide navigational channel around the marina footprint. The Location Map with Coordinates clearly demarcates such navigational channel associated with the marina which provides predictable routes for incoming and outgoing vessel traffic. The marina project shall provide a minimum 20-foot setback from the adjacent shoals, as measured from the -3 foot Mean Low Water contour in order to minimize unnecessary vessel movement across surrounding shallow-water habitat.

RER acknowledges that the project proposes to implement and exceed the BMPs of the Florida Clean Marina Program, which governs vessel fueling, waste management, spill prevention, stormwater management, boater education, and environmental stewardship in compliance with CDMP Policy CM-3I.

Concurrently with the Class I Permit required for the construction of this marina, a Marine Facilities Annual Operating Permit (MOP) shall be required for this facility. The MOP program inspects facilities on an annual basis to ensure that they are operating in accordance with the conditions of their MOP permit and with a set of BMPs developed specifically for marine facilities.

The project seeks to comply with CDMP Policy CM-2C by avoiding impacts to bay-bottom land that supports significant benthic resources. RER acknowledges that the project is expected to result in direct and indirect impacts to seagrass habitat. The applicant has submitted a Summary of Seagrass Mitigation Project Plan, dated August 2026, in which they propose to restore adjacent shoal areas exhibiting significant prop scarring. In addition, the project proposes additional shoal signage to protect the existing shallow-water seagrass habitat and future restoration areas. The applicant is advised that the mitigation requirements and the appropriateness of such mitigation/restoration proposal shall be fully evaluated as part of the Class I permit process.

To comply with CDMP Policy CM-5F, to ensure that water quality is preserved, that bottom scouring or prop dredging is avoided, and that manatees and benthic resources are protected within the marina footprint, all vessels utilizing this facility must maintain adequate water clearance between the top of benthic resources, or bay bottom if devoid of resources, and the deepest part of the vessel at mean low water. RER recommends that the marina slips shall be designed and configured to incorporate a tiered water clearance system that maintains adequate vertical clearance between the maximum vessel draft and the top of benthic resources, or the bay bottom if resources are not present, to ensure that any vessels to be moored at or accessing the marina are operating within these vertical clearance restrictions.

RER has reviewed the aforementioned EAP report and supporting information to verify conformity with CDMP polices and Chapter 24 of the Code. Based on reasonable scientific judgment, RER finds that the reports describe anticipated site characteristics and minimization measures for adverse impacts to natural resources. Notwithstanding the above, pursuant to the applicable factors and criteria for the evaluation of permit applications in section 24-48.3 of the Code, RER shall require a more in-depth analysis of the project for avoidance and minimization of impacts to natural resources during the Class I permit application process.

The applicant may contact the Coastal Resources Section at (305) 372-6575 or RERCoastalPermitting@miamidade.gov with any questions regarding the permitting procedures and requirements. 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. The applicant is responsible for contacting these agencies.

Please contact Kelly Feeney at Kelly.Feeney@miamidade.gov for additional information or concerns regarding this review.

Based on the analysis provided above, RER recommends approval of the application subject to the conditions listed in this memo.

Environmentally Endangered Lands (EEL) Program

The Environmentally Endangered Lands (EEL) Program manages environmentally sensitive lands located within the subject property (30-4220-000-0010) on the north side of the Rickenbacker Causeway). The subject property is also adjacent to EEL Program managed lands within the Crandon Preserve, including Rookery Island.

The EEL Program notes that the REDPAD zoning change boundary would apply to the uplands and submerged lands on the property to the south of the Rickenbacker Causeway (former Miami Seaquarium) and would not apply to the portions of the property on the north side of the Rickenbacker Causeway.

The proposed marina and development project shall not impact any existing EEL Program managed lands or impede the ability to manage EEL managed lands. At the time of permitting, the applicant will be required to submit a comprehensive description and impact analysis demonstrating that no direct or indirect impacts to EEL-managed lands, including Rookery Island, will occur.

On May 9, 2026, the EEL Program received an application nominating all submerged lands within the subject property (folio 30-4220-000-0010) for potential addition to the EEL Acquisition List. At the time of this memorandum, the subject property has not been placed on the EEL Acquisition list, and it is unclear the area of unsubmerged lands that would be eligible to be placed within the EEL Acquisition list if this application is approved.

To eliminate ambiguity and prevent future land-use conflicts with EEL Program managed lands, the EEL Program recommends that the applicant replat the specific areas proposed for development and adjust parcel boundaries through the appropriate County process to remove all EEL Program managed lands from the subject folio.

Additionally, the EEL Program recommends that the Declaration of Restrictions be amended to include explicit language guaranteeing that EEL Program managed lands will not be impacted by this proposal nor by any future revisions or expansions to the Site Plan.

Endangered Species

CDMP policy CON-9B states that *“nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized”.*

The application proposes development on submerged lands that are designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), which is federally designated as threatened by the US Fish and Wildlife Service (USFWS). Current description of critical habitat for the manatees in Florida includes *"…all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood Sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County."* **Applications shall demonstrate how proposed activities comply with the objectives and policies of the CDMP for the protection of benthic resources, coastal wetlands, and wildlife including endangered and threatened animal species and their habitat.**

RER acknowledges receipt of the Manatee Activity Analysis dated August 28, 2026, to justify the project's consistency with the marina facility siting criteria of the MPP. The document assesses historic manatee occurrence and habitat use in Biscayne Bay to predict whether the proposed marina lies within essential manatee habitat or interferes with established manatee movement corridors. The analysis considered historical manatee observations, mortality records, seagrass distribution, bathymetry, navigation routes, and other environmental and habitat characteristics relevant to manatee occurrence and movement within Biscayne Bay. Spatial data for the surveyed period between 1991 through 2019 from the Florida Fish and Wildlife Conservation Commission (FWC) and the Miami-Dade County Department of Environmental Resources Management (DERM) were compiled and analyzed to support the evaluation.

The analysis revealed among other factors that the area surrounding the Seaquarium contrasts with portions of Biscayne Bay characterized by more extensive seagrass habitat, higher freshwater input, shallow water areas, and greater manatee activity. The analysis details that FWC synoptic survey observations from 1991 through 2019 show relatively few manatee observations in the vicinity of the Seaquarium. The project claims that the site is associated with an existing dredged basin and a historically modified marine environment. The proposed project avoids new impacts to shallow-water habitat and submerged aquatic vegetation; therefore, applying principles of avoidance and minimization, with unavoidable impacts to be addressed through applicable mitigation under the permitting process. The analysis ultimately summarized that the project site is consistent with the MPP siting objective of minimizing potential overlap between vessel and manatee travel patterns.

Please note that federal and state regulations restrict or prohibit certain activities facilitating interaction with endangered or threatened species such as the West Indian Manatee. The applicant is advised to coordinate the review of planned uses and activities with the USFWS, Florida Fish and Wildlife Conservation Commission (FWC) and Miami-Dade County. **RER requests that all written correspondence with USFWS and FWC be provided to RER for concurrence with their requirements.** The USFWS may be contacted in the Vero Beach office at (352) 448-9151.

Moreover, the subject property is located within the USFWS consultation area for the federally endangered Florida bonneted bat (*Eumops floridanus*), which may utilize the subject property for foraging, nesting, and roosting. The Miami-Dade County population of the Florida bonneted bat is largely urban and known to forage and socialize over dark, open spaces adjacent to natural areas such as open water, forested areas, wetlands, and areas with significant tree resources.

Please be advised, prior to issuance of a Tree Removal Permit for any portion of the Property, the Owners shall conduct survey(s) to determine the absence or presence of the Florida bonneted bat. The survey(s) shall utilize professionally recognized sampling methodology, which shall be subject to review and approval by the County's Department of Regulatory and Economic Resources (RER), or successor department. In addition, the Owners are advised to implement wildlife best management practices to minimize the impacts from development to listed species. The Owners may be required to revise the site plans subject to RER review and approval, as necessary to comply with applicable requirements of the Code and for conformance with the relevant provisions of the CDMP.

Please contact Kelly Feeney at Kelly.Feeney@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources, including specimen trees (a tree with a trunk diameter of 18 inches or greater). Section 24-49 of the Code provides for the preservation and protection of specimen tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards. Please note that the Code generally requires the preservation of specimen trees, and the standards in the Code for removal/relocation of specimen trees are stricter than for removal of non-specimen trees.

The subject application requests a district boundary change from GU, Interim District, to REDPAD, Retail Entertainment District Planned Area Development, a nonuse variance of parking requirements and of signage regulations, and the request for an unusual use for marina uses, dry stack storage, and wet slip marina, and to allow noncommercial parking in a more restrictive zone. Future site plan development of the application area must be consistent with the requirements to preserve specimen trees except in cases where RER has determined that a specimen tree cannot be preserved pursuant to section 24-49.2(4)(II)(2) of the Code. **Any RER recommendation or approval of this zoning application shall not be interpreted as approval for the removal or relocation of any tree resources on site.**

The applicant is advised to contact the Tree and Forest Resources Section at (305) 372-6574 or tfrs@miamidade.gov for additional information regarding tree permitting procedures and requirements.

Pursuant to CON-8I of the CDMP and the prohibited plant species eradication requirements contained in section 24-49.9 of the Code, if exotic pest plants and/or nuisance species exist on the site they shall be removed prior to development or redevelopment, and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Moreover, section 18A-12 of the Code and the latest version of the Miami-Dade County Landscape Manual, controlled species, shall not be planted within five hundred (500) feet of native plant communities or any remnant native habitat.

Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

Water Resources Coordination

The subject application must comply with Miami-Dade County's CDMP, the Code, the Biscayne Bay Management Plan, Miami-Dade County's Manatee Protection Plan (MPP) and all other applicable County regulations and policies.

Applications shall also demonstrate how proposed activities comply with the objectives and policies of the CDMP for the protection of benthic resources, coastal wetlands, and wildlife including endangered and threatened animal species.

The application proposes an expanded marine facility in tidal waters that are designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), which is federally designated as threatened by the US Fish and Wildlife Service (USFWS) and state designated as threatened by Florida Fish and Wildlife Conservation Commission.

DERM staff have reviewed the Environmental Assessment Plan dated August 6, 2026, as well as the Manatee Activity Analysis submitted on August 28, 2026. These analyses provide a summary of several

types of information and used data to make a determination that the expanded marina facility will not adversely affect manatees, including that the application area is not located in Essential Manatee Habitat as defined in the MPP. However, the application area is designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), federally designated as threatened (Policy CM-4A & CM-4C) by the US Fish and Wildlife Service (USFWS) which is not addressed in the analyses provided. In addition, it is important to note that manatee survey data submitted in support of the application only shows manatee usage on a single day at a specific time and should not be heavily relied upon as a determination of overall manatee presence or absence over a continuous period of time.

The current zoning for the uplands on the property is GU. The applicant is proposing this zoning application, concurrently with the CDMP text amendment. . If this zoning application is approved, the MPP would consider that approved zoning related to what may be permitted under the MPP at a new marina facility.

The MPP provides guidelines to facilitate marine facilities siting within Essential Manatee Habitat, including specific density limitations, at locations other than single family residences. In certain areas of the County, the MPP includes numerical motorboat density limitations, in the form of ratios. For this property, however, unlike other areas within essential manatee habitat, the MPP provisions for the proposed site do not include a specific density limitation based on a ratio provided. Instead, the MPP provides that for this property, motorboat density and various water-dependent uses are to be determined by existing zoning or environmental regulations. In addition, under the MPP, as for all new and expanded facilities, siting determinations need to be considered in conjunction with other evaluation factors such as available area data on species utilization. This application includes a proffered covenant with specific, enforceable conditions that are intended to safeguard resources both during construction and on an ongoing basis once the marina is in operation. This evaluation considers the best available information for this particular location regarding its geographic and environmental characteristics.

The MPP provides Marine Siting criteria that states that when considering new or expanded facilities, the draft of vessels and water depth must be considered for adequate clearance over manatees, including adjacent channels. Section III (Implementation) of the MPP, specifically paragraph C.2.a-Marine Facility Siting Criteria, states, “When reviewing proposals for new or expanded marine facilities, the draft of vessels and water depth must be considered for adequate clearance over manatees. In waterbodies which may be too narrow for the animals to avoid vessels by moving aside, water depth must be at least 3 feet deeper than the average draft of vessels using the facility.” Policy 10F of the MPP states this requirement as, “New or expanded marine facilities shall have adequate water depth for the draft of the vessels using the facility, plus 3 feet in order to clear manatees, in waterbodies which may be too narrow for the animals to avoid vessels by moving aside.”

It is also noted in the MPP Marina Siting Criteria that the facility must be designed to eliminate or minimize adverse impacts to mangrove wetlands, seagrass beds and any other ecologically important marine communities. Any unavoidable impacts must be offset by substantial mitigation. Additionally, according to the MPP, the proposed facility must be designed so as to require little or no dredging or filling. Policy 10H of the MPP states, “All new marine facility and marina expansion sites in Dade coastal waters shall cause no or minimal overlap of manatee-boat travel patterns, no or minimal wetland or benthic community disturbance or similar environmental impact and shall be compatible with surrounding land use.” Additionally, Policy 10I states, “Marine facility expansion and new facility locations shall be permitted as indicated in III.C.2.a."Marine Facility Siting Criteria" on pages 88-99, and on Figures 19a-c, pages 90-92 of the Dade County Manatee Protection Plan.”

The proposed marina expansion would result in changes to traditional vessel traffic patterns in this area and shift them south towards the adjacent shoal area (Policy CM-4C). Manatee-survey data collected by the county between 1996 and 2025 indicate that there is usage of this shoal as a feeding ground for manatees. Directing vessels closer to this shoal could result in increased vessel/manatee interaction that may not have historically existed which could cause negative impacts to manatees.

The proposed marina expansion would also directly impact an area that is used by manatees for travel to and from the Atlantic Ocean, as well as between the application area and the west side of Key Biscayne. The placement of a marina expansion area in a travel corridor could result in more interactions with vessels and humans. Changes to traditional vessel traffic patterns by shifting them south towards the adjacent shoal area would also minimize areas where manatees could safely travel with minimal vessel traffic.

Placement of a marina expansion in an area that is utilized by manatees as well as vessels for travel may cause negative impacts to manatees by creating an impediment for manatees to travel along the shoreline as is typical for manatees. Creating a channel several hundred feet waterward in a shallower area redirecting manatees to areas where they will have to cross vessel pathways is not consistent with this requirement. **However, given that the overall footprint of the marina expansion area is not finalized, a definitive determination of the entirety of these impacts cannot be determined at this time.**

The area of the proposed expanded marine facility is located directly in a traditionally used vessel travel pathway and could present a navigational issue. In addition, the placement of the extensive expanded marine facility would require vessels to travel even closer to an existing shoal with benthic resources such as seagrasses. This is not an area that has traditionally been used as an access channel. In support of this application, the applicant provided a discussion of vessel traffic patterns based on a boating study conducted in 2009. The applicant's boating study indicates that the vicinity of the proposed marina expansion is used by vessels traveling to and from Bear Cut and Crandon Marina, as well as fishing. In addition, with exponentially increased vessel numbers on the waters in and surrounding Biscayne Bay since 2009, the current vessel usage in this area may not be adequately addressed in this 2009 study.

Based on the analysis provided above, DERM recommends approval of the application with conditions listed at the end of this memorandum.

Pollution Regulation

A preliminary review of information available to the Department indicates that the historical/current land use along with adjacent contaminated parcels represents potential environmental concerns for development at the subject property. Therefore, the applicant is required to evaluate for and identify all site activities and land uses (historical and current) that represent(ed) a potential to cause or to have caused impairment of the environment (i.e., soil, groundwater, surface water, vapor) at, near, or in the vicinity of the site. Based on the findings, an appropriate environmental site assessment may be required in support of the site development inclusive of drainage, dewatering and dredging activities. A report presenting the results/findings of the above required site investigation(s) and any necessary assessment, including all supporting documentation, shall be submitted to the RER-Pollution Remediation Section (PRS), RER-Environmental Monitoring and Evaluation Section (EMES), and/or DERM-Environmental Monitoring and Restoration Division (EMRD) for review prior to the submittal of site development plans including but not limited to soil improvement plans, drainage plans/stormwater management plans, dewatering plans, dredging plans, etc. PRS, EMES and/or EMRD review, and approval of said documents shall be required.

All construction plans (inclusive of drainage), dewatering plans, and dredging plans shall require approval from the PRS, EMES, and/or EMRD as it relates to environmental contamination issues. Be advised that the review of this application does not constitute an approval of any site plans, drainage/stormwater management plans, dredging plans, or development plans that may be included as part of this application.

Please contact Thomas Kux, P.G. at Thomas.kux@miamidade.gov if you have any questions.

Conditions of Approval: None

Air Quality Preservation

The proposed development might require the demolition of existing structures. 40 CFR Part 61 Subpart M - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos provides that an asbestos survey from a Florida-licensed asbestos consultant is required for renovation activities surpassing the NESHAP threshold of suspect regulated asbestos containing materials (RACM), and for all demolition activities.
"Demolition" is defined as the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations, or the intentional burning of any facility.

The NESHAP thresholds for RACM are 260 linear feet of RACM on pipes, or 160 square feet of RACM on other facility components.

If the Asbestos Survey identifies materials (friable or to be made friable during the proposed renovation/demolition activities) containing more than 1 percent asbestos and the amount is over the regulated thresholds, then those materials must be removed/abated prior to renovation/demolition activities by a Florida-licensed asbestos abatement contractor. An Asbestos Renovation Notification must be filed, and approval obtained, from the Miami-Dade County - Department of Regulatory and Economic Resources, Air Quality Management (AQM), at least 10 working days (14 calendar days) prior to starting the abatement work. Regardless of asbestos content, prior to any demolition work, an Asbestos Demolition Notification must be submitted and approved within the same timeframes.

For question regarding asbestos surveys and notifications, please contact the AQMD via email at asbestos@miamidade.gov.

Conditions of Approval: None

DERM Enforcement History

The subject property has one (1) open and one (1) closed enforcement record for violations of Chapter 24 of the Code. There are no outstanding DERM liens or fines for the subject property.

Property folio no. 30-4220-000-0010 has one open enforcement record under MS Leisure Company (DERM open Case no. PSO-00895) related to non-compliance of operating permit requirements for onsite private sewer pump stations. This case is currently ongoing and is being managed by DERM's Enforcement Section. For any questions on the pending case above, please contact Eric Street at (305) 372-6810 or ErinLynn.Westall@miamidade.gov.

Concurrency Review Summary

A concurrency review has been conducted for this application, and the County 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

DERM and RER have reviewed the application and determined that, with the proposed conditions incorporated into a Declaration of Restrictions, the request is consistent with the applicable goals, objectives, and policies of the CDMP. The recommended Declaration of Restrictions will ensure that the proposed development is implemented in accordance with the commitments made by the applicant and in a manner that is environmentally responsible and consistent with County requirements.

Therefore, DERM and RER recommend approval of the application subject to the following conditions:

1. There shall be a limitation of no more than 552 dry slips and 295 wet slips (the Marina) on the Property and abutting County-owned submerged lands and any other land included in the Marina associated with the Property (collectively, the "Marina Project Area"). This numerical limitation shall not be deemed to authorize or approve, or create a vested right or a regulatory entitlement, for 552 dry slips or 295 wet slips, and the number of wet and/or dry slips to be authorized on the Marina Project Area, shall be determined through future regulatory approvals, including but not limited to the Class I permit process.

2. Dredging is prohibited within the Marina Project Area, except within the existing boat basin area depicted on the Boundary Survey, prepared by Fortin, Leavy, Skiles, Inc., signed and sealed on September 28, 2026, said plan being on file with the Miami-Dade County Department of Regulatory and Economic Resources (or such other department or division having jurisdiction over such matters). Notwithstanding such dredging restrictions, maintenance dredging that is limited to silt removal, shall not be prohibited by the CDMP. In addition, in the event of a documented force majeure event or Act of God that materially impairs the operation of the existing marina, maintenance dredging may be considered for approval solely to restore the conditions of the existing marina to what was initially authorized through future regulatory approvals, including but not limited to the County's Class I permit process, following approval of the Application.

3. The proposed channel to be established in association with the Marina shall be no less than 100 feet wide and provide a minimum 20-foot setback from the adjacent shoals, as measured from the -3 foot Mean Low Water contour. In addition, all patrons of the Marina with a vessel 100 feet or greater in length shall be required to use the westernmost basin, as well as to ingress and egress the Marina to and from the northwest within the confines of the marked channel.

4. To ensure that water quality is preserved, that bottom scouring or prop dredging is avoided, and that manatees and benthic resources are protected within the marina footprint, all vessels utilizing the Marina must maintain adequate clearance between the top of benthic resources, or bay bottom if devoid of resources, and the deepest part of the vessel at mean low water. For vessels with a draft up to 3 feet, a minimum of 1 foot of clearance must be required between the vessel’s maximum draft when fully loaded and the top of the benthic resources or bay bottom if resources are not present. For vessels with a draft greater than 3 feet and up to 4 feet, a minimum of 2 feet of clearance will be required between the vessel’s maximum draft when fully loaded and the top of the benthic resources or, if resources are not present, the bay bottom. For vessels with a draft greater than 4 feet, a minimum of 3 feet of clearance will be required between the vessel’s maximum draft when fully loaded and the top of the benthic resources or, if resources are not present, the bay bottom. In addition, the maximum specifications of vessels authorized to utilize the Marina, which shall be limited to designated restricted areas only as determined through future regulatory approvals, including but not limited to the Class I permit process, are a maximum draft of 8 feet (fully loaded) and approximate length of 200 feet and beam of 40 feet. It is provided, however, that a vessel may exceed the length or beam specifications if it obtains Dockmaster approval, has a maximum draft of less than 8 feet (fully loaded), and maintains adequate clearance, as specified above, between the top of benthic resources or, if devoid of resources, the bay bottom, and the deepest part of the vessel to prevent impacts to water quality or to manatees, benthic resources, or the bay bottom.

   The Tenant shall ensure that any vessels to be moored at or accessing the Marina are operating within these restrictions and shall at all times maintain the minimum clearance, as defined above, through the channels needed to ingress and egress the Marina and throughout the Marina. The Tenant shall apply to the appropriate governmental authorities for authorization to install signage explaining these restrictions. In addition, the Tenant shall perform an environmental assessment documenting the presence, abundance, and density of benthic resources, that includes georeferenced photographic documentation and a benthic resources survey that depicts benthic resources overlayed on bathymetric survey data. The environmental assessment report shall be submitted prior to construction of the Marina and annually thereafter submitting an annual environmental assessment report to Miami-Dade County DERM and RER, or successor departments,

updating such information. The bathymetric survey data shall be updated every five (5) years. The Tenant may be subject to enforcement pursuant to Chapter 24 of the County Code or other authority for adverse impacts to benthic resources. The County's Class I Permit and the Marine Operating Permit, or other operating permits for the Marina, shall at a minimum require as a condition of said permits the submission of the above-mentioned reports.

5. Objectives and policies of the CDMP require the protection of benthic resources, coastal wetlands, and wildlife including endangered and threatened animal species. The Marina is proposed in submerged lands that are designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), which is federally designated as threatened by the US Fish and Wildlife Service (USFWS). To ensure compliance with the CDMP, the County's Class I Permit and Marine Operating Permit, or other operating permit for the Marina, shall contain conditions related to the protection of manatees, including, as appropriate, required measures to protect manatees during and after construction of the Marina.

6. The County's Marine Operating Permit, or other operating permit for the Marina, shall require the maintenance of a comprehensive, accurate, and up-to-date electronic registry and inventory of all vessels permanently or transiently moored, berthed, or stored within the Marina, and said Marine Operating Permit shall specifically require, at a minimum, the following:

   I. The inventory shall be required to include at least the following specific metrics for each vessel:
      a. Vessel make and model, assigned slip or berth location, cross-referenced with the localized bathymetric depths of the Marina. In addition, vessel name, official state registration or federal documentation number shall be made available upon request from Miami-Dade County.
      b. Precise vessel dimensions explicitly length overall (LOA), beam, and maximum operational draft under full displacement/load conditions.

   II. Reporting Schedule. The inventory shall be required to be submitted to RER or successor department on an annual basis, and the Marine Operating Permit shall also include requirements related to the periodic provision of updated inventories following a request by RER or DERM or successor departments.

   III. Verification and Audit Rights. All vessel owners or operators shall be required to provide certified make and model verifying maximum operational draft prior to initial docking or slip assignment. Vessels which, based on said information, exceed the draft limitations or other limitations in this Declaration shall not be permitted to enter or dock at the Marina. In addition to the provision of said certified make and model verifying maximum operational draft, the Marine Operating Permit shall include the affirmative obligation to verify and enforce the maximum draft restrictions, as well as other vessel size and specification restrictions, based on actual observations. All such records shall be maintained, and such records shall be available for inspection by the County, and the Marine Operating Permit shall also include provisions allowing onsite inspections for compliance with said permit.

   IV. These provisions and requirements do not preclude the Marine Operating Permit from specifying exceptions to the vessel inventory requirements, which may include, for example, vessels which are moored for the purpose of fueling or law enforcement vessels.

7. Any channel to be used or established, which may require coordination with the Florida Fish and Wildlife Conservation Commission, in the Application area shall be located in an area which minimizes the direct and indirect impacts to seagrass beds and any other benthic resources which may result from Marina activities and other vessel access, and any analysis of such impacts shall consider whether the channel will be used by the public as well as Marina patrons.

8. The landscaping and canopy along the baywalk and throughout the uplands should incorporate endemic and native plants.

9. Landscape design, landscaping practices, habitat restoration and plant selection on the premises shall prioritize wildlife habitat enhancement and protection, including protection of the existing Mangrove Preservation Area (as established in the Conservation Easement recorded on October 23,1991, in Official Records Book 15240, Pages 3385 through 3395.) Property landscaping should incorporate, in consultation and coordination with RER, Florida-Friendly Landscaping and xeriscaping principles utilizing a "right tree, right place" methodology to achieve a natural tree canopy aesthetic. The landscape design should integrate principles of urban forestry that maximize ecological diversity and promote native wildlife and pollinator utilization. To establish functional wildlife habitats, the overall plant palette should prioritize the inclusion of rare, threatened, endangered, and endemic plant species native to Miami-Dade County's coastal ecosystems. Furthermore, the Tenant shall actively monitor the premises and permanently eradicate any volunteer invasive vegetation to maintain the biological integrity of the native habitat enhancement and preservation areas.

10. In accordance with the Rickenbacker Causeway Motorboat Exclusion Zone provisions in section 7-26(8) of the Code of Miami-Dade County, Florida, no structures shall be placed which would allow for the mooring of motorboats in the motorboat exclusion zone.

11. The Tenant shall seek Clean Marina Certification under the State of Florida’s Clean Marina Program (or successor program) for the Marina within 1 year after it commences operations and shall seek annual renewal of such certification. As part of the clean marina operations, the use of innovative technologies, including artificial intelligence, should be considered to assist in monitoring related to environmental resources protection and stewardship practices. Steps should also be taken to prevent the operation of illegal charters at the Marina, including collaboration with law enforcement.

12. Required parking for the Marina shall be provided on the Property. In addition, prior to Administrative Site Plan Review, a Traffic Management Plan shall be prepared for the overall development for approval by the Department of Transportation and Public Works or the Department of Regulatory and Economic Resources, as appropriate, or successor department, addressing employee transportation, ridesharing, Marina traffic queuing, and the interaction of bicycle and pedestrian links with vehicular traffic on the Property.

13. All mitigation required for adverse environmental impacts to benthic habitat (e.g. seagrass, macroalgae, hardbottom, etc.) and mangrove habitat in any portion of the Marina Project Area shall be done via permittee responsible mitigation within Miami-Dade County (which may include permittee responsible mitigation on public lands to the extent permissible) subject to, and in accordance with, the requirements of the applicable governmental or regulatory authority.

14. In accordance with CDMP Policy CM-6E and pursuant to Chapter 24 of the Code, non-water dependent floating structures and non-water dependent fixed structures, including but not limited to a harbor master’s office, electric charging, and rental offices or as determined by the Director, shall be prohibited over tidal waters within the Marina Project Area. Notwithstanding the foregoing, accessory structures for fueling, pump-out, public safety, or similar uses, as determined by the Director, shall not be prohibited by this Declaration.

15. A minimum of three (3) wet slips up to fifty (50) feet in length and one (1) dry-stack slip up to forty (40) feet in length shall be provided to Miami-Dade County for use by governmental entities for the purpose of public safety. Use of such public safety slips shall be in the discretion of Miami-Dade County, provided that a minimum of two such slips shall be made available for use by the Village of Key Biscayne.

16. **EXPERIMENTAL ENVIRONMENTAL INITIATIVES**
In furtherance of the Seaquarium Activity Area Special District, innovative environmental initiatives should be explored, and to the extent that any particular such initiatives may be commercially feasible, as determined by the Tenant in its sole discretion, such proposed environmental initiatives must be demonstrated to have a positive impact and be compliant with the County Code, as determined by the Director in the Director's sole discretion, and all other applicable law, and cannot cause a negative impact in its implementation or maintenance, as determined by the Director in the Director's discretion, before such initiative can be implemented or otherwise included in regulatory applications. Such environmental initiatives may include, for example, the following, however the inclusion of an initiative on this list is for illustrative purposes only as to the types of initiatives that could potentially be explored and shall not be interpreted to mean that any of the listed possible initiatives have been determined to comply with this paragraph.

    a. Use of coral sod, meaning that the existing seawall habitat is moved onto plates, grown off site, and returned to the seawall so mature corals and sponges are present at opening.
    b. Sponge docks.
    c. Oyster wetlands landward of the seawall.
    d. Incorporation of blue and green roofs.
    e. Using blue and green roofs to feed oysters with polished water.
    f. Bioswales, permeable pavement, suspended pavement, tree wells, and green roofs. Nothing in this section would preclude the exploration of other high-performance low-impact development (LID) systems or strategies.

17. The Property’s stormwater management system shall be designed, permitted, and constructed to provide full onsite retention of the stormwater runoff volume generated by the 100-year, 3-day storm event, without any offsite discharge or overflow, and shall comply with the Conceptual Stormwater Management Plan submitted by Tenant. Commitment to this higher onsite retention standard, and compliance with the obligations in the Conceptual Stormwater Management Plan, shall be incorporated into all applicable State stormwater management permit applications, authorization requests, and approvals. Following construction, the stormwater management system shall be maintained in a fully operational condition in accordance with the applicable Environmental Resource Permit requirements and other applicable permits, including required inspections, certifications, reporting, repairs, and corrective actions. The system shall be operated and maintained to continuously preserve its permitted functionality, required water quality treatment performance, and the onsite retention capacity throughout the operational life of the Project.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

Date: October 26, 2026

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources (RER)

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department

Subject: ***UPDATED*** - Zoning Application Comments - Miami-Dade County Parks, Recreation and Open Spaces Application No. Z2026000106 (Revision No. 3) - (Pre-App No. Z26P-019)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objection to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the zoning process.

At the time of development, the applicant is advised to consult with the project's engineer and WASD's Plans Review staff to finalize points of connection and capacity approval. A WASD Agreement and/or a Verification Form will be required.

This zoning application has a concurrent CDMP Application No. CDMP20260007.

Application Name: Miami-Dade County Parks, Recreation and Open Spaces

Location: The proposed project is located on approximately 92.91 net acres at 4400 Rickenbacker Causeway, within a portion of Folio No. 30-4220-000-0010, in unincorporated Miami-Dade County.

Proposed Development: Comprehensive revitalization of the historic Seaquarium site through the development of an upgraded, thematically unified aquatic and marine laboratory, modernized educational and tourist attractions, marina uses, green areas and public walkways, and ancillary food and beverage and other commercial concessions. Per site plan V5 submitted on October 14, 2026, the proposed development is as follows:

Proposed Use	Quantity		Flow Rate	Total Estimated Water & Sewer Demand (GPD)
Aquatic Attraction, Park Experience, and Facilities and Services	1,370 (1)	visitor/day	5 gpd/person	6,850
Event Space	74,583	sq. ft.	10 gpd/100 sq. ft.	7,458.30
Food and Beverage	46,000	sq. ft.	65 gpd/100 sq. ft.	29,900
Retail	19,348	sq. ft.	10 gpd/100 sq. ft.	1,934.80
Research/Education/Conservation	120,000	sq. ft.	10 gpd/100 sq. ft.	12,000
Marina - (552 Dry Stack and 295 Wet Slip)	847	units	60 gpd/slip	50,820
Total Estimated Water & Sewer Demand				**102,113**

(1) The number of visitors per day was assumed from the information provided in the Letter of Intent submitted with this application based on a total of 500,000 visitors per year.

The estimated total water demand for the proposed project will be 102,113 gallons per day (gpd) as shown on table above.

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment System (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

The subject property is connected to water. If a new connection is required, there is an existing 12-inch water main (E12212-1) in a WASD easement within the property and another 12-inch water main (E8736-3) abutting the property along Rickenbacker Causeway, to where the developer may connect to provide water service to the proposed project, **provided there is no conflict with the proposed development**.

Any public water main extension within the property shall be 12-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connections. *Final points of connections and capacity approval to connect to the water system will be provided at the time the water hydraulic modeling analysis is performed, and the WASD Agreement is offered.*

There are water mains within the property, either in existing dedicated Right-of-Way (R/W) or easements, which need to be removed and relocated if in conflict with the proposed development. In addition, no trees or palms should be planted within five (5) feet of any WASD facility. Easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In case of R/W to be closed and vacated within the property, mains shall be removed and relocated, if needed, before closing/vacating them. Fire hydrants associated with mains to be removed and relocated shall be relocated as per Fire Department recommendations. Cutting and plugging of existing water mains shall be done by a licensed contractor under WASD supervision. Services to existing customers cannot be interrupted.

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC required is consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to: http://www.miamidade.gov/water/water-supply-certification.asp

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program please go to: http://www.miamidade.gov/conservation/home.asp

For information concerning the Water-Use Efficiency Standards Manual please go to: http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. The CDWWTP is currently operating under a permit from the Florida

Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the CDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

The existing property is connected to sewer. The existing site is served by private pump stations. If a new connection is required, there is an existing 12-inch sewer force main (ES217-10) abutting the property along the Rickenbacker Causeway to where the developer may connect to provided sewer service to the proposed development. *Final points of connections and capacity approval to connect to the sewer system will be provided at the time the sewer hydraulic modeling analysis is performed, and the WASD Agreement is offered*.

There are sewer mains within the property, either in existing dedicated Right-of-Way (R/W) or easements, which need to be removed and relocated if in conflict with the proposed development. In addition, no trees or palms should be planted within five (5) feet of any WASD facility. Easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In case of R/W to be closed and vacated within the property, mains shall be removed and relocated, if needed, before closing/vacating them. Services to existing customers cannot be interrupted.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

http://www.miamidade.gov/water/construction-development.asp

http://www.miamidade.gov/water/construction-service-agreement.asp

http://www.miamidade.gov/water/construction-existing-service.asp

http://www.miamidade.gov/water/library/forms/service-agreement.pdf

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Benita Ramirez B. at (786) 552-8121 or benita.ramirez@miamidade.gov

Memorandum

MIAMI-DADE COUNTY

Date: October 29, 2026

To: Eric Silva, AICP, Assistant Director
Regulatory and Economic Resource Department

From: FOR Raul A. Pino, PLS, Division Chief
Regulatory and Economic Resource Department

Subject: DIC 26-106
Name: Resilient Aquarium LLC
Section 20 Township 54 South Range 42 East

I. PROJECT LOCATION:

The property is located at 4400 Rickenbacker Causeway.

II. APPLICATION REQUEST:

This application is requesting to rezone the property from Interim District ("GU") to the Retail Entertainment District Planned Awa Development ("REDPAD") district.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available by Rickenbacker Causeway.

IV. RECOMMENDATION:

The Department of Regulatory and Economic Resources Platting and Land Development has reviewed the subject application and has no objections.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers Trip Generation Manual, 12th Edition)

627 PM peak hour vehicle trips are generated by this application.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Trip generation is based on the applicant's traffic study

Notes: PM =Post Meridiem
The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

A. Cardinal Distribution

North	27 %	East	0 %
South	10 %	West	63 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9640 located on Rickenbacker Causeway west of Virginia Key, has a maximum LOS **"E+20%"** of **5,821** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3,185** vehicles and **30** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9640** with its PHP and assigned vehicles is at LOS **"C"**. The **597** vehicle trips generated by this development when combined with the **3,185** and those previously approved through Development Orders, **30**, equal **3,812** and will cause this segment to remain at LOS **"C"** whose range is up to 4,725.

Station 9136 located on Crandon Boulevard north of Harbor Drive, has a maximum LOS **"E+20%"** of **4,296** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **2,489** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9136** with its PHP and assigned vehicles is at LOS **"C"**. The **30** vehicle trips generated by this development when combined with the **2,489** and those previously approved through Development Orders, **0**, equal **2,519** and will cause this segment to remain at LOS **"C"** whose range is up to 3,420.

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.

VII. PLATTING REQUIREMENT:

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

VIII. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

Memorandum

Date: October 16, 2026

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2026000106

The Miami-Dade Fire Rescue Department has no objection to request for district boundary change and non-use variances noted in the letter of intent uploaded to "EnerGov" on 10/14/2026. Any future site plans will need separate approval. This serves as a conditional approval, subject to the provision of accommodation for a future fireboat within the proposed marina.

MDFR's review of this application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Memorandum

DATE: October 23, 2026

TO: Eric Silva, AICP
Assistant Director, Zoning Division
Department of Regulatory and Economic Resources (RER)

FROM: Brandon Fennell
Principal Planner – Transportation Planning and Policy Division
Department of Transportation and Public Works (DTPW)

SUBJECT: Review of DIC Project No. Z2026000106
Resilient Aquarium, LLC
DTPW Project No. OSP173

Miami-Dade County Department of Transportation and Public Works (DTPW) Transportation Planning and Policy Division and Traffic Engineering Division have reviewed the above referenced application and have no objections to this application, subject to the following conditions and recommendations:

PROJECT LOCATION:

The +/- 94.606 gross acre property is at 4400, Rickenbacker Cswy, Miami, FL 33149. (the "Property").

CONDITIONS/RECOMMENDATIONS:

The applicant is to provide written responses to all of the following comments and recommendations in this memo upon submittal of the ASPR.

I. Transportation Planning and Policy Division:

The subject property is served by Metrobus Routes 26 at a local bus stop located at 4400 Rickenbacker Cswy directly on the site.

Route	Service Headways (in minutes)						Type of Service
	Weekday						
	Peak (AM/PM)	Off-Peak (midday)	Evenings (after 8pm)	Overnight	Saturday	Sunday	
26	30	30	60	n/a	30	30	L/F

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail or Tri-Rail

DTPW encourages the developer to support and enhance pedestrian and bicyclist connections between the development and the bus stops, as feasible. The developer should incorporate pedestrian accessibility into the site design to enable safe pedestrian access to neighboring properties, and adjacent transit stops. Upon DTPW's review for mass transit concurrency, the application is found to meet the Level-of-Service concurrency with the adopted mass transit level-of-service standard contained in CDMP Policy MT-1A.

A. Conditions

1. The applicant shall ensure that the sidewalk along the Rickenbacker Cswy is maintained in good, operable condition and accessible throughout the duration of construction at the development site as to not impede public access to the existing bus stops mentioned in Project Description.
2. The applicant shall prioritize the pedestrian environment by making all walkways flat as they cross over vehicle access ramps and driveway and ensure that their access driveways safely intersect with pedestrian and cycle routes.
3. The applicant must provide safe walkways through the parking lot to the park entrance with curbed walkways and high-visibility markings are recommended.
4. The applicant shall evaluate options to incorporate bicycle and pedestrian accessibility into the development site that will ensure a safe connection to the existing sidewalk network and Transit Stops.
    a. Adequate lighting throughout all pedestrian/bicycle connections/pathways shall be provided.
    b. The Applicant shall incorporate shade-providing landscaping along the pedestrian walkways within the landscaping and planting plans.
6. The applicant shall coordinate with DTPW on the proposed solutions to provide adequate space for Transit On-Demand services. Additionally, the Applicant shall provide a Drop-off/Pickup Zone in a centralized area within the site that can accommodate passenger vans.
7. Due to the proposed density of the project, the applicant should provide dedicated spaces for bicycle and micro-mobility device parking near the entrances to the building.
8. The applicant shall provide covered and secure long-term and Short-term bicycle and micro-mobility device parking.
    1. Wave style bicycle racks are discouraged. DTPW encourages the use of inverted-u style bike racks or other bike racks that allow for two or more points of connection.
    2. The applicant shall provide locations for long-term bike storage facility within the building.
9. The applicant shall coordinate with DTPW to ensure wayfinding is provided to all available transit options.

Please contact Brandon Fennell at Brandon.Fennell@miamidade.gov if you have any questions on the conditions above.

II. Traffic Engineering Division

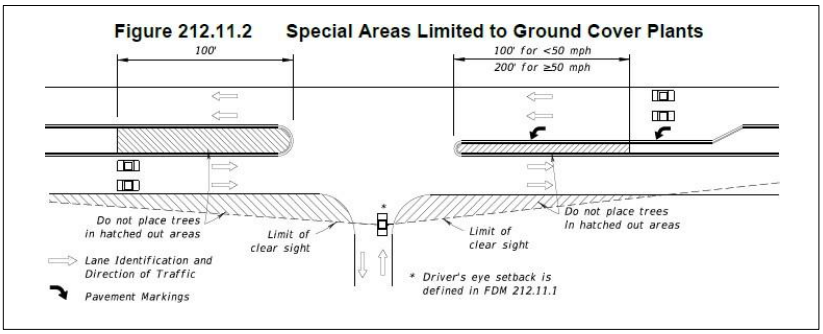
A. Traffic Study Review Comments

1. The Traffic Study shall be submitted at the time of the Administrative Site Plan Review (ASPR) and shall adhere to the approved Methodology currently under review under DR 2026007960. Please ensure that the Methodology is approved prior to the submittal of the Traffic Study.

B. Site Plan Review Comments

1. Exit driveways must comply with clear sight visibility requirements for both pedestrians and vehicular traffic. Provide clear sight visibility triangles on the site and landscape plans to demonstrate compliance with these requirements. Please ensure to clearly illustrate both (pedestrian and vehicular) sight triangles following the MDC Traffic Operations Manual and FDOT Standards. Note that according to the latest FDOT FDM manual Section 212.11.6, trees may not be placed within the hatched-out areas of the sight triangles, as shown in the figure below.

2. Driveways must comply with FDOT standards, which require a minimum width of 24 feet for two-way driveways and a maximum width of 15 feet for one-way driveways. Please



show dimensions on the site plan. Additionally, all driveway connections must comply with access management standards.

3. Parking spaces must not be located within 25’ of any stop sign or 25’ from the right of way at entrance driveways (throat distance). Please show throat length dimensions on the site plan. Also, please ensure that conflict points are located at a minimum of 25’ from the right-of-way line.
4. A minimum of 6 feet sidewalk must be kept within public right-of-way. For clear representation, please make sure to include the dimensions of the sidewalk on the plans.
5. Please provide a t-turnaround for all dead-end parking spaces.
6. If the proposed entrances (parking lot, garage, or any driveway) will be controlled by gates, the site plan must show the gate location, the distance between the gate and the property line, and the design and location of a turnaround area before the gate. All gated entrances must comply with the County’s Entrance Features Requirements.
7. Show the trash collection truck maneuvering wheel path around the site. Note that no backing in/out is allowed within public right-of-way.

8. Please provide written approval from the Highway Division (Leandro Oña – Leandro.ona@miamidade.gov) for the proposed typical section/driveway connections on Rickenbacker Causeway.
9. The site plan must show all necessary roadways to complete the roadway network. The site plan must show required right-of-way dedications and show which roadways will be public/private.
10. A signed and sealed site plan must be submitted for DTPW review (hard copy not required). The site plan must clearly show pavement widths, radii, existing and proposed driveway connections, proposed circulation paths, pavements markings, lanes widths, signing, etc. A minimum of 5 feet must be provided from the property line to the driveway.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Anamersy Arce at anamersy.arce@miamidade.gov.

If you have any questions concerning the overall review conditions, or wish to discuss this matter further, please contact Brandon Fennell at Brandon.Fennell@miamidade.gov.

c: Lisa Colmenares, FAICP, Chief Planning Officer, DTPW
Paolo Baez, P.E., Chief, Transportation Planning and Policy, DTPW
Eric Zahn, Transit Planning Section Supervisor, Service Planning and Scheduling, DTPW
Linda Morris, AICP, Chief, Service Planning and Scheduling, DTPW

Memorandum

MIAMI-DADE COUNTY

Date: October 21, 2026

To: Eric Silva, Assistant Director
Development Services Division
Regulatory and Economic Resources Department (RER)

From: Alejandro Zizold, Chief of Planning, Research and Grants *Alejandro Zizold*
Planning, Design and Construction Excellence Division
Parks, Recreation and Open Spaces Department (PROS)

Subject: Z2026000106 – Miami Seaquarium (Pre-App Z2026P00019)
PROS V4 Review

Applicant Name: Brian Adler, Esq. on behalf of the Contract Lessee Resilient Aquarium, LLC and Miami-Dade County Parks, Recreation and Open Spaces Department.

Project Location: The "Subject Property" consists of approximately 94.61 acres within Folio 30-4220-000-0010, at 3400 Rickenbacker Causeway, in unincorporated Miami-Dade County, Florida. The Folio is approximately 300 acres and includes submerged lands, as well as uses and facilities by other parties, including University of Miami and Miami-Dade County. The Subject Property is a portion of the larger Folio.

Proposed Development: The applicant has amended and restated their letter of intent and now seeks (1) a district boundary change of the upland portion of the Subject Property from "Interim District" (GU) to "Retail Entertainment District Planned Area Development "REDPAD"; (2) acceptance and execution of a REDPAD Declaration of Restrictions; (3) an unusual use for marina uses in the upland area of REDPAD for the establishment of a yacht basin; (4) an unusual use for marina uses in the submerged lands area of REDPAD, to wit: dry stack storage and wet slip marina; (5) a non-use variance of acreage requirements to permit 32 gross acres where 50 gross acres are required; (6) a non-use variance of parking requirements to allow parking variance for the number of parking spaces required through a shared parking analysis; (7) a non-use variance of signage regulations to allow three monument signs with a height of 30 feet tall and a sign area of 250 square feet; (8) a non-use variance of signage regulations to allow directional signs on the Subject Property that exceed the maximum area and heigh requirements of Code; (9) to add a ratification request regarding the release of a Declaration of Restrictions concerning Miami Seaquarium Village as recorded in Official Records Book 35175, Page 1280; (10) an unusual use for the northeasterly 50 feet of Parcel 3 to allow for non-commercial parking in a more restrictive zone than in which the use it serves; and (11) an unusual use for lift stations to permit the upgrading or removal of the 3 existing sanitary sewer lift stations and replacement with up to 3 new sanitary sewer lift stations.

The applicant requests that this application be processed concurrently with Comprehensive Development Master Plan (CDMP) application CDMP20260007, which seeks the creation of a "Seaquarium Activity Area" Special District and to designate the Subject Property as "Seaquarium Activity Area" on the County's Land Use Element, Future Land Use Plan map. The proposed development consists of a thematically unified aquatic and marine laboratory and educational attraction. The development proposes public spaces and marine related uses such as a research center, wet and dry marina, dry boat storage, event space, a fisherman-themed village with food and beverage, as well as park and outdoor recreation experiences.

Current Park Benefit District Area Conditions: County-owned park and recreation facilities, both Areawide and Local, serving Park Benefit District 1 (PBD 1) are shown in Figure 1.

Impact and Demand: The application does not include a residential component; however, the proposed "REDPAD" zoning re-designation would permit multi-family uses, which if developed would generate a local parkland Level of Service (LOS) impact. Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. There are no Miami-Dade County-provided local recreation open spaces within the 3-mile distance from the Subject Property. The Subject Property is in PBD 1, which currently meets park concurrency requirements.

The Subject Property is located adjacent to the Rickenbacker Trail, an 8.5-mile multi-use path along the Rickenbacker Causeway from Brickell Avenue through Virginia Key, Crandon Park, and Key Biscayne and ending in Bill Baggs Cape Florida State Park. The Rickenbacker Trail is a part of the Miami LOOP, an envisioned 225-mile non-motorized trail network within Miami-Dade County.

Recommendations:

- It is recommended that the applicant establish a separate Folio for the Subject Property as part of the development approval process.
- Please revise the Declaration of Restrictions to specify that the prohibition of residential, hotel, motel, and lodging applies to the upland and marina components of the Subject Property.
- Please revise the Declaration of Restrictions to specify that the bay walk will be contiguous, unobstructed, and that it directly connects to the Rickenbacker Trail at both ends.
- At the time of Administrative Site Plan Review (ASPR) application submittal, please provide the following in addition to any required information:
    - Provide detailed landscaping and open space plans clearly illustrating proposed versus required open space, including an open space diagram and open space calculations.
    - Provide detailed internal site circulation plans that clearly illustrate seamless, direct, safe, and clearly marked non-motorized connectivity throughout the Subject Property designed in a manner to minimize conflicts among automobiles, pedestrians, and bicycles.
    - Provide ample bicycle facilities throughout the proposed development, including bicycle parking and bicycle repair stations to encourage transit ridership and non-motorized mobility.
    - Provide and illustrate seamless, interconnected, safe, and clearly marked pedestrian pathways between all buildings and uses, and connecting to sidewalks at the public right-of-way.
    - Identify and illustrate the location(s) of formal ADA-accessible non-motorized watercraft launch and access facilities available to the public for kayaks, canoes, stand-up paddleboards, and similar uses.
    - Provide tree-lined streets and pedestrian pathways to promote a shaded, walkable environment consistent with the Great Streets Vision of the Miami-Dade County Open Space Master Plan (OSMP) and the Miami-Dade County Urban Design Manual.

These recommendations are based on the following policies and objectives in the CDMP:

ROS-1 Provide a comprehensive system of public and private sites for recreation, including but limited to public spaces, natural preserve and cultural areas, greenways, trails, playgrounds, parkways, beaches and public access to beaches, open space, waterways, and other recreational facilities and programs serving the entire County; and local parks and recreation programs adequately meeting the needs of Miami-Dade County's unincorporated population.

ROS-3B The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network Master Plan, as well as improved sidewalks and trails, to

improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

ROS-3D Through its park and recreation programs and all other available means, Miami-Dade County shall preserve and protect beaches and shores, water views and maximize public ownership of these coastal resources. The County shall improve the maintenance of existing public park and recreation entrances and shall, where feasible, provide additional access points at waterfront and coastal locations.

ROS-3E The Parks, Recreation and Open Spaces Department shall seek to increase public awareness of available recreation opportunities through education and information programs and signage on roadways, at park entrances, and within large parks.

ROS-8 The Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.

CHD-1 Miami-Dade County shall apply design standards to the public domain to encourage physical activity across generations.

CHD-2 Miami-Dade County shall apply design standards to private development projects to encourage physical activity across generations.

CHD-2A Miami-Dade County will encourage land development to incorporate community design principles that encourage physical activity through the promotion of strategies, when appropriate, but not limited to:

1. Utilization of non-motorized transportation modes;
2. Location of public facilities accessible by multiple transportation modes;
3. Availability and maintenance of quality pedestrian paths or sidewalks;
4. Provision of street furniture and lighting enhancements;
5. Provision of civic and recreational facilities;
6. Establishment of interconnectivity between similar development projects through vehicular and/or pedestrian/bicycle cross access; and
7. Provision of pedestrian and bicycle linkages between existing residential and non-residential land uses.

CHD-2B Encourage well-designed infill and redevelopment to reduce vehicle miles traveled, improve air quality, and support an outdoor environment that is suitable for safe physical activity.

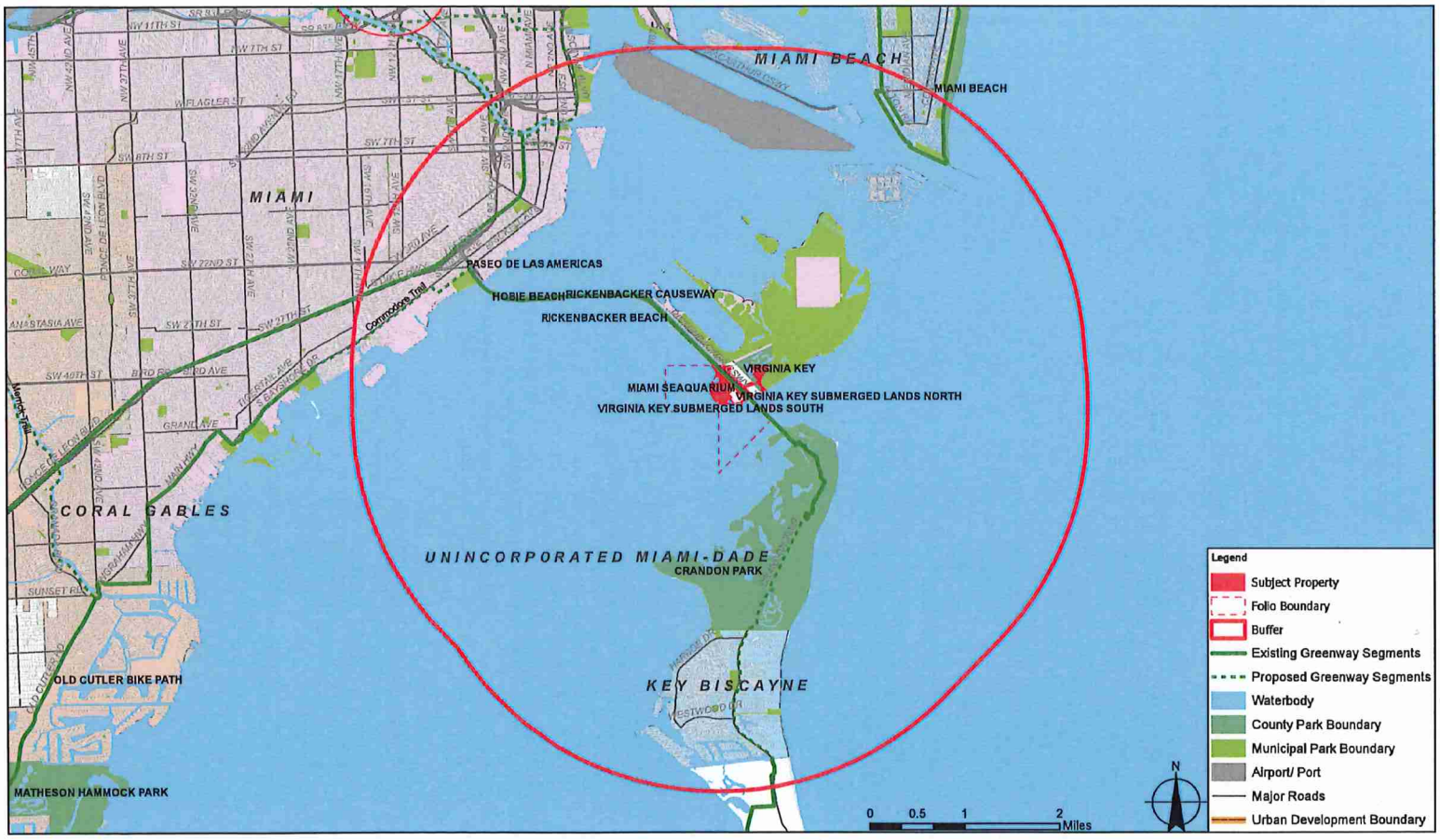
CHD-3A Design and develop neighborhoods that can facilitate children walking safely to Miami-Dade County Schools.

Based on our findings described herein, **PROS has no objection to the application, subject to the recommendations provided in this review.** Should you need additional information or clarification on this matter, please contact Carlos Lopez, Park Planner 3, at carlos.lopez6@miamidade.gov.

AZ: cl

Attachment

FIGURE 1: Z2026000106 - RESILIENT AQUARIUM, LLC
MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT ANALYSIS



Miami-Dade Sheriff's Office

Memorandum

Date: June 29, 2026

To: Eric Silva, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources

From: Rosie Cordero-Stutz, Sheriff
Miami-Dade Sheriff's Office

Subject: Review – Zoning Application – Case: No. Z2026000106
Resilient Aquarium, LLC.

APPLICATION:

The applicant, Resilient Aquarium, LLC., is requesting a district boundary change to rezone the property from Interim District to the Retail Entertainment District Planned Area Development District. The 94.606-acre property is located at 4400 Rickenbacker Causeway in unincorporated, Miami-Dade County, Florida.

CURRENT POLICE SERVICES:

The proposed development will be serviced by our Government Services Bureau, located at 601 NW 1st Court, Miami, Florida. At the time of this project request, the district has received two zoning applications aimed at expanding residential, commercial, and educational development.

APPLICATION REVIEW:

The Miami-Dade Sheriff's Office (MDSO) has reviewed the proposed development for the subject zoning application. MDSO has no objection to this zoning application based on the information provided, but reserves the right to reassess its determination upon the production of additional information. A review of the application and supporting documents was conducted to assess potential impacts on MDSO resources due to proposed zoning modifications.

An analysis of current police staffing levels, population growth, and calls-for-service data was completed. Existing staffing is expected to handle any minor increase in service demands. Should the need for police services rise beyond projected levels, additional sworn personnel, support staff, and equipment may be necessary. At this time, our Agency has no further comments regarding the proposed zoning modifications.

Should you require any further assistance, please contact Chief Gina Beato-Dominguez, of our Planning & Special Projects Office, at 305-471-2167, or via e-mail at gbd@mdso.com.

RCS/jhb

Memorandum

Date: 09/29/2026

To: Eric Silva, AICP, Assistant Director
Regulatory and Economic Resources Department

From: Achaya Kelapanda, Deputy Director of Operations
Department of Solid Waste Management

Achaya Kelapanda

Subject: Resilient Aquarium LLC - Z2026-000106 UPDATEV3

In its previous response to the application submitted on September 4, 2026, the Department of Solid Waste Management (DSWM) indicated it had no objections to the request to refine the scope of the proposed Retail Entertainment District Planned Area Development (REDPAD) rezoning for the Miami Seaquarium property which will include a diverse range of uses (Aquarium/Experiences/Attractions) and experiences organized across the site. In its recent request to upgrade the three existing sanitary sewer lift stations and/or replace them with up to three new sanitary sewer lift stations, DSWM has no objection. The latest change request does not affect the DSWM's earlier conclusion.

For your information though, the DSWM has updated its Concurrency Status Determination since the earlier comments provided. The most recent analysis issued on September 29, 2025, which is valid through September 30, 2026, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department, is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

The additional details provided in the updated application do not impact the previous assessment. **The DSWM continues to have no objections to the proposed application.**

c: Aneisha Daniel, PhD, DSWM Director

Memorandum

Date: October 20, 2026

To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Application Z2026-000106 Miami-Dade County Parks, Recreation and Open Spaces (Seaquarium)

The Miami-Dade County Office of Historic Preservation (OHP) has reviewed the subject application and offers the following comments:

Per CDMP Policy LU-6A, Miami-Dade County shall continue to identify, seek appropriate designation, and protect properties of historic, architectural, cultural and archaeological significance.

In review, OHP has identified that the property located at 3400 Rickenbacker Causeway, folio 30-4220-000-0010, is historically significant and eligible for designation as a county historic site and is potentially eligible for listing on the National Register of Historic Places. The property is historically significant due to its association with early tourist destinations in South Florida and its design by master architect Buckminster Fuller, notably the incorporation of his patented geodesic dome. OHP further recommends the incorporation of historic resources into the new site plan to the extent feasible, including historic structures, signage, etc., and that new development be compatible with the historic character of the overall property. Retention and integration of historic resources should be prioritized as the preferred approach.

For historic period structures that cannot be retained in the new site plan, OHP recommends that appropriate mitigation measures be implemented prior to the issuance of demolition permits in order to document and interpret the historic significance of the property. Such mitigation shall be accomplished as detailed below.

Condition for Approval:

The site developer shall preserve the Buckminster Fuller Dome and Flipper House (Legacy Structures) and adaptively reuse them in the new site plan. The site developer shall incorporate other historic resources into the new site plan to the extent feasible, with particular emphasis on the Dome, Flipper House and historic signage, and that the new development contain references across the site to the history of the original Seaquarium. As the site and its associated structures are eligible for local historic designation and likely eligible for listing in the National Register of Historic Places, the site developer shall undertake mitigation actions prior to the issuance of permits for the demolition of any structure or features on site that is at least 50 years of age. Such mitigation actions shall include:

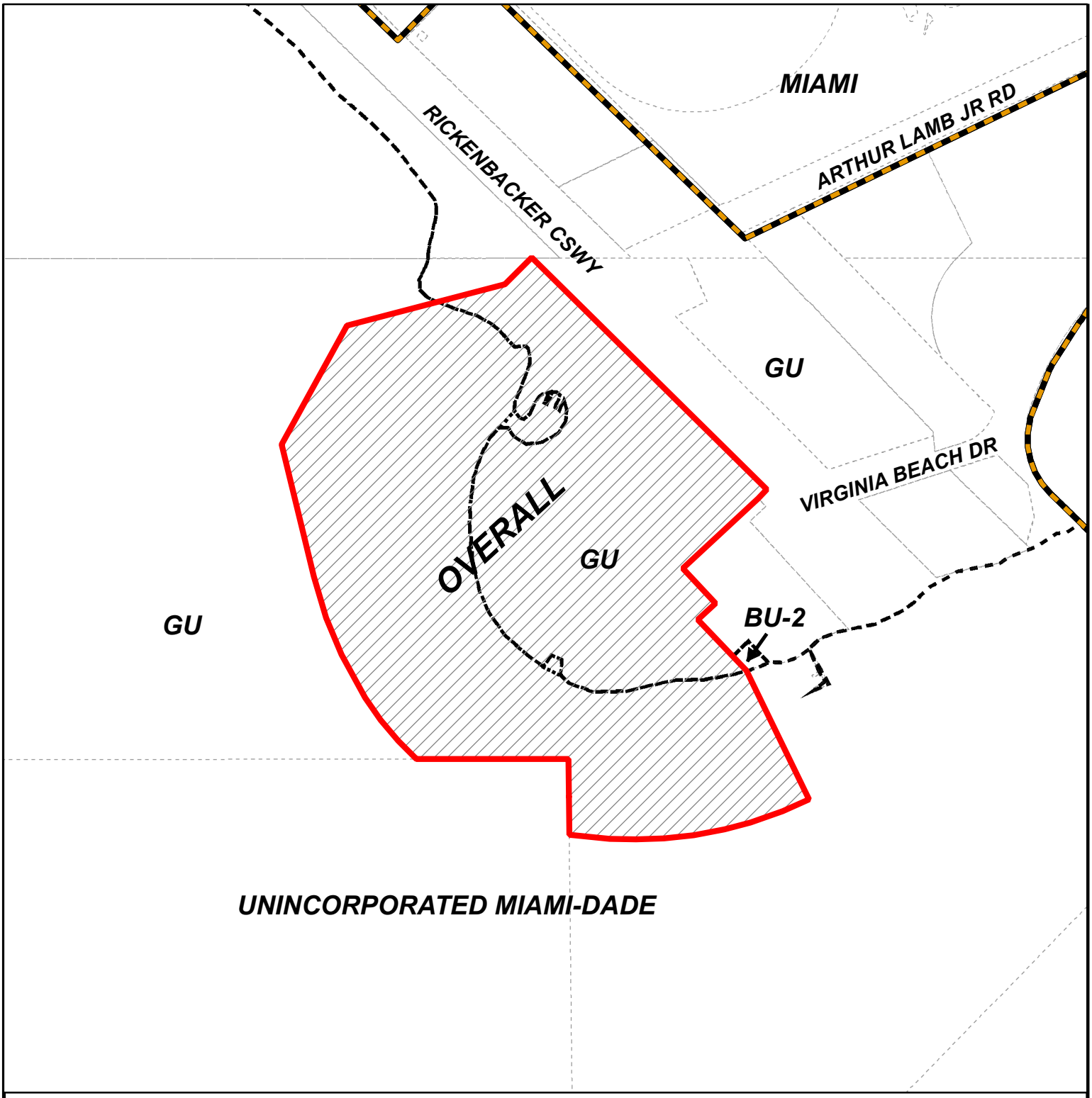
1. Completion of Florida Master Site File Historic Structure forms prior to demolition of any structures or features located within the application area that meet the 50-year benchmark for historic resource eligibility. The site developer shall work with Miami-Dade County Office of Historic Preservation (OHP) staff to ensure the completeness

of such forms and once deemed complete, the site developer shall submit the completed forms and associated photographs and maps to OHP. OHP will assist with coordination of submittal to the State Division of Historical Resources.

2. Documentation of the site and all associated structures and features through high resolution digital, architectural photography. Such photographs shall be submitted to OHP prior to the issuance of any demolition permits for such structures.

3. Completion of an application for a Florida Historical Marker that reflects the history and significance of the site, to be installed on site in a location that supports interpretation and awareness of the site's significant history. The site developer shall work with Miami-Dade County Office of Historic Preservation (OHP) staff to ensure the completeness of such application and once deemed complete, the site developer shall submit the completed materials to OHP. OHP will assist with coordination of submittal to the State Division of Historical Resources.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov .



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2026000106

Section: 20/17 Township: 54 Range: 42
Applicant: Miami-Dade County Parks, Recreation and Open Spaces
Zoning Board: Board of County Commissioners
Commission District: 7
Drafter ID: E Cespedes
Scale: NTS

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Legend

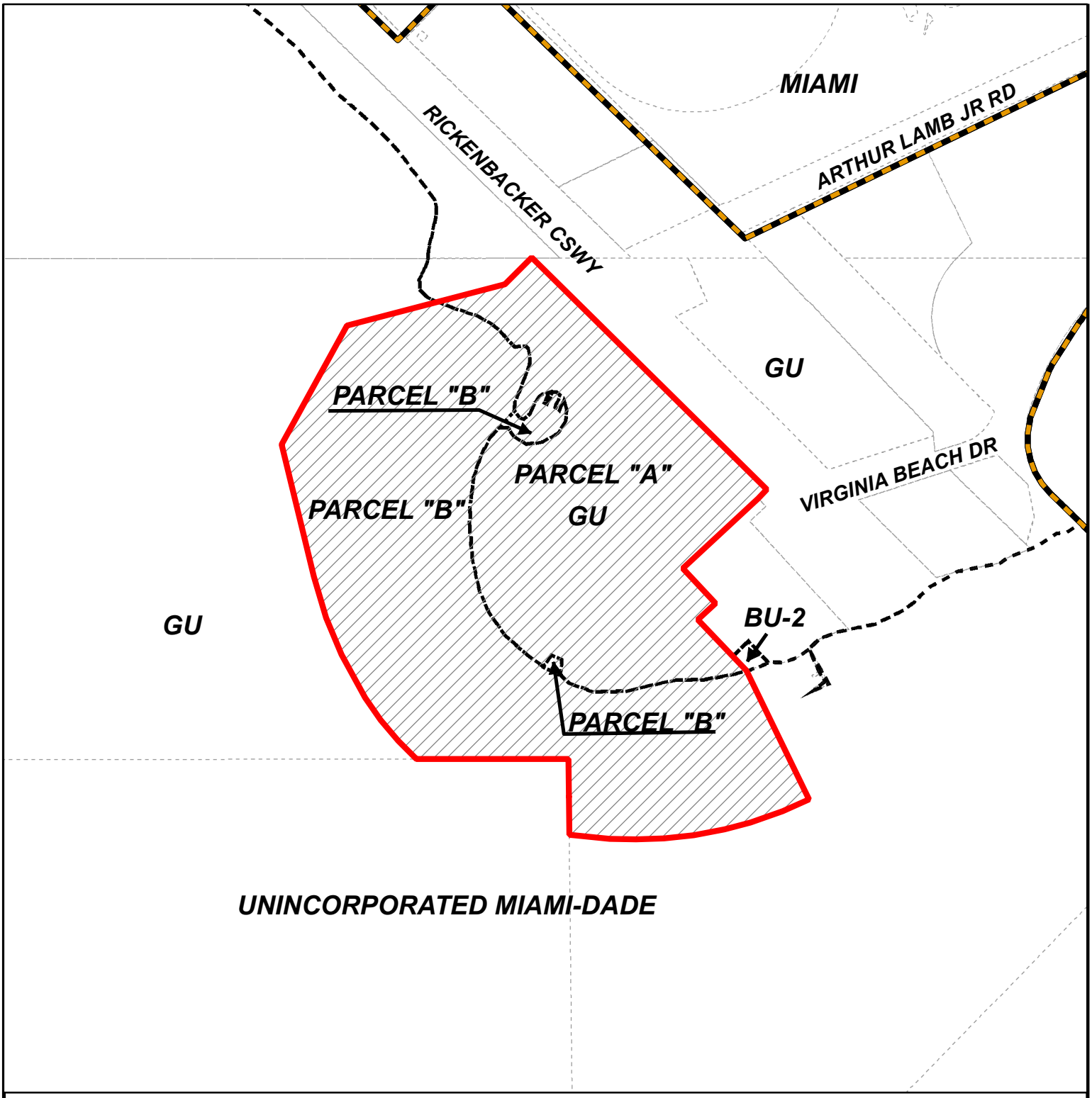
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 9, 2026

REVISION	DATE	BY



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2026000106

Section: 20/17 Township: 54 Range: 42
Applicant: Miami-Dade County Parks, Recreation and Open Spaces
Zoning Board: Board of County Commissioners
Commission District: 7
Drafter ID: E Cespedes
Scale: NTS

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Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 9, 2026

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2024

Process Number

Z2026000106

Legend

Subject Property

Municipalities

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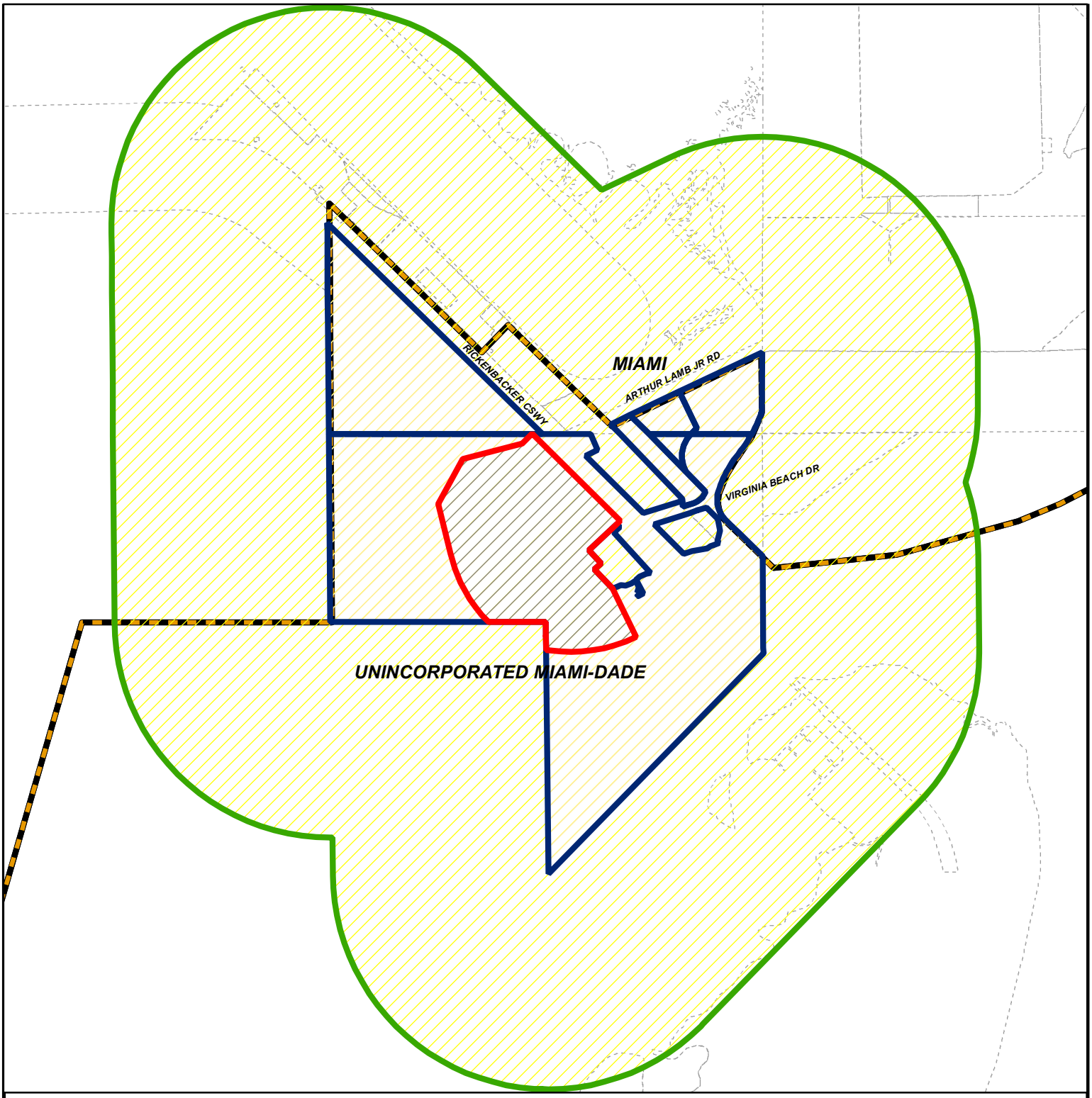
Section: 20/17 Township: 54 Range: 42
Applicant: Miami-Dade County Parks, Recreation and Open Spaces
Zoning Board: Board of County Commissioners
Commission District: 7
Drafter ID: E Cespedes
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 9, 2026

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2026000106

RADIUS: 2640

Section: 20/17 Township: 54 Range: 42
Applicant: Miami-Dade County Parks, Recreation and Open Spaces
Zoning Board: Board of County Commissioners
Commission District: 7
Drafter ID: E Cespedes
Scale: NTS

Legend

- Subject Property
- Contiguous Properties
- Buffer
- Municipalities
- Property Boundaries

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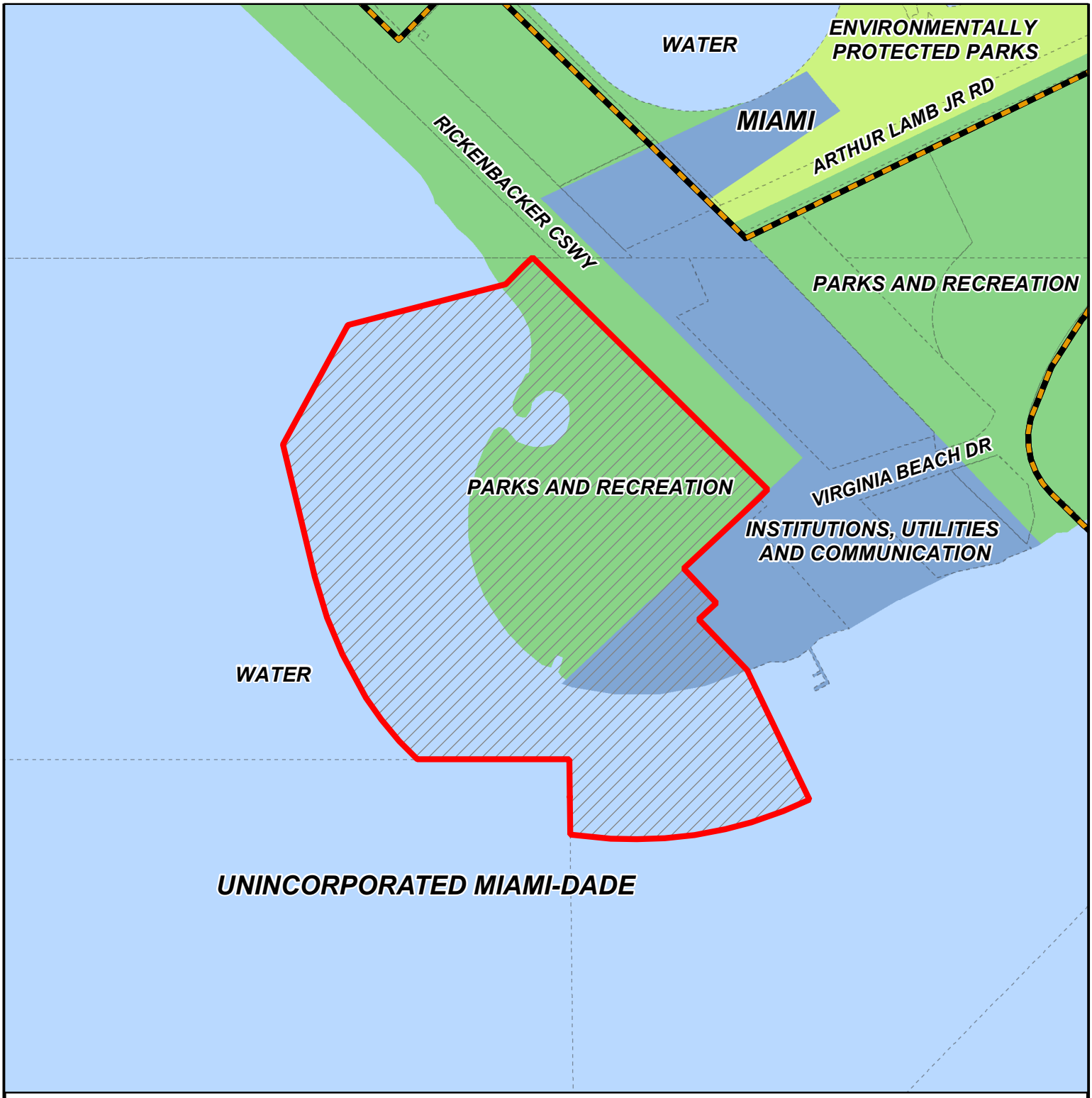
MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 9, 2026

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2026000106

Section: 20/17 Township: 54 Range: 42
Applicant: Miami-Dade County Parks, Recreation and Open Spaces
Zoning Board: Board of County Commissioners
Commission District: 7
Drafter ID: E Cespedes
Scale: NTS

Legend

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Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 9, 2026

REVISION	DATE	BY

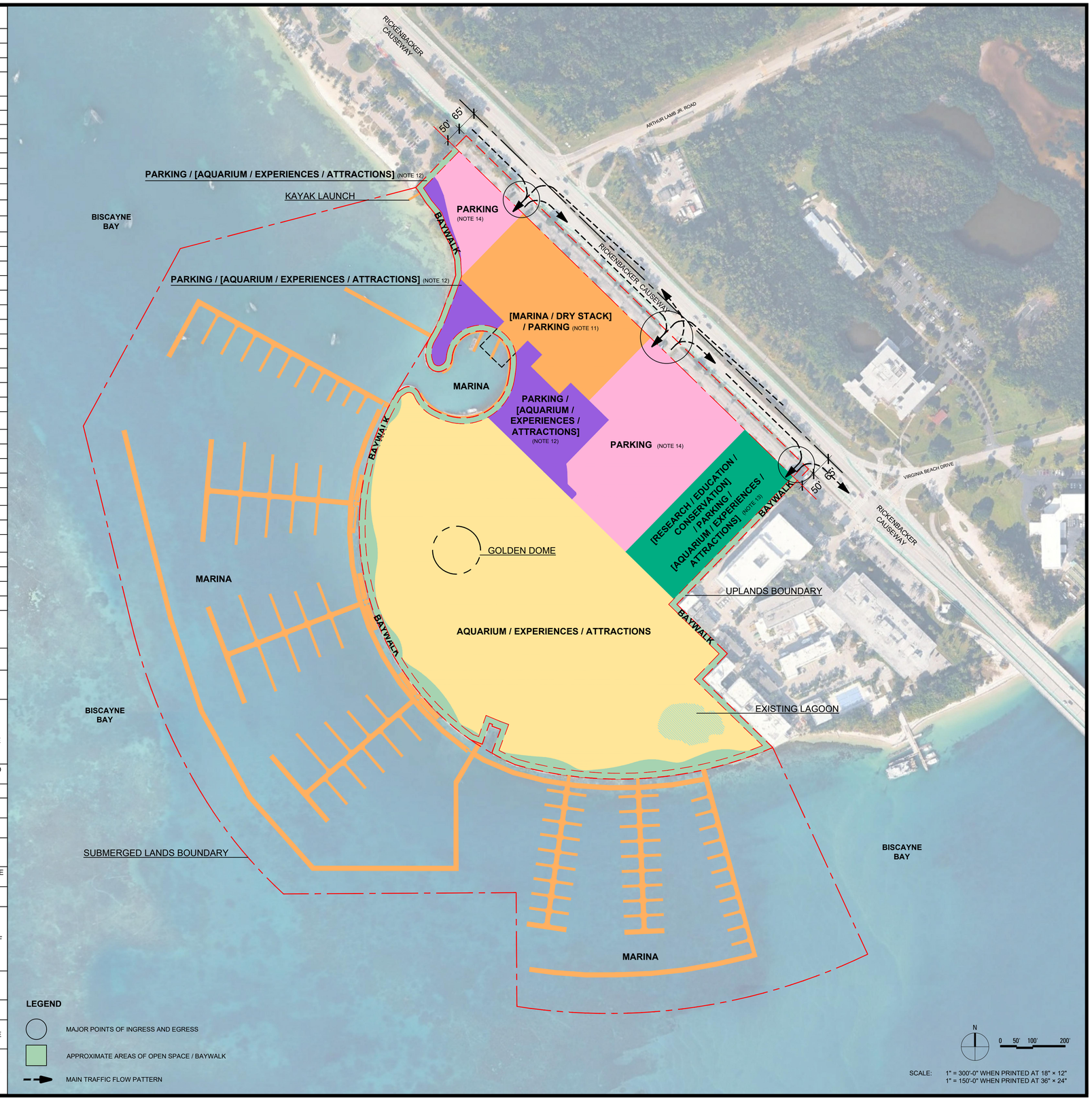
RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: OCT 14 2026 BY: E307493

SITE INFORMATION

SITE	ACRES	SQ FEET
REDPAD NET AREA	34.815+/-	1,516,548
UPLANDS (PARCEL 1)	32.785 +/-	1,428,109
SOUTHWESTERLY 60 FEET OF PARCEL 3 (TO BE VACATED)	2.030 +/-	88,439
REDPAD GROSS AREA	36.507+/-	1,590.248
REDPAD NET AREA	34.815+/-	1,516,548
NORTHEASTERLY 50 FEET OF PARCEL 3	1.692+/-	73,700
SUBMERGED LANDS	58.068 +/-	2,529,462
TOTAL APPLICATION GROSS AREA	94.575 +/-	4,119,710
BUILDING	**ALLOWED**	**PROVIDED**
FAR *(ALLOWED ZONING 2.00 / CDMP 1.50)* - NOTE 1	1.50	0.73
TOTAL SQUARE FEET	2,274,822	1,101,931
AQUARIUM / EXPERIENCES / ATTRACTIONS		289,931
AQUATIC ATTRACTION / PARK EXPERIENCE / BOH		*150,000*
EVENT SPACE		*74,583*
FOOD AND BEVERAGE		*46,000*
RETAIL		*19,348*
RESEARCH / EDUCATION / CONSERVATION		120,000
MARINA		692,000
DRY STACK UNITS	552	SLIPS
WET SLIP UNITS	295	SLIPS
HEIGHT		
AQUARIUM / EXPERIENCES / ATTRACTIONS	NOTE 6	130'
RESEARCH / EDUCATION / CONSERVATION	NOTE 6	100'
MARINA / DRY STACK	NOTE 6	100'
OPEN SPACE	**REQUIRED**	**ACRES**
ACRES		NOTE 10
LANDSCAPE	**REQUIRED**	**QUANTITY**
TREES (16 PER NET LOT ACRE)	558	558
ON-SITE TREES (50% OFF SITE ALLOWED)		
OFF SITE TREES		

NOTES

1. FAR MAY BE INCREASED SO LONG AS THE TOTAL FAR DOES NOT EXCEED THE TOTAL FAR OF 1.50 ALLOWED UNDER THE CDMP FOR THE SEAQUARIUM ACTIVITY AREA SPECIAL DISTRICT OR THE MAXIMUM NUMBER OF TRIPS UNDER THE EQUIVALENCY MATRIX.
2. THE DATA TABLE PROVIDED HEREIN CONTEMPLATES THE GENERAL DISTRIBUTION OF LAND USES, A DEVELOPMENT PROGRAM AND INTENSITIES, OVER THE ENTIRE APPROXIMATELY +/-34.815 NET ACRES ZONED REDPAD. THIS DEVELOPMENT PROGRAM IS CONCEPTUAL AND MAY BE MODIFIED OR ADJUSTED IN ACCORDANCE WITH AN EQUIVALENCY CONVERSION MATRIX. THE DISTRIBUTION AND INTENSITIES OF USES WILL BE ESTABLISHED AT THE TIME OF ADMINISTRATIVE SITE PLAN REVIEW (ASPR) PROCESS IN ACCORDANCE WITH THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP), ZONING (REDPAD) PARAMETERS AND EQUIVALENCY MATRIX.
3. PROJECT ROADWAY NETWORK AND ACCESS POINT FINAL ENGINEERING AND LOCATIONS WILL BE FINALIZED AT THE TIME OF ASPR .
4. THIS PLAN IS INTENDED TO SATISFY THE INITIAL DEVELOPMENT PLAN REQUIREMENTS FOR THE REDPAD.
5. IMPLEMENTATION OF THIS INITIAL DEVELOPMENT PLAN PLAN WILL BE FINALIZED AND APPROVED THROUGH THE ASPR PROCESS.
6. MAXIMUM DEVELOPMENT HEIGHT OF 130' DOES NOT INCLUDE SPECIAL ATTRACTION STRUCTURES WHICH MAY RISE UP TO 180'.
7. AQUARIUM / EXPERIENCES / ATTRACTIONS INCLUDES USES SUCH AS RETAIL, FOOD AND BEVERAGE, WELLNESS AND HEALTH, AQUATIC ATTRACTION AREAS, PARK EXPERIENCE AREAS, AND RELATED FACILITIES AND SERVICES.
8. AQUARIUM / EXPERIENCES / ATTRACTIONS INCLUDES BOTH BUILT AND OPEN-SPACE AREAS, AS WELL AS THE SUPPORT AREAS AND INFRASTRUCTURE NECESSARY FOR EACH OF THE PROPOSED USES.
9. MARINA INCLUDES THE RACK DRY STACK STRUCTURE, WET SLIP DOCKS, AND THE SUPPORT AREAS / STRUCTURES NECESSARY FOR THE OPERATION OF THE MARINA.
10. A MINIMUM OF 10% "OPEN SPACE" (3.4815 ACRES) IS PROVIDED PURSUANT TO SECTION 33-284.28.2, INCLUDING AN 18' WIDE PUBLIC ACCESS BAYWALK AND OPEN AREAS LOCATED WITHIN THE AQUARIUM / EXPERIENCES / ATTRACTIONS ZONES, AND THE LANDSCAPE BUFFER AREAS ALONG THE PROJECT EDGE ADJACENT TO THE MAIN ROADWAY. ADDITIONAL OPEN SPACE OR LANDSCAPE MAY BE INCREASED AS PART OF THE VARIUOS PORTIONS OF DEVELOPMENT THROUGH THE ASPR PROCESS. THE PLAN SHOWS THE GENERAL LOCATION OF THE DESIGNATED OPEN SPACE. PURSUANT TO 33-284.28.26(B)(iv), THE FINAL LOCATION OF DESIGNATED OPEN SPACE SHALL BE DETERMINED THROUGH THE ASPR PROCESS.
11. THE AREA DEPICTED IN ORANGE IS THE AREA IN WHICH THE DRY STACK BOAT STORAGE MAY BE LOCATED.THE MAXIMUM NUMBER OF DRY STACKS IS LIMITED TO 552. THE REMAINDER OF THE ORANGE AREA MAY BE USED FOR PARKING.
12. THE AREA DEPICTED IN PURPLE MAY BE USED FOR PARKING AND/OR AQUARIUM / EXPERIENCES / ATTRACTIONS.
13. THE AREA DEPICTED IN GREEN IS THE AREA IN WHICH THE RESEARCH / EDUCATION / CONSERVATION ("REC") USE MAY BE LOCATED. THE MAXIMUM USE IS 120,000 SF. THE REMAINDER OF THE GREEN AREA MAY BE USED FOR PARKING AND/OR AQUARIUM / EXPERIENCES / ATTRACTIONS.
14. EXCEPT FOR THE REQUESTED NONUSE VARIANCE FROM THE SIGNAGE REQUIREMENTS, THIS INITIAL DEVELOPMENT PLAN/MAJOR LAND USE PLAN COMPLIES WITH THE DESIGN STANDARDS SET FORTH BY SECTION 33-284.28.11 OF THE MIAMI-DADE COUNTY CODE. IN THE EVENT THAT ADDITIONAL DESIGN STANDARD VARIANCES OR APPROVALS ARE REQUIRED, THEY SHALL BE APPROVED IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE MIAMI-DADE CODE.



RSP Architects
3059 Grand Ave. Suite 440 Miami FL 33133
305.444.7100
www.rsparch.com

Consultants

Certification

Signature

Registration No.

Date

Project: Seaquarium

Entity: Resilient Aquarium LLC

Project No.

Drawn By

Checked By

Date 09/28/2026

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Revisions

No.	Date	Description

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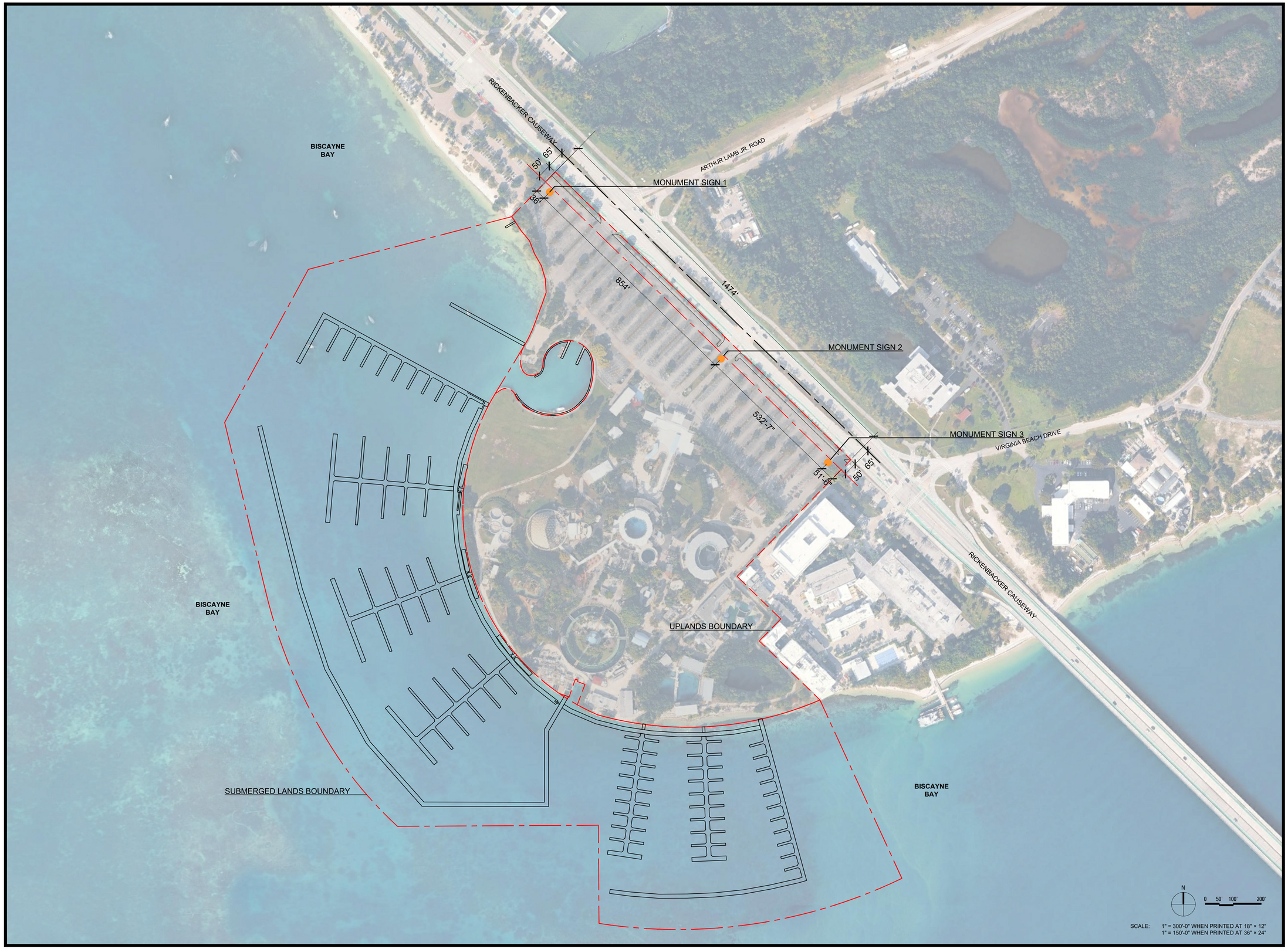

RSP Architects
3059 Grand Ave. Suite 440 305.444.7100
Miami
FL 33133 www.rsparch.com

Consultants

Certification

Signature

Registration No.

Date

Project: Seaquarium

Entity: Resilient Aquarium LLC

Project No.

Drawn By

Checked By

Date 09/30/2026

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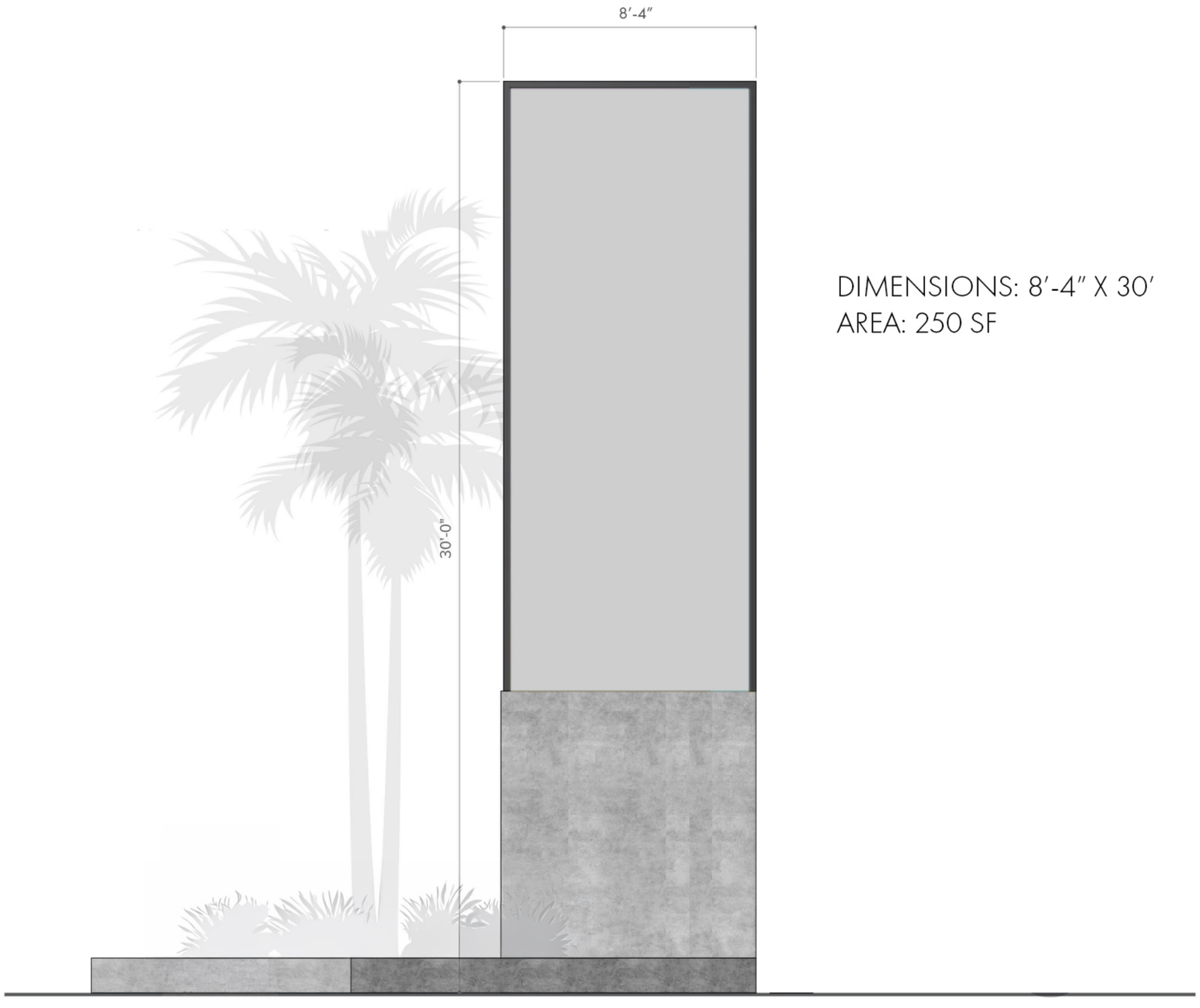
Revisions

No.	Date	Description

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: OCT 14 2026 BY: E307493

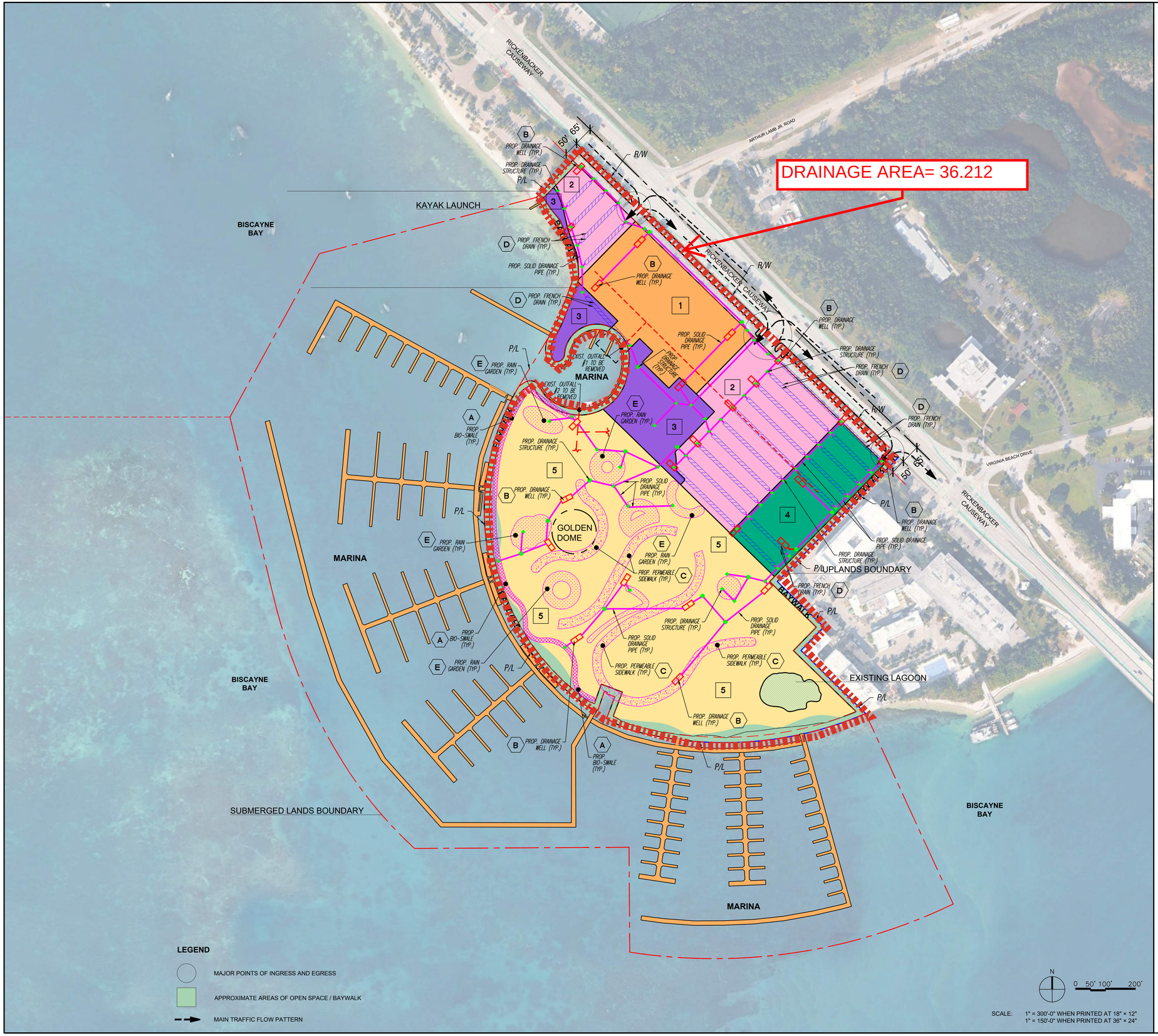


DIMENSIONS: 8'-4" X 30'
AREA: 250 SF

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: OCT 14 2026 BY: E307493



RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: OCT 14 2026 BY: E307493



LEGEND:

- DENOTES PROPOSED FRENCH DRAIN (4,700 LF)
- DENOTES PROPOSED DRAINAGE WELL (24 EA)
- DENOTES PROPOSED DRAINAGE STRUCTURE
- DENOTES PROPOSED SOLID DRAINAGE PIPE
- DENOTES PROPOSED BIO-SWALE
- DENOTES PROPOSED RAIN GARDEN
- DENOTES PROPOSED PERMEABLE SIDEWALK

PROP. SITE STORMWATER FEATURES	
A	BIO-SWALES
B	DRAINAGE WELLS
C	PERMEABLE PAVERS
D	EXFILTRATION TRENCHES
E	RAIN GARDENS

PROPOSED SITE INFORMATION	
1	PARKING (MARINA & DRY STACK)
2	PARKING
3	PARKING (AQUARIUM, EXPERIENCES & ATTRACTIONS)
4	RESEARCH, EDUCATION, CONSERVATION & PARKING (AQUARIUM, EXPERIENCES & ATTRACTIONS)
5	AQUARIUM, EXPERIENCES & ATTRACTIONS

NOTE:
THIS PLAN IS CONCEPTUAL TO ILLUSTRATE THE DIFFERENT STORMWATER MANAGEMENT FEATURES THAT WILL BE IMPLEMENTED IN THE FINAL DESIGN. THE ULTIMATE LOCATION AND DISTRIBUTION OF THE DIFFERENT STORMWATER MANAGEMENT FEATURES SHALL BE ESTABLISHED AT THE TIME OF APPROVAL OF THE STORMWATER MANAGEMENT SYSTEM.

REVISIONS

No.	DESCRIPTION	DATE	BY

SSA SCHWEBKE SHISKIN + ASSOCIATES
CIVIL ENGINEERS | LAND SURVEYORS
CA#87 | LB#87
TEL: (954)435-7010 2844 CORPORATE WAY, MIRAMAR, FLORIDA 33025 www.SHISKIN.com

MIAMI SEAQUARIUM
CONCEPTUAL STORMWATER PLAN
4400 RICKENBACKER CSWY, MIAMI, FL, 33149
SECTION 20, TOWNSHIP 54, RANGE 42

FILE NO.:
DESIGN BY: H.J.N.
DESIGN DATE: 10/2025
DRAFTED BY: L.E.L.
CHECKED BY: H.J.N.
SCALE: SEE PLAN

HERNANDO J. NAVAS LICENSE No. 50635 STATE OF FLORIDA PROFESSIONAL ENGINEER

10/1/2026

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY HERNANDO J. NAVAS, P.E. ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

POSITION: PRINCIPAL

STATUS: CONCEPTUAL

SHEET NAME: C-1

SHEET 1 OF 2

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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: MS LEISURE COMPANY

NAME AND ADDRESS	Percentage of Stock
See attached Exhibit A	

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: _____

NAME AND ADDRESS	Percentage of Interest

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: _____

NAME AND ADDRESS	Percent of Ownership

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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 this ~~application to the best~~ of my knowledge and belief.

Signature: Steven Robert Allen
(Applicant)

Sworn to and subscribed before me this 18th day of November, 2025. Affiant is personally known to me or has produced Drivers License as identification.

(Notary Public)

My commission expires 07/05/2027

ALEXIS CARTENO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234025004
MY COMMISSION EXPIRES 07/05/2027

*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 another 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 per cent (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.

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

Exhibit A

- MS Leisure Company is 100% owned by Triton Investments Holdings LLC;
- Triton Investments Holdings LLC is 100% owned by Leisure Investments Holdings LLC;
- Leisure Investments Holdings LLC is 100% owned by TDC Leisure Holdings LLC;
- The natural persons owning TDC Leisure Holdings LLC and their % ownership are as follows:

Name	Address	% Interest
Stafford Burrowes	c/o Cooley LLP, Attn. Michael S. Neumeister, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071	2.45
Donna Brewer Kassewitz	c/o Cooley LLP, Attn. Michael S. Neumeister, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071	4.12
Mike Wood	c/o Cooley LLP, Attn. Michael S. Neumeister, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071	12.13
John Olson	c/o Cooley LLP, Attn. Michael S. Neumeister, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071	38.77
Eduardo Albor	c/o Cervantes Diaz Abogados, S.C., Attn: Alejandro Diaz Steta, Goldsmith 135, Polanco, Miguel Hidalgo, Ciudad de Mexico 11550, Mexico	37.17
Valeria Albor	c/o Cervantes Diaz Abogados, S.C., Attn: Alejandro Diaz Steta, Goldsmith 135, Polanco, Miguel Hidalgo, Ciudad de Mexico 11550, Mexico	0.99
Regina Albor	c/o Cervantes Diaz Abogados, S.C., Attn: Alejandro Diaz Steta, Goldsmith 135, Polanco,	0.99

	Miguel Hidalgo, Ciudad de Mexico 11550, Mexico	
Alexia Albor	c/o Cervantes Diaz Abogados, S.C., Attn: Alejandro Diaz Steta, Goldsmith 135, Polanco, Miguel Hidalgo, Ciudad de Mexico 11550, Mexico	0.99
Jose Luis Padilla Magana	Leon, Guanajuato, Mexico	2.37

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME RESILIENT AQUARIUM, LLC ***CONTRACT LESSEE**

NAME AND ADDRESS	Percentage of Stock
David Martin, Manager	100%
3310 Mary Street, Ste 302, Coconut Grove, FL 33133	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

***Resilient Aquarium LLC is contract lessee pursuant to Miami-Dade County Resolution 1177-25. A separate disclosure of interest is being provided for MSS Leisure Company as current lessee. Upon approval of the actual assignment of the lease, it is anticipated that MS Leisure Company's leasehold interest in the Property will terminate.**

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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 other similar entities, further disclosure shall be made to identify natural persons having the 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 this application to the best of my knowledge and belief.

Signature: _____
Jason Gilg, Authorized Representative

Sworn to and subscribed before me this 20 day of April, 2026. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

Notary Public State of Florida
Danielle Martinez Reyes
My Commission HH 768701
Expires 2/18/2030

My commission expires: 2/18/2030 Seal

*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 another 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 per cent (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.

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME Miami-Dade County Parks Recreation and Open Spaces

NAME AND ADDRESS	Percentage of Stock
Governmental Entity Not Subject to Disclosure*	N/A
*See additional disclosures attached for Lessee and Contract Lessee	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 N/A

NAME AND ADDRESS	Percentage of Interest
N/A	N/A

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Ownership
N/A	N/A

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

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 other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
N/A	N/A

Date of contract: N/A

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

N/A	N/A

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 this application to the best of my knowledge and belief.

Signature: _____

Christina White, Director, Miami-Dade County Parks, Recreation and Open Spaces

Sworn to and subscribed before me this 11 day of June, 2026. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: 9/24/26

KAREN CROWLEY
Commission # HH 269127
Expires September 24, 2026
Seal

*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 another 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 per cent (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.

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

Exhibit "A"

LEGAL DESCRIPTION:

PARCEL 1:

THE FOLLOWING DESCRIBED TRACT OF LAND LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA, AND THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°22'07" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°37'53" WEST FOR A DISTANCE OF 181.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 264.81; THENCE RUN SOUTH 44°37'53" WEST, A DISTANCE OF 65 FEET MORE OR LESS TO THE SHORELINE OF BISCAYNE BAY; THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30'00" FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 31°34'46" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46'01" FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT ON SAID CURVE WHICH IS THE POINT OF CURVATURE OF CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1190.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04'03" FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF INTERSECTION WITH A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL TO THE CENTER LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG SAID LINE PARALLEL TO THE CENTER LINE OF THE RICKENBACKER CAUSEWAY FOR A DISTANCE OF 302.52 FEET; THENCE RUN NORTH 44°37'53" EAST FOR A DISTANCE OF 110.00 FEET; THENCE RUN NORTH 45 22'07" WEST FOR A DISTANCE OF 218.00 FEET; THENCE RUN NORTH 44°37'53" EAST FOR A DISTANCE OF 472.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 1209.18 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

ALL THAT LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN SECTIONS 17 AND 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, ISLAND OF VIRGINIA KEY, MIAMI-DADE COUNTY,

FLORIDA, THE SAME BEING A PORTION OF THE RICKENBACKER CAUSEWAY RIGHT OF WAY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE N89°56'17" WEST ALONG THE NORTH LINE OF SAID SECTION FOR 2650.24 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID RICKENBACKER CAUSEWAY; THENCE S45°22'07" EAST ALONG SAID CENTERLINE OF THE RICKENBACKER CAUSEWAY FOR 100.39 FEET; THENCE DEPARTING SAID CENTERLINE OF THE RICKENBACKER CAUSEWAY, S29°37'53" WEST FOR 181.17 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID RICKENBACKER CAUSEWAY AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; FROM SAID POINT OF BEGINNING, THENCE N45°22'07" WEST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF THE RICKENBACKER CAUSEWAY FOR 264.81 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE OF THE RICKENBACKER CAUSEWAY, N44°37'53" EAST FOR 110.00 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 110.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF THE RICKENBACKER CAUSEWAY; THENCE S45°22'07" EAST ALONG SAID PARALLEL LINE FOR 1473.99 FEET; THENCE DEPARTING SAID PARALLEL LINE, S44°37'53" WEST FOR 110.00 FEET TO A POINT OF INTERSECTION WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF THE RICKENBACKER CAUSEWAY; THENCE N45°22'07" WEST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR 1209.18 FEET TO THE POINT OF BEGINNING.

MARINA PARCEL:

THE FOLLOWING DESCRIBED TRACT OF SUBMERGED LANDS LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 20, WITH THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°44'41" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY, A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°15'19" WEST FOR A DISTANCE OF 181.17 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RICKENBACKER CAUSEWAY; THENCE SOUTH 45°44'41" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND A LINE THAT IS 175.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 1209.18 FEET; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF THE LANDS DESCRIBED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5709, PAGE 584 OF SAID PUBLIC RECORDS AND MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 472.17 FEET; (2) THENCE RUN SOUTH 45°44'41" EAST, A DISTANCE OF 218.00 FEET; (3) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 110.00 FEET; (4) THENCE RUN SOUTH 45°44'41" EAST, ALONG A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 302.52 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBMERGED PARCEL OF LAND, ALSO BEING A POINT OF INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP; THENCE SOUTH 24°39'27" EAST A DISTANCE OF 701.73 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH, THE CENTER OF WHICH BEARS NORTH 25°45'33" WEST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS

OF 1840.00 FEET, A CENTRAL ANGLE OF 34°35'17", THENCE WESTERLY, ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1110.76 FEET; THENCE NORTH 0°21'38" WEST, ALONG THE WEST LINE OF THE EAST HALF (1/2) OF SAID SECTION 20 AND THE LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248 OF SAID PUBLIC RECORDS, A DISTANCE OF 351.07 FEET; THENCE SOUTH 89°41'09" WEST, ALONG SAID LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248, A DISTANCE OF 717.60 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST, THE CENTER OF WHICH BEARS NORTH 42°30'45" EAST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1385.00 FEET, A CENTRAL ANGLE OF 15°12'48"; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 367.75 FEET TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1862.50 AND A CENTRAL ANGLE OF 18°39'07"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 606.31 FEET TO THE POINT OF TANGENCY WITH A LINE; THENCE NORTH 13°37'21" WEST, ALONG SAID LINE, A DISTANCE OF 624.29 FEET; THENCE NORTH 28°40'50" EAST, A DISTANCE OF 623.67 FEET; THENCE NORTH 75°28'08" EAST, A DISTANCE OF 749.82 FEET, MORE OR LESS, TO THE SHORELINE OF BISCAYNE BAY; THE FOLLOWING FIVE (5) COURSES BEING ALONG THE EXTERIOR LIMITS OF THE LANDS DESCRIBED IN UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. Z-131-91 AND UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; (2) THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30'00" FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; (3) THENCE RUN SOUTH 31°12'12" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; (4) THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46'01" FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT OF NON-TANGENCY OF A CIRCULAR CURVE LEADING TO THE LEFT AND HAVING A RADIAL BEARING OF NORTH 15°42'11" EAST AND A RADIUS OF 1190.00 FEET; (5) THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04'03" FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF BEGINNING.

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: JUN 22 2026 BY: E307493

Exhibit B

Seaquarium Contiguous Folio Number List

1. 30-4217-000-0025
2. 30-4217-001-0010
3. 30-4217-000-0115
4. 30-4220-000-0040
5. 30-4217-000-0011

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: NOV 10 2026 BY: E137694

DRAFT

This instrument was prepared by:
Brian S. Adler
Bilzin Sumberg
1450 Brickell Avenue, Suite 2300
Miami, FL 33131

Folio Number:
A portion of 30-4220-000-0010

ZONING DECLARATION OF RESTRICTIONS

Miami-Dade County (the "**Owner**") holds fee simple title to certain land located in unincorporated Miami-Dade County, more particularly described in attached Exhibit "A" (the "**Property**") which Property consists of two components, the upland portion legally described on Exhibit "B" (the "**Uplands**"), and the submerged lands portion legally described on Exhibit "C" (the "**Submerged Lands**");

WHEREAS, the Owner has filed Miami-Dade County Comprehensive Development Master Plan ("**CDMP**") Amendment Application No. CDMP20260007 (the "**CDMP Amendment**"), seeking to redesignate the Uplands to the Seaquarium Activity Area Special District and other associated CDMP amendments;

WHEREAS, this Declaration is being proffered in connection with Miami-Dade County Zoning Application No. Z2026000106 (the "**Application**") and as required by Miami-Dade County Code (the "**Code**") Section 33-284.28.6, as further described below;

WHEREAS, the Owner has filed the Application concurrently with the CDMP Amendment, seeking to rezone the Uplands to the Retail Entertainment District Planned Area Development Zoning District ("**REDPAD**") along with related requests, and seeking unusual use approval for a marina on the Submerged Lands; and

WHEREAS, on _____, 2026, pursuant to Miami-Dade County Resolution R-_____-26, the Miami-Dade County Board of County Commissioners approved the Second Amended and Restated Lease on the Property between Owner, as landlord, and Resilient Aquarium LLC (the "**Tenant**");

WHEREAS, the Property contains 92.883 +/- net acres (with a total of 94.575 +/- gross acres[1]) with a current address of 4400 Rickenbacker Causeway, in unincorporated Miami-Dade County;

WHEREAS, for REDPAD, Sections 33-284.28.12 and 33-284.28.6 require the submittal of a recordable instrument guaranteeing the development of the Property will be in accordance with the promises made in written and graphic documents approved by the Board of County Commissioners, and this instrument (the "**Declaration**") is submitted to satisfy this requirement;

[1] The 94.575 +/- acres includes the northeast 50 feet abutting Parcel 3A adjacent to the Uplands which is owned by the County and may be subject to a license agreement, an easement or other arrangement to allow for parking and circulation, and is included in the gross acreage of the REDPAD application property.

WHEREAS, the Tenant freely, voluntarily, and without duress is agreeing to be bound by this Declaration, and makes this Declaration covering and running with the Property.

IN ORDER TO ASSURE Miami-Dade County that the representations made by the Owner and Tenant during consideration of the Application will be abided by, the Owner and Tenant freely, voluntarily, and without duress makes this Declaration covering and running with the Property:

1. INITIAL DEVELOPMENT PLAN

As part of the Application, Owner submitted an Initial Development Plan consisting of _____ sheets, titled "Seaquarium" prepared by RSP Architects, date-stamped received _____, 2026, as such plan may be modified at the public hearing on the Application, said plan being on file with the Miami-Dade County Department of Regulatory and Economic Resources (or such other department or division having jurisdiction over such matters) (the "**Department**") and incorporated into this Declaration (the "**Initial Development Plan**"). Owner agrees that the Property shall be developed consistent with the Seaquarium Activity Area Special District, as may be amended from time to time (the "SAASD") and in substantial compliance with the Initial Development Plan, subject to administrative site plan review and modifications permitted by the Code and this Declaration.

Modifications to the Initial Development Plan consistent with the SAASD may be approved by the County in accordance with the Code, including those provisions set forth under Article XXXIIID.2, to address, without limitation: (i) parking; (ii) internal signage and entrance feature plans; (iii) final engineering related to grading, drainage, stormwater design, and related geometry; (iv) internal circulation, including driveways, pick up and drop off, and loading areas; and (v) other technical refinements that do not materially alter the intent of the Initial Development Plan or increase intensity beyond the maximum floor area ratio ("**FAR**") (see Section 2(b) below) or the Trip Cap (see Section 3 below) authorized by the approval of the Application, and limited by this Declaration.

Unusual and new uses under Section 33-13 not otherwise provided under the REDPAD designation may be approved in accordance with the Code without amending this Declaration, provided that they are consistent with the Initial Development Plan, as may be modified, and with the SAASD, and do not increase intensity beyond the maximum FAR or Trip Cap authorized by the Application, and limited by this Declaration.

2. USE AND INTENSITY RESTRICTIONS

a. Notwithstanding the zoning district or land use designation on the Property, the Property shall not be used for residential purposes, hotel, motel, lodging (including vacation rental purposes), tobacco shops, liquor package stores, or THC dispensaries. The following shall not be deemed prohibited by the foregoing, to the extent permitted by applicable laws and ordinances and Tenant marina rules and regulations, and provided that stay or occupancy use does not make the vessel a "live-aboard vessel" as defined in § 327.02, Florida Statutes:

(i) overnight stays aboard vessels docked at the marina by crew members, employees, and authorized visitors in connection with active marina operations (including

provisioning, maintenance, pre-departure and post-arrival layovers, and vessel security watches);

(ii) temporary occupancy of less than seven (7) days aboard vessels engaged in bona fide charter operations managed or authorized by Tenant or a major sublessee, provided such charter vessels maintain active slip agreements;

(iii) transient occupancy of less than seven (7) days aboard vessels docked at the marina by owners and/or operators, crew members, employees, and authorized guests of the owners and/or operators prior to or following use of the vessel for transportation on the water, provided no vessel shall be used as a primary or permanent residence.

b. Notwithstanding the 2.0 FAR permitted under the REDPAD zoning district, the FAR is limited to 1.50 in accordance with the SAASD.

c. The maximum initial development program for the Property will be as reflected on the Initial Development Plan, which may be adjusted consistent with the SAASD in accordance with the Equivalency Matrix (the "**Equivalency Matrix**") attached as Exhibit "D" and further addressed in Section 3 below. The Initial Development Program consists of the following maximum program uses (together with uses accessory and ancillary thereto, the "**Program Uses**") and intensity limitations ("**Initial Development Program**"), or an equivalent combination of such uses and intensity limitations, as follows:

Use	**Initial Development Program**
Aquarium/Experiences/Attractions	**289,931 SF**
Aquatic Attraction/Park Experience/BOH	150,000 SF
Event Space	74,583 SF
Food and Beverage	46,000 SF
Retail	19,348 SF
Research/Education/Conservation	**120,000 SF**
Marina[2]	**692,000 SF**
Dry Stack Units	552
Wet Slip Units	295

3. EQUIVALENCY MATRIX

The development of the Property as proposed in the Application is not to exceed the 627 net external PM peak hour trips ("**Trip Cap**") as set forth in the Equivalency Matrix. See Exhibit "D." Future development orders and development permits, administrative site plan approvals, substantial compliance applications, and administrative modifications may be issued in accordance

[2] The chart represents the maximum number of slips that can be sought on the Property under the CDMP and the Application. Nothing herein shall be construed to obviate any additional regulatory review, as referenced in Section 6.

with the Equivalency Matrix where consistent with the SAASD without amending this Declaration. In no event, however, shall any development approved pursuant to the Equivalency Matrix exceed the maximum uses or intensities authorized by the SAASD.

So long as the Trip Cap is not exceeded and the development falls within the minimum and maximum permitted under the Equivalency Matrix and FAR limitation, and the other zoning parameters are satisfied, where consistent with the SAASD future development orders and development permits, including administrative site plan approvals, may be issued administratively by the Department to the extent permitted by the Code.

4. **SLIP LIMITATION**There shall be a limitation of no more than 552 dry slips and 295 wet slips (the Marina) on the Property and abutting County-owned submerged lands and any other land included in the Marina associated with the Property (collectively, the "Marina Project Area"). This numerical limitation shall not be deemed to authorize or approve, or create a vested right or a regulatory entitlement, for 552 dry slips or 295 wet slips, and the number of wet and/or dry slips to be authorized on the Marina Project Area, shall be determined through future regulatory approvals, including but not limited to the Class I permit process.

5. **DREDGING PROHIBITION**Dredging is prohibited within the Marina Project Area, except within the existing boat basin area depicted on the Boundary Survey, prepared by Fortin, Leavy, Skiles, Inc., signed and sealed on September 28, 2026, said plan being on file with the Miami-Dade County Department of Regulatory and Economic Resources (or such other department or division having jurisdiction over such matters). Notwithstanding such dredging restrictions, maintenance dredging that is limited to silt removal, shall not be prohibited by the CDMP. In addition, in the event of a documented force majeure event or Act of God that materially impairs the operation of the existing marina, maintenance dredging may be considered for approval solely to restore the conditions of the existing marina to what was initially authorized through future regulatory approvals, including but not limited to the County's Class I permit process, following approval of the Application.

6. **MARINA ACCESS**The proposed channel to be established in association with the Marina shall be no less than 100 feet wide and provide a minimum 20-foot setback from the adjacent shoals, as measured from the -3 foot Mean Low Water contour. In addition, all patrons of the Marina with a vessel 100 feet or greater in length shall be required to use the westernmost basin, as well as to ingress and egress the marina to and from the northwest within the confines of the marked channel.

7. **VESSEL CLEARANCE**To ensure that water quality is preserved, that bottom scouring or prop dredging is avoided, and that manatees and benthic resources are protected within the marina footprint, all vessels utilizing the Marina must maintain adequate clearance between the top of benthic resources, or bay bottom if devoid of resources, and the deepest part of the vessel at mean low water. For vessels with a draft up to 3 feet, a minimum of 1 foot of clearance must be required between the vessel's maximum draft when fully loaded and the top of the benthic resources or bay bottom if resources are not present. For vessels with a draft greater than 3 feet and up to 4 feet, a minimum of 2 feet of clearance will be

required between the vessel's maximum draft when fully loaded and the top of the benthic resources or, if resources are not present, the bay bottom. For vessels with a draft greater than 4 feet, a minimum of 3 feet of clearance will be required between the vessel's maximum draft when fully loaded and the top of the benthic resources or, if resources are not present, the bay bottom. In addition, the maximum specifications of vessels authorized to utilize the Marina, which shall be limited to designated restricted areas only as determined through future regulatory approvals, including but not limited to the Class I permit process, are a maximum draft of 8 feet (fully loaded) and approximate length of 200 feet and beam of 40 feet. It is provided, however, that a vessel may exceed the length or beam specifications if it obtains Dockmaster approval, has a maximum draft of less than 8 feet (fully loaded), and maintains adequate clearance, as specified above, between the top of benthic resources or, if devoid of resources, the bay bottom, and the deepest part of the vessel to prevent impacts to water quality or to manatees, benthic resources, or the bay bottom.

The Tenant shall ensure that any vessels to be moored at or accessing the Marina are operating within these restrictions and shall at all times maintain the minimum clearance, as defined above, through the channels needed to ingress and egress the Marina and throughout the Marina. Tenant shall apply to the appropriate governmental authorities for authorization to install signage explaining these restrictions. In addition, the Tenant shall perform an environmental assessment documenting the presence, abundance, and density of benthic resources, that includes georeferenced photographic documentation and a benthic resources survey that depicts benthic resources overlayed on bathymetric survey data. The environmental assessment report shall be submitted prior to construction of the Marina and annually thereafter submit an annual environmental assessment report to Miami-Dade County DERM and RER, or successor departments, updating such information. The bathymetric survey data shall be updated every five (5) years. The Tenant may be subject to enforcement pursuant to Chapter 24 of the County Code or other authority for adverse impacts to benthic resources. The County's Class I Permit and the Marine Operating Permit, or other operating permit for the Marina, shall at a minimum, require as a condition of said permits the submission of the above mentioned reports.

8. **MANATEE PROTECTION**Objectives and policies of the CDMP requires the protection of benthic resources, coastal wetlands, and wildlife including endangered and threatened animal species. The Marina is proposed in submerged lands that are designated as critical habitat for the West Indian Manatee (*Trichechus manatus latirostris*), which is federally designated as threatened by the US Fish and Wildlife Service (USFWS). To ensure compliance with the CDMP, the County's Class I Permit and Marine Operating Permit, or other operating permit for the Marina, shall contain conditions related to the protection of manatees, including, as appropriate, required measures to protect manatees during and after construction of the Marina.

9. **VESSEL INVENTORY MAINTENANCE AND REPORTING**

The County's Marine Operating Permit, or other operating permit for the Marina, shall require the maintenance of a comprehensive, accurate, and up-to-date electronic registry and

inventory of all vessels permanently or transiently moored, berthed, or stored within the Marina, and said Marine Operating Permit shall specifically require, at a minimum, the following:

a. The inventory shall be required to include at least the following specific metrics for each vessel:

(i) Vessel make and model, assigned slip or berth location, cross-referenced with the localized bathymetric depths of the Marina. In addition, vessel name, official state registration or federal documentation number shall be made available upon request from Miami-Dade County.

(ii) Precise vessel dimensions explicitly length overall (LOA), beam, and maximum operational draft under full displacement/load conditions.

b. Reporting Schedule. The inventory shall be required to be submitted to RER or successor department on an annual basis, and the Marine Operating Permit shall also include requirements related to the periodic provision of updated inventories following a request by RER or DERM or successor departments.

c. Verification and Audit Rights. All vessel owners or operators shall be required to provide certified make and model verifying maximum operational draft prior to initial docking or slip assignment. Vessels which, based on said information, exceed the draft limitations or other limitations in this Declaration shall not be permitted to enter or dock at the Marina. In addition to the provision of said certified make and model verifying maximum operational draft, the Marine Operating Permit shall include the affirmative obligation to verify and enforce the maximum draft restrictions, as well as other vessel size and specification restrictions, based on actual observations. All such records shall be maintained and such records shall be available for inspection by the County, and the Marine Operating Permit shall also include provisions allowing for onsite inspections for compliance with said permit.

d. These provisions and requirements do not preclude the Marine Operating Permit from specifying exceptions to the vessel inventory requirements, which may include, for example, vessels which are moored for the purpose of fueling or law enforcement vessels.

10. CHANNEL LOCATION

Any channel to be used or established, which may require coordination with the Florida Fish and Wildlife Conservation Commission, in the Application area shall be located in an area which minimizes the direct and indirect impacts to seagrass beds and any other benthic resources which may result from Marina activities and other vessel access, and any analysis of such impacts shall consider whether the channel will be used by the public as well as Marina patrons.

11. BAYWALK, OPEN SPACE AND LANDSCAPE

A minimum 18-foot wide baywalk, along the bay perimeter of the Property (the "**baywalk**") as conceptually reflected on the Site PlanV5, dated stamped received October 14, 2026, submitted in support of the Zoning Application, as may be modified through the zoning

process, shall be constructed on the Uplands. A minimum of 10% of the developable uplands shall be designated as open space, which shall include a minimum 3.4815 acres of public open space, including the baywalk. The baywalk and other public open space shall be directly accessible to the public without a fee (except for applicable parking fees) by a street or pedestrian/bicycle network that connects to Hobie Beach and shall remain open to the public at least from sunrise to two hours past sunset. A public kayak launch, and one or more pocket parks to be used as public gathering areas that may include, without limitation, farmers markets, shall also be provided with connections to the baywalk. The baywalk shall have a continuous connection to Rickenbacker Causeway to the east and west without a dead end, which may be accomplished through connections across adjacent property. In addition, landscaping and canopy along the baywalk and throughout the uplands should incorporate endemic and native plants.

12. LANDSCAPING

Landscape design, landscaping practices, habitat restoration and plant selection on the premises shall prioritize wildlife habitat enhancement and protection, including protection of the existing Mangrove Preservation Area (as established in the Conservation Easement recorded on October 23,1991, in Official Records Book 15240, Pages 3385 through 3395.) Property landscaping should incorporate, in consultation and coordination with RER, Florida-Friendly Landscaping and xeriscaping principles utilizing a "right tree, right place" methodology to achieve a natural tree canopy aesthetic. The landscape design should integrate principles of urban forestry that maximize ecological diversity and promote native wildlife and pollinator utilization. To establish functional wildlife habitats, the overall plant palette should prioritize the inclusion of rare, threatened, endangered, and endemic plant species native to Miami-Dade County's coastal ecosystems. Furthermore, the Tenant shall actively monitor the premises and permanently eradicate any volunteer invasive vegetation to maintain the biological integrity of the native habitat enhancement and preservation areas.

13. MOTORBOAT EXCLUSION ZONE

In accordance with the Rickenbacker Causeway Motorboat Exclusion Zone provisions in Code Section 7-26(8), no structures shall be placed which would allow for the mooring of motorboats in the motorboat exclusion zone.

14. CLEAN MARINA CERTIFICATION

The Tenant shall seek Clean Marina Certification under the State of Florida's Clean Marina Program (or successor program) for the Marina within 1 year after it commences operations and shall seek annual renewal of such certification. As part of the clean marina operations, the use of innovative technologies, including artificial intelligence, should be considered to assist in monitoring related to environmental resources protection and stewardship practices. Steps should also be taken to prevent the operation of illegal charters at the Marina, including collaboration with law enforcement.

15. MARINA PARKING

Required parking for the Marina shall be provided on the Property. In addition, prior to Administrative Site Plan Review, a Traffic Management Plan shall be prepared for the overall development for approval by the Department of Transportation and Public Works or the Department of Regulatory and Economic Resources, as appropriate, or successor department, addressing employee transportation, ridesharing, Marina traffic queuing, and the interaction of bicycle and pedestrian links with vehicular traffic on the Property.

16. MITIGATION

All mitigation required for adverse environmental impacts to benthic habitat (e.g. seagrass, macroalgae, hardbottom, etc.) and mangrove habitat in any portion of the Marina Project Area shall be done via permittee responsible mitigation within Miami-Dade County (which may include permittee responsible mitigation on public lands to the extent permissible) subject to, and in accordance with, the requirements of the applicable governmental or regulatory authority.

17. NON-WATER DEPENDENT STRUCTURES

In accordance with CDMP Policy CM-6E and pursuant to Chapter 24 of the Code, non-water dependent floating structures and non-water dependent fixed structures, including but not limited to a harbor master's office, electric charging, and rental offices or as determined by the Director, shall be prohibited over tidal waters within the Marina Project Area. Notwithstanding the foregoing, accessory structures for fueling, pump-out, public safety, or similar uses, as determined by the Director, shall not be prohibited by this Declaration.

18. PUBLIC SAFETY

A minimum of three (3) wet slips up to fifty (50) feet in length and one (1) dry-stack slip up to forty (40) feet in length shall be provided to Miami-Dade County for use by governmental entities for the purpose of public safety. Use of such public safety slips shall be in the discretion of Miami-Dade County, provided that a minimum of two such slips shall be made available for use by the Village of Key Biscayne.

19. HISTORIC RESOURCES

The Buckminster Fuller Dome and the Flipper House shall be adaptively reused and incorporated into the development of the Property, and, in consultation with Miami-Dade County, the incorporation of additional resources, if any, with significant historic value and historic signage shall also be evaluated; provided, however, that (i) there shall be no obligation to incorporate any existing structures or elements other than the Buckminster Fuller Dome and the Flipper House and (ii) if the Buckminster Fuller Dome or the Flipper House are damaged or destroyed by fire or other casualty and the restoration or rebuilding of the affected structure is infeasible due to circumstances beyond Tenant's reasonable control (such as, for example, a nonwaivable building code requirement that is fundamentally incompatible with the affected structure), Tenant shall have no further obligation to reuse or incorporate the affected structure. If local historic designation and/or National Register-listing are not pursued, the services of a qualified cultural resource consultant

shall be retained to undertake mitigation actions prior to the demolition of any structure or feature on site that is at least 50 years of age. Such mitigation actions to be implemented by the Tenant shall include:

a. Completion and submittal of Florida Master Site File Historic Structure forms prior to demolition of any structures or features located within the Property that meet the 50-year benchmark for historic resource eligibility;

b. Documentation of the Property and all associated structures and features through high resolution digital, architectural photography. Such photographs shall be submitted to the County's Office of Historic Preservation prior to the issuance of any demolition permits for such structures; and

c. Filing of an application with the State Division of Historical Resources for a Florida Historical Marker that reflects the history and significance of the Property, to be installed on site in a location that supports interpretation and awareness of the site's significant history.

20. EXPERIMENTAL ENVIRONMENTAL INITIATIVES

In furtherance of the Seaquarium Activity Area Special District, innovative environmental initiatives should be explored, and to the extent that any particular such initiatives may be commercially feasible, as determined by the Tenant in its sole discretion, such proposed environmental initiatives must be demonstrated to have a positive impact and be compliant with the County Code, as determined by the Director in the Director's sole discretion, and all other applicable law, and cannot cause a negative impact in its implementation or maintenance, as determined by the Director in the Director's discretion, before such initiative can be implemented or otherwise included in regulatory applications. Such environmental initiatives may include, for example, the following, however the inclusion of an initiative on this list is for illustrative purposes only as to the types of initiatives that could potentially be explored and shall not be interpreted to mean that any of the listed possible initiatives have been determined to comply with this paragraph.

a. Use of coral sod, meaning that the existing seawall habitat is moved onto plates, grown off site, and returned to the seawall so mature corals and sponges are present at opening.

b. Sponge docks.

c. Oyster wetlands landward of the seawall.

d. Incorporation of blue and green roofs.

e. Using blue and green roofs to feed oysters with polished water.

f. Bioswales, permeable pavement, suspended pavement, tree wells, and green roofs. Nothing in this section would preclude the exploration of other high-performance low-impact development (LID) systems or strategies.

21. CONCEPTUAL STORMWATER MASTER PLAN

The Property's stormwater management system shall be designed, permitted, and constructed to provide full onsite retention of the stormwater runoff volume generated by the 100-year, 3-day storm event, without any offsite discharge or overflow, and shall comply with the Conceptual Stormwater Management Plan submitted by Tenant, which is attached as Exhibit B. Commitment to this higher onsite retention standard, and compliance with the obligations in the Conceptual Stormwater Management Plan, shall be incorporated into all applicable State stormwater management permit applications, authorization requests, and approvals. Following construction, the stormwater management system shall be maintained in a fully operational condition in accordance with the applicable Environmental Resource Permit requirements and other applicable permits, including required inspections, certifications, reporting, repairs, and corrective actions. The system shall be operated and maintained to continuously preserve its permitted functionality, required water quality treatment performance, and the onsite retention capacity throughout the operational life of the Project.

22. DEVELOPMENT PERMITS AND OTHER REQUIRED PERMITS AND APPROVALS

A description of the local and other development permits and environmental permits and approvals that are generally anticipated as required for the development of the Property as contemplated is set forth on Exhibit "F". This list is a good faith attempt to list the most significant permits required for development and may be supplemented with additional permits and requirements, as appropriate, but failure to include permits and approvals on Exhibit "F" shall not relieve the Owners or Tenant from the need to obtain said permits and approvals. Notwithstanding the foregoing, if it is determined by the issuing agency at a later time that any permit or approval listed on Exhibit 'F' is not required for the development of the Property, the Owners shall not be obligated to obtain such permit or approval.

23. SHORELINE DEVELOPMENT REVIEW

The REDPAD process pursuant to County Code Section 33-284.28.6, provides for the initial development plan to be provided as part of the rezoning, with the detailed site plan, structures, landscaping and site layout at the ASPR stage. Therefore, the full review by the Shoreline Development Review Committee will be during the ASPR phase, when final development review occurs. Therefore, it is acknowledged that any shoreline review prior to ASPR or at the hearing stage is not of the final development action, and is only preliminary review, and that additional Shoreline Development Review Committee review will be required as part of the ASPR phase.

24. TRAFFIC AND MOBLITY

As part of the ASPR process, traffic and mobility commitments such as a traffic management plan, ride share management and pedestrian and bicycle links shall be provided together with the ASPR.

25. GENERAL DEVELOPMENT TIMEFRAME

A general anticipated development time frame is included in the attached Exhibit "E." For the avoidance of doubt, the dates set forth in Exhibit "E" are subject to change, and this Declaration does not establish any mandatory development deadlines, or enforcement rights of Owner with respect to the same.

26. MARINA USES

Proposed marina uses shall be subject to compliance with additional regulatory approvals and review, including, but not limited to, under Chapter 24 (including, without limitation, review for compliance with the Manatee Protection Plan), and with the SAASD. This Declaration shall not be deemed to prohibit a marina or marina related uses, including, but limited to a harbor master's office; recreational uses such as kayak and jet ski and paddle boarding and launches; commercial uses such as boats carrying passengers on excursion, sightseeing, pleasure, or fishing trips; water-dependent marina activities; low impact cleaning[3]; vessel fueling; electric charging; transient vessel use; the uses set forth under Section 2(a) above; and other uses customarily associated with marinas.

27. COUNTY INSPECTION

As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

28. COVENANT RUNNING WITH THE LAND

This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

29. TERM

This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after

[3] Low impact cleaning includes normal boat cleaning including rinsing and washing with environmentally friendly cleaning projects. The use of cleaning products that contain ammonia, petroleum, distillates, sodium hypochlorite or chlorinated solvents is not permitted. Cleaning and scraping hull bottoms, including barnacle scraping of running gear while vessels are in the water is not included in the definition of low impact cleaning.

which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

30. MODIFICATION, AMENDMENT, RELEASE

This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

31. ENFORCEMENT

Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

32. AUTHORIZATION FOR MIAMI-DADE COUNTY TO WITHHOLD PERMITS AND INSPECTIONS

In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

33. ELECTION OF REMEDIES

All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

34. PRESUMPTION OF COMPLIANCE

Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), then such construction, inspection

and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

35. SEVERABILITY

Invalidation of any one of these covenants, by judgment of a court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

36. RECORDATION AND EFFECTIVE DATE

This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

37. ACCEPTANCE OF DECLARATION

The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

38. OWNER

The term Owner shall include all heirs, assigns, and successors in interest.

39. TENANT

The term Tenant refers to Resilient Aquarium LLC, as well as all of its heirs, assigns, and successors in interest. Notwithstanding anything to the contrary, the Tenant shall be governed by and required to comply with all obligations and requirements in this Declaration, regardless of whether such obligation or requirement references Owner, Tenant, or does not specify, and the County has all rights and authorizations to enforce the terms of this Declaration against Tenant, its heirs, assigns, and successors in interest, and all heirs, assigns, and successors in interest of Owner.

[Execution Pages to Follow]

SIGNATURES

[COUNTY JOINDER TO BE ATTACHED]

TENANT

RESILIENT AQUARIUM LLC, a
Delaware limited liability company,
as approved Tenant and Contract Lessee

By: _____
Name: David Martin
Title: Manager

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me, by means of [__] physical presence or [__] online notarization, this ____ day of _____, 2026, by David Martin, as Manager of RESILIENT AQUARIUM LLC, a Delaware limited liability company, as the approved Tenant and Contract Lessee, on behalf of such limited liability company. He is personally known to me or produced a valid _____ driver's license as identification.
_____

Print or Stamp Name: _____
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

THE FOLLOWING DESCRIBED TRACT OF LAND LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA, AND THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°22'07" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°37'53" WEST FOR A DISTANCE OF 181.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 264.81; THENCE RUN SOUTH 44°37'53" WEST, A DISTANCE OF 65 FEET MORE OR LESS TO THE SHORELINE OF BISCAYNE BAY; THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30'00" FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 31°34'46" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46'01" FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT ON SAID CURVE WHICH IS THE POINT OF CURVATURE OF CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1190.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04'03" FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF

INTERSECTION WITH A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL TO THE CENTER LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG SAID LINE PARALLEL TO THE CENTER LINE OF THE RICKENBACKER CAUSEWAY FOR A DISTANCE OF 302.52 FEET; THENCE RUN NORTH 44°37'53" EAST FOR A DISTANCE OF 110.00 FEET; THENCE RUN NORTH 45°22'07" WEST FOR A DISTANCE OF 218.00 FEET; THENCE RUN NORTH 44°37'53" EAST FOR A DISTANCE OF 472.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 1209.18 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 3A:

A PARCEL OF LAND ON VIRGINIA KEY, IN BISCAYNE BAY, MIAMI-DADE COUNTY, FLORIDA; BEING A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 54, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, DADE COUNTY, FLORIDA AND THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74 AT PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°45'11" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 100.39 FEET, THENCE RUN SOUTH 29°14'50"WEST FOR A DISTANCE OF 119.05 FEET TO A POINT BEING 115.00 FEET SOUTHWESTERLY FROM MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN, THENCE RUN SOUTH 45°45'11" EAST ALONG A LINE PARALLEL TO AND 115.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 1225.26 FEET, THENCE, RUN SOUTH 44°14'49" WEST FOR A DISTANCE OF 60.00 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY, THENCE RUN NORTH 45°45'11" WEST ALONG A LINE PARALLEL TO AND 175.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY SAID LINE BEING ALSO THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE 1473.99 FEET, THENCE RUN

NORTH 44°14’49” EAST FOR A DISTANCE OF 60.00 FEET, THENCE RUN SOUTH 45°45’11” EAST ALONG A LINE PARALLEL TO AND 115.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 248.73 FEET TO THE OF POINT OF BEGINNING.

AND

MARINA PARCEL C:

SUBMERGED LANDS PARCEL #3B:

THE FOLLOWING DESCRIBED TRACT OF SUBMERGED LANDS LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 20, WITH THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°44’41” EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY, A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°15’19” WEST FOR A DISTANCE OF 181.17 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RICKENBACKER CAUSEWAY; THENCE SOUTH 45°44’41” EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND A LINE THAT IS 175.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 1209.18 FEET; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF THE LANDS DESCRIBED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5709, PAGE 584 OF SAID PUBLIC RECORDS AND MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN SOUTH 44°15’19” WEST, A DISTANCE OF 472.17 FEET; (2) THENCE RUN SOUTH 45°44’41” EAST, A DISTANCE OF 218.00 FEET; (3) THENCE RUN SOUTH 44°15’19” WEST, A DISTANCE OF 110.00 FEET; (4) THENCE RUN SOUTH 45°44’41” EAST, ALONG A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 302.52 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBMERGED PARCEL OF LAND, ALSO BEING A POINT OF INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP; THENCE SOUTH 24°39’27” EAST A DISTANCE OF 701.73 FEET TO THE INTERSECTION WITH A NON-TANGENT

CIRCULAR CURVE CONCAVE TO THE NORTH, THE CENTER OF WHICH BEARS NORTH 25°45’33” WEST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1840.00 FEET, A CENTRAL ANGLE OF 34°35’17”, THENCE WESTERLY, ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1110.76 FEET; THENCE NORTH 0°21’38” WEST, ALONG THE WEST LINE OF THE EAST HALF (1/2) OF SAID SECTION 20 AND THE LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248 OF SAID PUBLIC RECORDS, A DISTANCE OF 351.07 FEET; THENCE SOUTH 89°41’09” WEST, ALONG SAID LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248, A DISTANCE OF 717.60 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST, THE CENTER OF WHICH BEARS NORTH 42°30’45” EAST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1385.00 FEET, A CENTRAL ANGLE OF 15°12’48”; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 367.75 FEET TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1862.50 FEET AND A CENTRAL ANGLE OF 18°39’07”; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 606.31 FEET TO THE POINT OF TANGENCY WITH A LINE; THENCE NORTH 13°37’21” WEST, ALONG SAID LINE, A DISTANCE OF 624.29 FEET; THENCE NORTH 28°40’50” EAST, A DISTANCE OF 623.67 FEET; THENCE NORTH 75°44’38” EAST, A DISTANCE OF 743.94 FEET, MORE OR LESS, TO THE SHORELINE OF BISCAYNE BAY; THE FOLLOWING FIVE (5) COURSES BEING ALONG THE EXTERIOR LIMITS OF THE LANDS DESCRIBED IN UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. Z-131-91 AND UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; (2) THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30’00” FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; (3) THENCE RUN SOUTH 31°12’12” WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; (4) THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46’01” FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT OF NON-TANGENCY OF A CIRCULAR CURVE LEADING TO THE LEFT AND HAVING A RADIAL BEARING OF NORTH 15°42’11” EAST AND A RADIUS

OF 1190.00 FEET; (5) THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04’03” FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

THE UPLANDS

PARCEL 1C:

THE FOLLOWING DESCRIBED TRACT OF LAND LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA, AND THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°22'07" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°37'53" WEST FOR A DISTANCE OF 181.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 264.81; THENCE RUN SOUTH 44°37'53" WEST, A DISTANCE OF 65 FEET MORE OR LESS TO THE SHORELINE OF BISCAYNE BAY; THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30'00" FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 31°34'46" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46'01" FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT ON SAID CURVE WHICH IS THE POINT OF CURVATURE OF CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1190.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04'03" FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF INTERSECTION WITH A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL TO THE CENTER LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG SAID LINE PARALLEL TO THE CENTER LINE OF THE RICKENBACKER CAUSEWAY FOR A DISTANCE OF 302.52 FEET; THENCE RUN

NORTH 44°37'53" EAST FOR A DISTANCE OF 110.00 FEET; THENCE RUN NORTH 45°22'07" WEST FOR A DISTANCE OF 218.00 FEET; THENCE RUN NORTH 44°37'53" EAST FOR A DISTANCE OF 472.17 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY; THENCE RUN NORTH 45°22'07" WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 1209.18 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THE BOAT BASIN DESCRIBED IN CONSERVATION EASEMENT (EXHIBIT "C"), RECORDED IN OFFICIAL RECORDS BOOK 15240, PAGE 3385, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT THE FOLLOWING SUBMERGED LANDS PARCEL:

SUBMERGED LANDS PARCEL #2:

THE FOLLOWING DESCRIBED TRACT OF SUBMERGED LANDS LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 20, WITH THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°44'41" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY, A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°15'19" WEST FOR A DISTANCE OF 181.17 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RICKENBACKER CAUSEWAY; THENCE SOUTH 45°44'41" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND A LINE THAT IS 175.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 1209.18 FEET; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF THE LANDS DESCRIBED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5709, PAGE 584 OF SAID PUBLIC RECORDS AND MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; 1) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 472.17 FEET; 2) THENCE RUN SOUTH 45°44'41" EAST, A DISTANCE OF 218.00 FEET; 3) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 110.00 FEET; 4) THENCE RUN SOUTH 45°44'41" EAST, ALONG A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID

CENTER LINE, A DISTANCE OF 302.52 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 23°21'50" WEST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1190.00 FEET AND A CENTRAL ANGLE OF 39°04'03"; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 811.41 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST, BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 23°26'11" EAST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 5°20'09"; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 74.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBMERGED LANDS; THENCE CONTINUE ALONG SAID CURVE CONCAVE TO THE NORTHEAST, BEING COINCIDENT TO SAID BULKHEAD LINE, HAVING FOR ITS ELEMENTS A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 6°36'47"; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 92.34 FEET TO A POINT OF CUSP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 35°23'07" EAST, AND SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 23.63 FEET, AND A CENTRAL ANGLE OF 34°06'46"; THENCE SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 14.07 FEET; THE FOLLOWING TEN (10) COURSES BEING ALONG THE FACE OF THE EXISTING SEAWALL; 1) THENCE, DEPARTING SAID CURVE, RUN SOUTH 69°08'54" EAST, A DISTANCE OF 30.11 FEET; 2) THENCE RUN NORTH 20°56'23" EAST, A DISTANCE OF 62.70 FEET; 3) THENCE SOUTH 69°03'37" EAST, A DISTANCE OF 0.74 FEET; 4) THENCE NORTH 20°56'23" EAST, A DISTANCE OF 5.76 FEET; 5) THENCE SOUTH 69°47'55" EAST, A DISTANCE OF 9.40 FEET; 6) THENCE SOUTH 20°56'23" WEST, A DISTANCE OF 6.10 FEET; 7) THENCE SOUTH 69°22'35" EAST, A DISTANCE OF 31.10 FEET;

8) THENCE SOUTH 21°45'50" WEST, A DISTANCE OF 34.06 FEET; 9) THENCE SOUTH 21°13'38" WEST, A DISTANCE OF 38.21 FEET TO A POINT OF CURVATURE, WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE EAST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 9.50 FEET AND A CENTRAL ANGLE OF 68°56'45"; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 11.43 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 3A:

A PARCEL OF LAND ON VIRGINIA KEY, IN BISCAYNE BAY, MIAMI-DADE COUNTY, FLORIDA; BEING A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 54, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, DADE COUNTY, FLORIDA AND THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74 AT PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°45’11” EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 100.39 FEET, THENCE RUN SOUTH 29°14’50”WEST FOR A DISTANCE OF 119.05 FEET TO A POINT BEING 115.00 FEET SOUTHWESTERLY FROM MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN, THENCE RUN SOUTH 45°45’11” EAST ALONG A LINE PARALLEL TO AND 115.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 1225.26 FEET, THENCE, RUN SOUTH 44°14’49” WEST FOR A DISTANCE OF 60.00 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY, THENCE RUN NORTH 45°45’11” WEST ALONG A LINE PARALLEL TO AND 175.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY SAID LINE BEING ALSO THE SOUTHWESTERLY RIGHT OF WAY LINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE 1473.99 FEET, THENCE RUN NORTH 44°14’49” EAST FOR A DISTANCE OF 60.00 FEET, THENCE RUN SOUTH 45°45’11” EAST ALONG A LINE PARALLEL TO AND 115.00 FEET SOUTHWESTERLY FROM, MEASURED AT RIGHT ANGLE TO THE CENTERLINE OF RICKENBACKER CAUSEWAY FOR A DISTANCE OF 248.73 FEET TO THE OF POINT OF BEGINNING.

EXHIBIT "C"

THE SUBMERGED LANDS

MARINA PARCEL C:

THE BOAT BASIN DESCRIBED IN CONSERVATION EASEMENT (EXHIBIT "C"), RECORDED IN OFFICIAL RECORDS BOOK 15240, PAGE 3385, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

SUBMERGED LANDS PARCEL #2:

THE FOLLOWING DESCRIBED TRACT OF SUBMERGED LANDS LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 20, WITH THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°44'41" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY, A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°15'19" WEST FOR A DISTANCE OF 181.17 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RICKENBACKER CAUSEWAY; THENCE SOUTH 45°44'41" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND A LINE THAT IS 175.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 1209.18 FEET; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF THE LANDS DESCRIBED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5709, PAGE 584 OF SAID PUBLIC RECORDS AND MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; 1) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 472.17 FEET; 2) THENCE RUN SOUTH 45°44'41" EAST, A DISTANCE OF 218.00 FEET; 3) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 110.00 FEET; 4) THENCE RUN SOUTH 45°44'41" EAST, ALONG A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 302.52 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEING

COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 23°21'50" WEST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1190.00 FEET AND A CENTRAL ANGLE OF 39°04'03"; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 811.41 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST, BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 23°26'11" EAST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 5°20'09"; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 74.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBMERGED LANDS; THENCE CONTINUE ALONG SAID CURVE CONCAVE TO THE NORTHEAST, BEING COINCIDENT TO SAID BULKHEAD LINE, HAVING FOR ITS ELEMENTS A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 6°36'47"; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 92.34 FEET TO A POINT OF CUSP, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 35°23'07" EAST, AND SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 23.63 FEET, AND A CENTRAL ANGLE OF 34°06'46"; THENCE SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 14.07 FEET; THE FOLLOWING TEN (10) COURSES BEING ALONG THE FACE OF THE EXISTING SEAWALL; 1) THENCE, DEPARTING SAID CURVE, RUN SOUTH 69°08'54" EAST, A DISTANCE OF 30.11 FEET; 2) THENCE RUN NORTH 20°56'23" EAST, A DISTANCE OF 62.70 FEET; 3) THENCE SOUTH 69°03'37" EAST, A DISTANCE OF 0.74 FEET; 4) THENCE NORTH 20°56'23" EAST, A DISTANCE OF 5.76 FEET; 5) THENCE SOUTH 69°47'55" EAST, A DISTANCE OF 9.40 FEET; 6) THENCE SOUTH 20°56'23" WEST, A DISTANCE OF 6.10 FEET; 7) THENCE SOUTH 69°22'35" EAST, A DISTANCE OF 31.10 FEET; 8) THENCE SOUTH 21°45'50" WEST, A DISTANCE OF 34.06 FEET; 9) THENCE SOUTH 21°13'38" WEST, A DISTANCE OF 38.21 FEET TO A POINT OF CURVATURE, WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE EAST, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 9.50 FEET AND A CENTRAL ANGLE OF 68°56'45"; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 11.43 FEET TO THE POINT OF BEGINNING.

SUBMERGED LANDS PARCEL #3B:

THE FOLLOWING DESCRIBED TRACT OF SUBMERGED LANDS LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 42 EAST, VIRGINIA KEY, MIAMI-DADE COUNTY, FLORIDA:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 20, WITH THE CENTER LINE OF THE RICKENBACKER CAUSEWAY, BOTH AS SHOWN ON SHEET 2 OF THE BULKHEAD LINE MAP, RECORDED IN PLAT BOOK 74, PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 45°44'41" EAST ALONG SAID CENTER LINE OF RICKENBACKER CAUSEWAY, A DISTANCE OF 100.39 FEET TO A POINT; THENCE RUN SOUTH 29°15'19" WEST FOR A DISTANCE OF 181.17 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RICKENBACKER CAUSEWAY; THENCE SOUTH 45°44'41" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND A LINE THAT IS 175.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 1209.18 FEET; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE NORTHWESTERLY AND SOUTHWESTERLY LINES OF THE LANDS DESCRIBED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5709, PAGE 584 OF SAID PUBLIC RECORDS AND MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 472.17 FEET; (2) THENCE RUN SOUTH 45°44'41" EAST, A DISTANCE OF 218.00 FEET; (3) THENCE RUN SOUTH 44°15'19" WEST, A DISTANCE OF 110.00 FEET; (4) THENCE RUN SOUTH 45°44'41" EAST, ALONG A LINE THAT IS 757.17 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF RICKENBACKER CAUSEWAY AS MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE, A DISTANCE OF 302.52 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBMERGED PARCEL OF LAND, ALSO BEING A POINT OF INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEING COINCIDENT WITH THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP; THENCE SOUTH 24°39'27" EAST A DISTANCE OF 701.73 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH, THE CENTER OF WHICH BEARS NORTH 25°45'33" WEST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1840.00 FEET, A CENTRAL ANGLE OF 34°35'17", THENCE WESTERLY, ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1110.76 FEET; THENCE NORTH 0°21'38" WEST, ALONG THE WEST LINE OF THE EAST HALF (1/2) OF SAID SECTION 20 AND THE LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248 OF SAID PUBLIC RECORDS, A DISTANCE OF 351.07 FEET; THENCE SOUTH 89°41'09" WEST, ALONG SAID LIMITS OF PARCEL 3 DESCRIBED IN DEED BOOK 3069, PAGE 248, A DISTANCE OF 717.60 FEET TO THE INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST, THE CENTER OF WHICH BEARS NORTH 42°30'45" EAST FROM SAID POINT OF INTERSECTION, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1385.00 FEET, A CENTRAL ANGLE OF 15°12'48"; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 367.75 FEET TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1862.50 FEET AND A CENTRAL ANGLE OF 18°39'07"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 606.31 FEET TO THE POINT OF TANGENCY WITH A LINE; THENCE NORTH 13°37'21" WEST, ALONG SAID LINE, A

DISTANCE OF 624.29 FEET; THENCE NORTH 28°40’50” EAST, A DISTANCE OF 623.67 FEET; THENCE NORTH 75°44’38” EAST, A DISTANCE OF 743.94 FEET, MORE OR LESS, TO THE SHORELINE OF BISCAYNE BAY; THE FOLLOWING FIVE (5) COURSES BEING ALONG THE EXTERIOR LIMITS OF THE LANDS DESCRIBED IN UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. Z-131-91 AND UNRECORDED MIAMI-DADE COUNTY RESOLUTION NO. R-467-67; (1) THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING THE SHORELINE OF BISCAYNE BAY TO A POINT ON THE BULKHEAD LINE AS SHOWN ON THE ABOVE-MENTIONED BULKHEAD LINE MAP, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; (2) THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE AND ALONG SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 12°30’00” FOR AN ARC DISTANCE OF 98.17 FEET TO THE POINT OF TANGENCY; (3) THENCE RUN SOUTH 31°12’12” WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE FOR A DISTANCE OF 198.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; (4) THENCE RUN SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 97°46’01” FOR AN ARC DISTANCE OF 1365.08 FEET TO A POINT OF NON-TANGENCY OF A CIRCULAR CURVE LEADING TO THE LEFT AND HAVING A RADIAL BEARING OF NORTH 15°42’11” EAST AND A RADIUS OF 1190.00 FEET; (5) THENCE RUN EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT AND ALONG THE SAID BULKHEAD LINE, THROUGH A CENTRAL ANGLE OF 39°04’03” FOR AN ARC DISTANCE OF 811.41 FEET TO THE POINT OF BEGINNING.

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z26-106 DATE: NOV 10 2026 BY: E137694

EXHIBIT "D"

EQUIVALENCY MATRIX

{SEE NEXT PAGE}

EXHIBIT "D"

EQUIVALENCY MATRIX

TABLE 1: Miami Seaquarium Trip Generation Equivalency Matrix

Land Use	Net External PM Peak Hour	TO:	Food and Beverage	Retail	Event Space	Aquarium/ Experiences/ Attractions	Research/ Conservation/ Education	Marina
	Equivalency Rates[1]	Units	6.609	3.256	0.429	0.167	0.350	0.190
FROM:			ksf	ksf	ksf	ksf	ksf	brth
Food and Beverage	**6.609**	ksf	1.000	2.030	15.406	39.575	18.883	34.784
Retail	**3.256**	ksf	0.493	1.000	7.590	19.497	9.303	17.137
Event Space	**0.429**	ksf	0.065	0.132	1.000	2.569	1.226	2.258
Aquarium/Experiences/Attractions	**0.167**	ksf	0.025	0.051	0.389	1.000	0.477	0.879
Research/Conservation/Education	**0.350**	ksf	0.053	0.107	0.816	2.096	1.000	1.842
Marina	**0.190**	brth	0.029	0.058	0.443	1.138	0.543	1.000

Note: [1] Based on P.M. peak hour trip generation equivalency rate developed in Table 2.

TABLE 2: P.M. Peak Hour Trip Generation Equivalency Calculations

Land Use	ITE Edition	ITE Code	Scale	Units	Net New Trips	Equivalency Rate	
Food and Beverage	12	932	46.000	ksf	304	6.609	trips/ksf
Retail	12	822	19.348	ksf	63	3.256	trips/ksf
Event Space [2]	10	460	74.583	ksf	32	0.429	trips/ksf
Aquarium/Experiences/Attractions[1]	12	580	150.000	ksf	25	0.167	trips/ksf
Research/Conservation/Education	12	760	120.000	ksf	42	0.350	trips/ksf
Marina[3]	11	420	847	brth	161	0.190	trips/brth
Total PM Peak Hour Net New Trips					**627**		

Notes:

[1] As the ITE Trip Generation Manual does not contain specific rates/equations for an aquarium land use, rates/equations for museum land use were used consistent with ULI shared parking 3rd edition that groups those uses together.

[2] The event space is contemplated to be a flexible area for different event scales, therefore, in order to provide a conservative analysis, the event space was calculated to operate as an arena use during the P.M. peak hour.

[3] The ITE 11th Edition was utilized, as the ITE 12th Edition does not provide trip-generation rates or equations for the marina land use.

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EXHIBIT "D"

EQUIVALENCY MATRIX (CONTINUED)

TABLE 3: Proposed Redevelopment P.M. Peak Hour Trip Generation Calculations

TRIP GENERATION CHARACTERISTICS						DIRECTIONAL DISTRIBUTION		BASELINE TRIPS			INTERNAL CAPTURE		NEW EXTERNAL VEHICLE TRIPS		
Land Use	ITE Edition	ITE LUC	Scale	ITE Unit	Equation/Rate	Entering %	Exiting %	In	Out	Total	Internal Capture Rate	IC Trips	Net New In	Net New Out	Net New Total
Aquarium/ Experiences/ Attractions[1]	*12*	*580*	150	KSF	*T = 0.18(X)*	16%	84%	4	23	27	9.2%	2	4	21	25
Research/ Conservation/ Education	*12*	*760*	120	KSF	*T = 0.45(X)*	25%	75%	14	40	54	22.2%	12	9	33	42
Event Space[2]	*10*	*460*	74.583	KSF	*T = 0.47(X)*	36%	64%	13	22	35	9.2%	3	12	20	32
Retail	*12*	*822*	19.348	LKSF	*Ln(T) = 0.68 Ln(X) + 2.77*	50%	50%	60	60	120	47.5%	57	23	40	63
Marina[3]	*11*	*420*	847	BRTH	*T = 0.21(X)*	60%	40%	107	71	178	9.2%	17	97	64	161
Food and Beverage	*12*	*931*	46	KSF	*T = 8.1(X)*	69%	31%	257	116	373	18.5%	69	230	74	304
							Total:	**455**	**332**	**787**	**20.3%**	**160**	**375**	**252**	**627**

Notes: [1] As the ITE Trip Generation Manual does not contain specific rates/equations for an aquarium land use, rates/equations for museum land use were used consistent with ULI shared parking 3rd edition that groups those uses together.
[2] The event space is contemplated to be a flexible area for different event scales, therefore, in order to provide a conservative analysis, the event space was calculated to operate as an arena use during the P.M. peak hour.
[3] The ITE 11th Edition was utilized, as the ITE 12th Edition does not provide trip-generation rates or equations for the marina land use.

EXHIBIT "E"

GENERAL ANTICIPATED TIMEFRAME

MIAMI SEAQUARIUM ANTICIPATED PROJECT SCHEDULE	
Milestone[4]	**Duration**
Marina Phase	
Construction Commencement	Later of 1) May 15, 2031 or 2) 6 months after Marina Permit Issuance
Construction Completion	Later of 1) February 15, 2034 or 2) 33 months after Construction Commencement
Public Amenities	
Construction Commencement	Later of 1) May 15, 2031 or 2) 6 months after Marina Permit Issuance
Construction Completion	Later of 1) February 15, 2034 or 2) 33 months after Construction Commencement
Upland Phase	
Demolition Commencement	Later of 1) November 15, 2027 or 2) 12 months after Lease Effective Date
Foundation & Vertical Development Commencement	Later of 1) November 15, 2029, 2) 6 months after Vertical Development Permit Issuance, or 3) 12 months after Demolition Completion
Vertical Development Completion	Later of 1) November 15, 2032 or 2) 36 months after Foundation & Vertical Development Commencement

[4] This is an anticipated project schedule and may be affected by deferrals, delays or other factors. Nothing herein shall be construed to modify, adjust or otherwise affect any dates provided in the Lease. Any capitalized terms used in Exhibit "E" that are not otherwise defined in this Declaration have the meaning given to them in the Lease.

EXHIBIT "F"

DEVELOPMENT PERMIT

Agency	Permit/Approval/Authorization/Exemption	Status
Miami-Dade County	CDMP Amendment	In Process
	Rezoning and Associated Declaration	In Process
	Site Plan Approval	Future Action
	Subdivision/Plat Approval	Future Action
	Building Permits	Future Action
	Wastewater Collection System Permit	Future Action
	Roadway Improvement Plans	Future Action
	Tree Removal Permit	Future Action
	Paving Permit	Future Action
	Drainage Permit	Future Action
	Sewer Permit	Future Action
	Water Distribution System Permit	Future Action
	Complex Source Permit	Future Action
	Wetland Jurisdictional Determination	Future Action
	Class I Permit (Marina & Seawall)	In Process
	Class II Permit (Water Control Plan)	Future Action
	Class III Permit (Water Control Plan)	Future Action
	Class IV (Freshwater Wetland Dredge & Fill)	Future Action
	Class V (Dewatering)	Future Action
	Class VI Permit (Water Control Plan)	Future Action
	Permits to design and construct an on- and/or off-site stormwater management system for the Project	Future Action
	Surface Water Management Permit	Future Action
	Vegetation Wildlife Assessment Related Permits	Future Action
Shoreline Development Review Committee	Shoreline Development Review	Future Action
Department of Environmental Protection	Wastewater Collection System Permit	Future Action
	Water Distribution System Permit	Future Action
	Vegetation/Wildlife Assessment Related Permits	Future Action
	Air Quality	Future Action
	Wetland Jurisdictional Determination	Future Action
	Environmental Resource Permit (Marina)	Future Action
	Seawall Exemption Verification	Complete
	Environmental Resource Permit (Stormwater and Water Quality Certification)	In Process

Department of Transportation	Roadway Improvement Plans	Future Action
U.S. Army Corps of Engineers	Wetland Jurisdictional Determination	Future Action
	Dredge and Fill Permit	Future Action
	Marina and Seawall Permit	In Process