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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(K)
(Second Reading 7-3-12)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 17, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to airport zoning regulations; relating to Miami International Airport (Wilcox Field)

Ordiance No.12-56

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: July 3, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Establishing Sections 33-337.1 and 33-337.2 of the Miami-Dade County Code Pertaining to Uses Permitted on Lands Designated as Government Property (GP) within Miami International Airport

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Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached zoning ordinance establishing Sections 33-337.1 and 33-337.2 of the Miami-Dade County Code (Code) pertaining to uses permitted on lands designated Government Property (GP) within Miami International Airport.

Scope
Miami International Airport is located in District 6, Commissioner Rebeca Sosa, and District 12, Commissioner Jose "Pepe" Diaz.

Fiscal Impact/Funding Source
The proposed ordinance is anticipated to have a positive fiscal impact to the Miami-Dade Aviation Department in that it will facilitate private, third party development within the boundaries of Miami International Airport. The projected revenue for the Miami-Dade Aviation Department is a combination of the annual fair market value of land rents currently estimated at $2,885,403 per year plus additional revenue based upon a negotiated percentage of the gross revenue. The negotiated percentage of the gross revenue is expected to be in the 3% range.

Track Record/Monitor
Not applicable.

Background
The purpose of this ordinance is to establish a regulatory framework for the non-aviation uses permitted at Miami International Airport in compliance with the County's Comprehensive Development Master Plan. Specifically, this ordinance establishes Section 33-337.1 providing for uses permitted on lands designated Government Properties within Miami International Airport. Non-aviation uses include uses such as hotels/motels, offices, retail and industrial facilities that are compatible with the airport and located in a portion of the airport where general public access is not restricted. This is the area where third-party (commercial) development is allowed.

The proposed ordinance will allow the Miami-Dade Aviation Department to maximize commercial development opportunities in order to generate crucial revenue needed for the Capital Improvements Program debt service through third-party leaseholds by permitting reasonable and flexible non-aviation development which is compatible with the airport operations and consistent with applicable law and the Comprehensive Development Master Plan. In addition, the proposed Section 33-337.2 contains the site plan criteria to be used in the review of this development.

Upon adoption of this ordinance, the Miami-Dade Aviation Department would file an application for district boundary change (rezoning) of the lands designated as Government Properties under this ordinance. This application will be submitted for consideration by the Board at a future date.

Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 3, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(K)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

✓ **6 weeks required between first reading and public hearing**

✓ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)
7-3-12

ORDINANCE NO. 12-56

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; CREATING SECTION 33-337.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) LANDS IN THE GP (GOVERNMENT PROPERTY) ZONING DISTRICT; CREATING SECTION 33-337.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-337.1 of the Code of Miami-Dade County, Florida, is hereby created, reading as follows:[1]

Sec. 33-337.1. Uses permitted on Miami International Airport (Wilcox Field) lands in the GP Governmental Property zoning district.

The Comprehensive Development Master Plan (CDMP) provides for aviation, aviation-related and non-aviation uses at Miami International Airport-Wilcox Field (MIA). The purpose of this section of the Code is to provide for non-aviation uses on those lands at MIA that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the CDMP's Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Non-Aviation Uses: The portion of the airport designated in the Comprehensive Development Master Plan for non-aviation uses may be developed at a maximum FAR of 2.0 (excluding parking structures). All non-aviation uses shall be subject to the site plan review standards of Section 33-337.2 of this code.

(1) Subject to the restrictions contained herein, the following non-aviation uses may be approved in the non-aviation areas of the airport:

(a) Lodgings such as hotels and motels (except in terminal concourses), subject to the standards of the BU-2 district.

(b) Office buildings (except in terminal concourses), subject to the standards of the BU-2 district.

(c) Industrial uses such as distribution, storage, manufacturing, research and development, and machine shops, subject to the site development standards of the IU-1 zoning district.

(d) Agricultural uses, subject to the standards of the AU district.

(e) Retail, restaurants, and personal service establishments, subject to the standards of the BU-2 district.

(2) MIA area requirements for non-aviation use lands designated GP in this subsection of the Code. The minimum and maximum of land area devoted to particular non-aviation uses for those parcels designated as "non-aviation use" in Figure 1 shall be as follows:

Non-Aviation Area (±56.7 Acres)

Use	Minimum (acres)	Maximum (acres)
Commercial/Office	3	56.7
Hotel or Motel	0	56.7
Institutional	0	11
Industrial	11	56.7

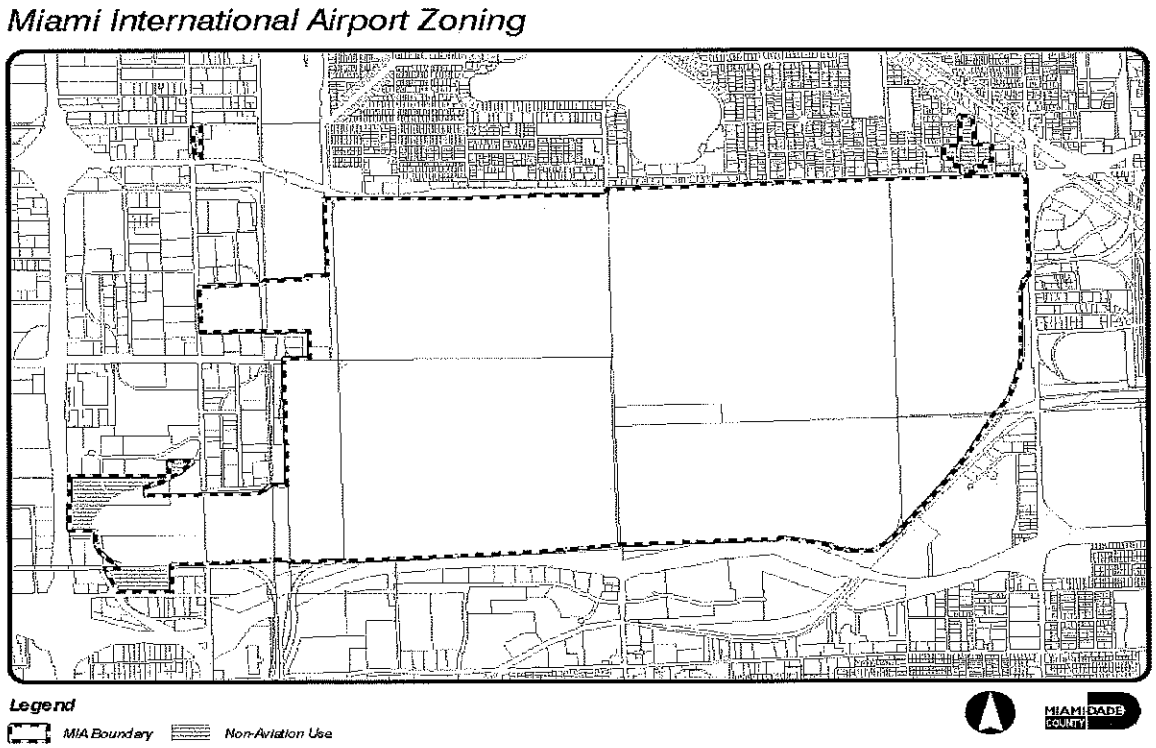

Figure 1 - Miami International Airport

(3) The Director of the Miami-Dade Aviation Department shall monitor the allocation of non-aviation uses in all areas of MIA lands zoned GP in order to maintain compliance with the Aviation Subelement of the CDMP.

Section 2. Section 33-337.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-337.2. Site plan review.

For all non-aviation uses, the Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria prior to building permit. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and encourage the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to

the Department shall be reviewed and approved or denied within thirty (30) days from the date of submission. Denials shall be in writing and shall specifically set forth the grounds for denial. Receipt of applicant's plans for thirty (30) days without formal written denial shall constitute approval. Notwithstanding the provisions of 33-314, if the site is located within unincorporated or incorporated Miami-Dade County and if the plan is disapproved, the applicant may appeal to the Board of County Commissioners. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

(A) *Compliance:* Each non-aviation use shall comply with applicable law, including but not limited to FAA regulations and the current airport layout plan on file with the Miami-Dade County Aviation Department governing permissible uses on the entire airport property. All development shall comply with the off-street parking requirements of Chapter 33, and with Chapter 18A.

(B) *Signage:* Non-aviation uses shall comply with the signage requirements of Article VI, except that entrance features are not required to comply with Sections 33-112(a)(1), (g), (h) and (i).

(C) *Required exhibits.* The following exhibits shall be prepared by design professionals such as architects and landscape architects and submitted to the Department:

(1) Dimensioned site plan(s) indicating, as a minimum, the following information:

(a) Existing zoning on the site and on adjacent properties.

(b) The basic use, height, bulk and location of all buildings and other structures with setbacks.

(c) Vehicular and pedestrian circulation systems including connection(s) to existing or proposed roadway and sidewalk system and the layout of parking, service and loading areas.

(d) Graphics and/or notations indicating the site planning or structure design methods used to minimize the impact of those industrial activities that could have a negative impact on existing or proposed adjacent land uses.

(e) Sketches of design elements to be used for buffering surrounding uses.

(2) Elevation of the proposed buildings and other major design elements.

(3) Landscape plans: Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(4) Figures indicating the following:

(a) Proposed uses.

(b) Gross floor area: _____ square feet

(c) Land area:
Gross lot area:____ square feet _____ acres
Net lot area: _____ square feet_____ acres

(d) Landscaped open space:
Required:_____ square feet _____ %
of net land area
Provided:_____ square feet _____ %
of net land area

(e) Tree Required:_____ Trees Provided:_____

(f) Off-street parking spaces:

Required:_____ Provided:_____

(D) *Criteria.* The following shall be considered in the plan review process:

(1) *Planning studies:* Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.

(2) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen noncompatible uses, and ameliorate the impact of noise.

(3) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as

trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent non-commercial uses.

(4) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.

(5) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.

(6) *Energy conservation:* Applicants shall comply with the Energy Conservation Standards (Section 553.951-553.975) of Florida Statutes Chapter 553.

(7) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:

(1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

(b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: July 3, 2012

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

John McInnis