

# MEMORANDUM

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Agenda Item No. 3(D)

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

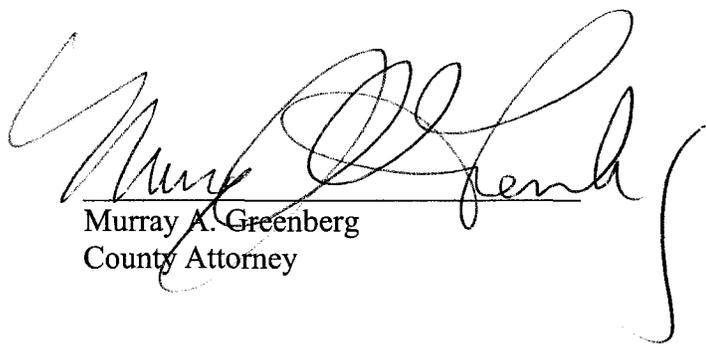
**DATE:** January 17, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance relating to  
Opa-locka zoning; public  
airport uses

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan.

  
Murray A. Greenberg  
County Attorney

MAG/jls

# Memorandum



**Date:**

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

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Ordinance relating to Opa-Locka zoning; public airport uses

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This ordinance pertaining to zoning amending Sections 33-284.22 and 33-363.1 permitting the use of Governmental Property (GP) for public airport uses will have a fiscal impact on Miami-Dade County.

The implementation of this ordinance will result in additional uses permitted on Opa-Locka Airport lands in the GP zoning district to include non-aviation related uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments. It is anticipated that \$1.3 million could be generated from ground leases associated with redevelopment resulting from the implementation of these zoning changes.

A handwritten signature in black ink, written over a horizontal line that serves as a signature line.

Assistant County Manager

Fiscal 01206a



# MEMORANDUM

(Revised)

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

**DATE:** January 24, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("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
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(J)

Veto \_\_\_\_\_

12-6-05

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING REGULATION OF PUBLIC AIRPORTS; AMENDING SECTION 33-284.22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE") PERTAINING TO GP (GOVERNMENTAL PROPERTY) ZONING DISTRICT; CREATING SECTION 33-363.1 OF THE CODE PERTAINING TO OPA-LOCKA AIRPORT ZONING; PROVIDING FOR CERTAIN ADDITIONAL PUBLIC AIRPORT USES IN THE GP ZONING DISTRICT AT OPA-LOCKA AIRPORT; 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 33-284.22 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**ARTICLE XXXIIIC.**

**GP, GOVERNMENTAL PROPERTY**

**Sec. 33-284.22. Uses permitted.**

(a) No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP

<sup>1</sup> 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.

District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

- (1) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
- (2) Fire stations;
- (3) Police stations;
- (4) Public auto inspection stations;
- (5) Public water and sewer treatment and distribution facilities;
- (6) Public libraries;
- (7) Public buildings and centers;
- (8) Public hospitals, nursing homes and health facilities;
- (9) Public auditoriums, arenas, museums, art galleries;
- (10) Maximum and minimum detention facilities;
- (11) Solid waste collection and disposal facilities;
- (12) Public maintenance and equipment yards;
- (13) Public bus stations and rapid transit stations and facilities;
- (14) Public airports >>, including those particular uses allowed under the applicable airport zoning regulations<<;
- (15) And other similar governmental uses.

Section 2. Section 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**>>Sec-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.**

The following public airport uses shall be permitted on those lands in the Opa-locka 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 of the Comprehensive Development Master Plan (CDMP), 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) The airside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, clear zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.
  
- (2) The landside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is not restricted and also terminal concourses, may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least 30% of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.
  - (a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:
    1. passenger terminal area, which may include non-aviation related uses designed 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 County Aviation Department,
    5. facilities of fixed base operators,
    6. hangar rentals and tie downs,
    7. ground transportation services,
    8. aircraft and automobile rental establishments,

9. aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational facilities providing aviation courses.
10. aviation-related governmental agency facilities.
11. flying club facilities.
12. aviation-related entertainment uses such as skydiving establishments, museums and sightseeing services, and
13. aviation-related retail uses such as aircraft sales, electronic and instrument sales and pilot stores.

(b) Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka Airport accessible to the general public:

1. lodgings such as hotels and motels (except in terminal concourses),
2. office buildings (except in terminal concourses),
3. industrial uses such as distribution, storage, manufacturing research and development and machine shops (except in terminal concourses),
4. agricultural uses, and
5. retail, restaurants, and personal service establishments.

Such privately owned non-aviation related uses shall be limited as follows:

Those portions of the landside area that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related 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 Urban Infill Area (FAR of 2.0 not counting parking structures) or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved, impact on roadways, access and compatibility with neighboring development. Freestanding retail and personal service uses and shopping centers shall front service uses and shopping centers shall front on major access roads preferably near major intersections, where practicable, and have limited access to major roadways.

Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.<<

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:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Sponsored by Commissioner Barbara J. Jordan