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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(K)

(Second Reading 8-2-11)

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

DATE: June 21, 2011

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

SUBJECT: Ordinance pertaining to Airport Zoning Regulations; creating Section 33-396.1 of the Code pertaining to uses permitted on Kendall Tamiami Executive Airport Lands in the GP Government Property zoning district; creating Section 33-396.2 pertaining to site plan review standards

Ordinance No. 11-66

The accompanying Ordinance was prepared by the Department of Planning and Zoning and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: August 2, 2011

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

From: Alina T. Hudak
County Manager

Subject: Proposed Zoning ordinance establishing Sections 33-396.1 and 33-396.2 of the Code pertaining to uses permitted on Kendall Tamiami Executive Airport (TMB) lands in the GP Government Property zoning district and related site plan review criteria

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Recommendation
It is recommended that the Board of County Commissioners adopt the attached zoning ordinance establishing Sections 33-396.1 and 33-396.2 of the Code pertaining to uses permitted on Kendall Tamiami Executive Airport (TMB) lands in the GP Government Property zoning district and related site plan review criteria

Scope
The Kendall Tamiami Executive Airport (TMB) is located in Commission Districts 9 and 11.

Fiscal Impact/Funding Source
The proposed ordinance has a positive fiscal impact to Miami-Dade County in that it allows for private, third party development within the boundaries of the TMB Airport. The projected revenue for the County is a combination of the annual fair market value of land rents currently estimated at $2,571,583 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 aviation, aviation-related and non-aviation uses permitted at TMB in compliance with the County's Comprehensive Development Master Plan (CDMP). Specifically, this ordinance establishes Section 33-296.1 providing for uses permitted on lands at TMB with the GP or Government Properties zoning designation. This section categorizes the permitted uses and divides the airport property as follows:

1. Aviation uses: Includes uses such as airfield and aircraft storage located in the portion of the airport where general public access is restricted.

2. Aviation-related uses: Includes uses such as airport fixed-base operator's lounges and ground transportation services located in a portion of the airport where general public access is not restricted.

3. Non-aviation uses: Includes 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 CDMP. In addition, the proposed Section 33-296.2 contains the site plan criteria to be used in the review of this development.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: August 2, 2011

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)
8-2-11

ORDINANCE NO. 11-66

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; CREATING SECTION 33-396.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON KENDALL TAMIAMI EXECUTIVE AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; CREATING SECTION 33-396.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING FOR DEVELOPMENT CRITERIA; 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 33-396.1 of the Code of Miami-Dade County, Florida, is hereby created, reading as follows:[1]

Sec. 33-396.1 Uses permitted on Kendall Tamiami Executive Airport lands in the GP Governmental Property zoning district.

The following public airport uses shall be permitted on those lands at Kendall Tamiami Executive Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the 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.

(A) ***Aviation Uses:*** The portion of the airport designated in the Comprehensive Development Master Plan (CDMP) for aviation uses, shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses).

(1) Areas designated for aviation uses shall be limited to aviation uses, including but not limited to:

a) Airfield uses such as runways, taxiways, aprons, runway protection zones, safety areas, landing areas, and support and maintenance facilities such as control towers, flight service

[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.

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stations, access roads, fire stations, storage and aircraft maintenance and repair facilities and hangars,

b) Aircraft and aircraft parts manufacturing and storage,
c) Fixed base operators,
d) Air cargo operations,
e) Specialized aircraft service operations,
f) Fuel farms,
g) Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the portions of the airport designated for aviation use, subject to such conditions and requirements as may be imposed to ensure public health and safety.

(B) ***Aviation-Related and Non-Aviation Uses:*** The portion of the airport designated in the Comprehensive Development Master Plan for aviation-related and non-aviation uses, shall be deemed to consist of all portions of the airport where general public access is not restricted, and may be developed with aviation uses (aviation facilities), aviation-related uses and non-aviation uses that are compatible with airport operations and consistent with applicable law.

(1) Aviation-related uses:

a) Facilities where general public access is allowed may include existing uses and the following or substantially similar uses:

(1) Fixed Base Operator's lounge areas for aviation passenger traffic, including private or corporate aircraft passenger traffic, which may include non-aviation uses designated to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,

(2) Parking garages and lots serving the airport,

(3) Access roadways serving the airport,

(4) Offices of aviation industry companies and the Miami-Dade Aviation Department,

(5) Hangar rentals and tie downs,

(6) Ground transportation services,

(7) General aviation aircraft, such as private and corporate jets or other aircraft, and automobile rental establishments,

(8) Aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational facilities providing aviation courses,

(9) Aviation-related governmental agency facilities,

(10) Flying club facilities,

(11) Aviation-related entertainment uses such as museums and sightseeing services,

(12) Aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores,

(13) Storage and aircraft maintenance and repair facilities and hangars,

(14) Aircraft and aircraft parts manufacturing and storage,

(15) Air cargo operations, and

(16) Specialized aircraft service operations.

(2) Non-aviation uses:

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

(1) Lodgings such as hotels and motels,

(2) Office buildings,

(3) Industrial uses such as distribution, storage, manufacturing research and development and machine shops,

(4) Agricultural uses, and

(5) Retail, restaurants, and personal service establishments.

b) Such non-aviation uses shall be limited as follows:

(1) The distribution, range, intensity and types of such non-aviation uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urbanizing Area (FAR of 1.25 not counting parking structures), impact on roadways, access and compatibility with neighboring development.

(2) Freestanding retail uses and shopping centers shall front on major access roads preferably near major intersections, where practical, and have limited access to major roadways.

(3) 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.

(4) Warehouses, storage showrooms, printing shops and any other industrial use shall be subject to the site development standards of the IU-1 zoning district. Office buildings, retail sales, hotels and motels, restaurants, personal service establishments, and any other similar uses shall be subject to the standards of the BU-2 district.

(5) All development shall comply with the off-street parking regulations of Chapter 33 and with Chapter 18A (Landscaping) of this code. All non-aviation uses shall be subject to the site plan review standards of Section 33-396.2 of this code.

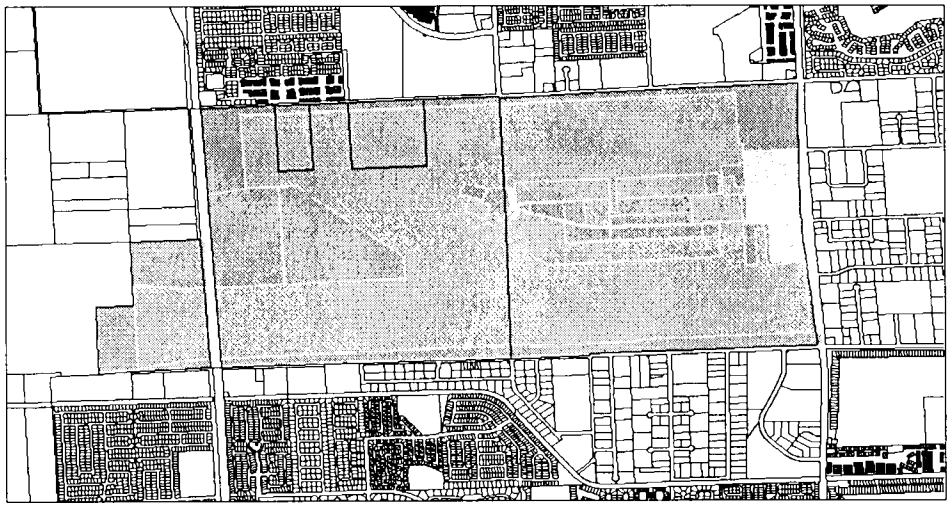
(6) The development of the 8.2 acre (973.52 ft x 363 ft) parcel for non-aviation uses at the southwest corner of SW 137 Avenue and theoretical SW 124 Street shall be limited to access roads, open space, parking and drainage facilities.

(7) The minimum and maximum land area devoted to non-aviation uses shall be limited as follows:

Non-Aviation Uses Area (±43 Acres)

Use	**Minimum (acres)**	**Maximum (acres)**
Industrial	0	37
Commercial	0	43
Office	0	11
Hotels/Motels	0	4
Institutional	0	9

(C) ***Airport Area Map:*** The following map depicts the airport's areas where aviation, aviation-related and non-aviation uses are permitted in accordance with the Comprehensive Development Master Plan.



Legend

Aviation-Related Uses
Aviation Uses
Non-Aviation Uses

Kendall-Tamiami Airport

Section 2. Section 33-396.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-396.2. Site plan review.

(A) For all non-aviation uses, the Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. 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 fifteen (15) 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 fifteen (15) 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.

(B) *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:_____

(C) *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 are advised to consider requirements of Florida Statutes Chapter 553 (Energy Code).

(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.

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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: August 2, 2011

Approved by County Attorney as to form and legal sufficiency: _____

Prepared by: TM

John D. McInnis