

Application No. 5

Countywide

APPLICATION SUMMARY

Applicant/Representative: Miami-Dade County
Department of Regulatory and Economic Resources
111 NW 1 Street, 12 floor
Miami, Florida 33128-1972

Location: Countywide

Requested Text Changes: Amend the Land Use Element to include new policies under Objective LU-4 and amend the Aviation Subelement to include new policies and revisions to existing policies under Objective AV-7 providing for criteria to achieve compatibility of lands adjacent to the Homestead Air Reserve Base.

Amendment Type: Standard Text Amendment

RECOMMENDATIONS

Staff: **TRANSMIT AND ADOPT** (February 25, 2013)

Community Councils: **NOT APPLICABLE**

Planning Advisory Board (PAB)
acting as the Local Planning Agency: **TO BE DETERMINED** (April 15, 2013)

Board of County Commissioners: **TO BE DETERMINED** (May 22, 2013)

Final Recommendation of PAB acting
as the Local Planning Agency: **TO BE DETERMINED** (September 3, 2013)

Final Action of Board of County
Commissioners: **TO BE DETERMINED** (October 2, 2013)

Staff recommends: **TRANSMIT AND ADOPT** the application to amend the Comprehensive Development Master Plan (CDMP) Land Use Element and the Aviation Subelement text based on the following reasons:

Principal Reasons for Recommendation:

1. The Application seeks to satisfy a statutory requirement for compatibility of land uses adjacent to the Homestead Air Reserve Base (HARB). Sections 163.3175(9) and 163.3177(6)(a) of the Florida Statutes require local governments having a military installation(s) within their jurisdictional limits to include in the land use element of their comprehensive plans criteria to achieve the compatibility of lands adjacent or closely proximate to military installations. Section 163.3175(2), Florida Statutes, identifies Miami-Dade County as one of the local governments required to incorporate compatibility criteria in its comprehensive plan. Therefore, the new policies proposed in this application are to satisfy the statutory requirement.
2. The Application proposes new policies under CDMP Land Use Element Objective LU-4 and new and revised policies under Aviation Subelement AV-7 in order to fulfill the above referenced requirement for providing criteria to achieve the compatibility of lands adjacent to HARB. Additionally, proposed changes to the Land Use Element and the Aviation Subelement maintain the internal consistency of the CDMP.
3. Table 3 of the Intergovernmental Coordination Element designates HARB as a Facility of Countywide Significance. Furthermore, CDMP Policy ICE-3H requires the County to maintain systematic review and approval of changes to land use, development and zoning on properties surrounding facilities of countywide significance, in an effort to maintain or improve compatibility and appropriate transition between adjacent properties and the facilities. The subject application proposes new policies addressing the compatibility of lands adjacent or proximate to HARB, which are consistent with the provisions of the CDMP Intergovernmental Coordination Element and with the intent to maintain or improve the compatibility of lands adjacent to HARB.
4. Land Use Element Policy LU-4F and current Aviation Subelement Policies AV-7A and AV-7B also require the County to implement the guidelines and recommendations of the Joint Land Use Study (JLUS) and the Air Installation Compatible Use Zone (AICUZ) Study for the Homestead Air Reserve Base through the Land Use Element, the Miami-Dade Zoning Code toward achieving land use compatibility in the Vicinity of HARB.

On April 6, 2010, the Board of County Commissioners approved and adopted Resolution R-357-10 accepting the Joint Land Use Study (JLUS) and the Air Installation Compatibility Zone (AICUZ) Study that were commissioned by the U.S. Air Force and the Homestead Air Reserve Base. The policies proposed in the application require a subsequent zoning code amendment that would implement guidelines and recommendations of the JLUS and AICUZ and would further the intent of the above referenced policies.

REQUESTED TEXT AMENDMENT

1. Add the proposed new policies under Objective LU-4 of the CDMP Land Use Element as follows:

Objective LU-4

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

Policies

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.
- LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.
- LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- LU-4E. Zoning shall be examined to determine consistency with the Comprehensive Plan, and if deemed necessary to remedy an inconsistency, rezoning action shall be initiated. Examination could occur through a special zoning study, area-planning activity, or through a study of related issues.
- LU-4F. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.
- LU-4G. Miami-Dade County shall continue to cooperate with the Homestead Air Reserve Base (HARB) to ensure that future land uses on properties adjacent to HARB maintain or improve compatibility with HARB and its operations.
- LU-4H. By 2014, Miami-Dade County shall amend Article XXXV, Homestead Air Force Base Zoning, of the Code of Miami-Dade County to enhance and promote the

compatibility of adjacent land uses and development with HARB and the protection of Base operations and activities. The amending ordinance shall consider the guidelines recommended in the *Joint Land Use Study* and the *Air Installation Compatible Use Zone Study* for the Homestead Air Reserve Base, and address the following compatibility criteria:

- (a) Permitted uses and use restrictions;
- (b) Development density and intensity;
- (c) Building FARs and setbacks;
- (d) Height restrictions;
- (e) Lighting standards;
- (f) Noise attenuation;
- (g) variances and appeals;
- (h) Real estate disclosure process; and
- (i) Aviation easements

LU-4I. It is the policy of Miami-Dade County that proposals for future land uses, including the siting of public facilities, on land adjacent to the HARB shall maintain or improve compatibility with HARB consistent with the provision of Intergovernmental Coordination Element Policies ICE-3G and ICE-3H, and pursuant to the foregoing Policies LU-4A and LU-4B.

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

2. Add the proposed new policies and revisions to existing policies under Objective AV-7 of the CDMP Aviation Subelement as follows:

Objective AV-7

Maximize compatibility between airports and the surrounding communities.

Policies

AV-7A. Miami-Dade County shall implement the Homestead Air Force ~~Base~~ Reserve Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning ~~Ordinance~~ Code and the Florida Building Code to provide for and preserve height and land use compatibility in the vicinity of the Homestead Air Reserve Base.

AV-7B. Miami-Dade County shall continue to cooperate with the Homestead Air Reserve Base (HARB) to ensure that future land uses on properties adjacent to HARB maintain or improve compatibility with HARB and its operations.

AV-7C. By 2014, Miami-Dade County shall amend Article XXXV, Homestead Air Force Base Zoning, of the Code of Miami-Dade County to enhance and promote the compatibility of adjacent land uses and development with HARB and the protection of Base operations and activities. The amending ordinance shall consider the guidelines recommended in the *Joint Land Use Study* and the *Air Installation Compatible Use Zone Study* for the Homestead Air Reserve Base, and address the following compatibility criteria:

- (a) Permitted uses and use restrictions;
- (b) Development density and intensity;
- (c) Building FARs and setbacks;
- (d) Height restrictions;
- (e) Lighting standards;
- (f) Noise attenuation;
- (g) variances and appeals;
- (h) Real estate disclosure process; and
- (i) Avigation easements

AV-7D. It is the policy of Miami-Dade County that proposals for future land uses, including the siting of public facilities, on land adjacent to the HARB shall maintain or improve compatibility with HARB consistent with the provision of Intergovernmental Coordination Element Policies ICE-3G and ICE-3H, and pursuant to Land Use Element Policies LU-4A and LU-4B.

AV-7BE. Miami-Dade County shall update its ~~airport compatible zoning ordinances~~ Zoning Code to promote compatible land use around Miami International, Opa-locka Executive, Kendall-Tamiami Executive, and Homestead General Aviation Airports. These ~~ordinances~~ Code updates shall be based on the applicable guidelines recommended in the following federal and state documents. Due to operational differences, all listed documents may not pertain to all airports. provided in the following documents:

Federal) Aviation Administration – Department of Transportation – Federal Aviation Regulation Part 77 (Objects affecting Navigable Airspace)

~~(Federal)~~–Department of Defense Air Installation Compatible Use Zone Report (AICUZ) for HARB (August 1988)

~~(State)~~–Chapter 333, Florida Statutes, (Airport Zoning)

AV-7CE. Miami-Dade County shall proactively maintain a “good neighbor” program at its airports and with the Homestead Air Reserve Base to ensure that community concerns are addressed on a timely basis, aircraft operations are aware of noise abatement procedures, and mitigation programs are implemented and monitored.

AV-7DG. Landbank suitable revenue generating real estate and other parcels for the development of airport capacity and buffering as soon as feasible to ensure their availability when needed.

- AV-7EH. To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land use around airports and the Homestead Air Reserve Base, reflecting recommendation in the federal and State guidance documents cited in Policy AV-BD.
- AV-7FI. The Miami-Dade County ~~Aviation Department~~ shall ensure, through coordination with ~~the City of Opa-locka~~ adjacent municipalities and the Homestead Air Reserve Base, that any concerns regarding the development and redevelopment of the ~~Opa-locka Executive Airports and the Air Reserve Base~~, and/or development and redevelopment of land in ~~its~~ their vicinity are addressed on a timely basis to ensure compatibility of land use and zoning with the functions of these airport facilities.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

Approval of the proposed Application No. 5 would further the implementation of the following CDMP objectives and policies:

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.
- LU-4F. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.
- AV-7A. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for and preserve height and land use compatibility in the vicinity of the Homestead Air Reserve Base.
- AV-7B. Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around Miami International, Opa-locka Executive, Kendall-Tamiami Executive, and Homestead General Aviation Airports. These ordinances updates shall be based on the guidelines recommended in the following federal and state documents. Due to operational differences, all listed documents may not pertain to all airports.
 - Federal) – Department of Transportation – Federal Aviation Regulation Part 77 (Objects affecting Navigable Airspace)
 - (Federal) – Department of Defense Air Installation Compatible Use Zone Report (AICUZ) for HAFB (August 1988)
 - (State) – Chapter 333, Florida Statutes, (Airport Zoning)
- ICE-3G. Maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct and/or operate public facilities in incorporated and unincorporated areas of the County. Furthermore, in order to protect and promote the health, safety, order, convenience, and welfare of the residents, the County should retain regulatory control over land use, development and service delivery for all facilities of countywide significance as listed in Table 3. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the

County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

- ICE-3H. Miami-Dade County will maintain, as a particular area of attention in this planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Miami-Dade County will similarly review and approve changes to the land use, development and zoning of properties that surround facilities of countywide significance, as listed in the Table 3, in an effort to maintain or improve the compatibility and transition between the adjoining properties and the facilities. Formal agreement to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

APPENDICES

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**APPLICATION REQUESTING AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Miami-Dade County Department of Regulatory and Economic Resources
111 NW 1 Street, 12 Floor
Miami, Florida 33128-1972
(305) 375-2835

2. APPLICANT'S REPRESENTATIVE

Jack Osterholt, Deputy Mayor/Director
Miami-Dade County Department of Regulatory and Economic Resources
111 NW 1 Street, 29 Floor
Miami, Florida 33128-1972

By:  February 25, 2013

3. DESCRIPTION OF REQUESTED CHANGES

This application seeks to amend the Comprehensive Development Master Plan (CDMP) text in the Land Use Element and Aviation Subelement as follows:

1. Add the proposed new policies under Objective LU-4 of the CDMP Land Use Element as follows:

Objective LU-4

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

Policies

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.

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- LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.
- LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
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- LU-4G. Miami-Dade County shall continue to cooperate with the Homestead Air Reserve Base (HARB) to ensure that future land uses on properties adjacent to HARB maintain or improve compatibility with HARB and its operations.
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4. REASONS FOR CHANGE

This application seeks to satisfy a statutory requirement for compatibility of land uses adjacent to the Homestead Air Reserve Base (HARB) pursuant to Sections 163.3175(9) and 163.3177(6)(a) of the Florida Statutes.

5. ADDITIONAL MATERIALS SUBMITTED

NONE

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