

Memorandum



Date: April 14, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Pertaining to Airport Zoning Regulations; Amending Section 33-363.1 Pertaining to Uses Permitted on Opa-Locka Airport Lands; Creating Section 33-363.2 Site Plan Review Standards

BPS
Agenda Item No. 1G2

Recommendation

It is recommended that the Board adopt the attached ordinance pertaining to zoning amending Section 33-363.1 pertaining to uses permitted on Opa-Locka airport lands and creating Section 33-363.2 site plan review standards.

Scope

This item shall affect Commission District 1 as it pertains to the Opa-Locka Airport. Commission District 13 is adjacent to the western portion of Opa-Locka Airport at N.W. 57th Avenue.

Fiscal Impact/Funding Source

The proposed ordinance creates a positive fiscal impact to Miami-Dade County in that it revises regulations to permit private third party leasehold development at Opa-Locka airport.

Tract Record/Monitor

Not applicable.

Background

The proposed ordinance amends the Zoning Code to permit third party leasehold development on Opa-Locka airport lands consistent with the CDMP. The language proposed for the non-aviation related uses that are permitted shall comply with specific setback, height, floor area ratio, maximum lot coverage requirements, parking regulations, and landscaping requirements. Additionally those sites shall be subject to site plan review standards.

Attachments


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 17, 2009

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

SUBJECT: Agenda Item No. 7(B)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 7(B)
2-17-09

ORDINANCE NO. _____

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-363.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; CREATING SECTION 33-363.2 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 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-363.1. 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 at 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, 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 ~~>>designated in the Comprehensive Development Master Plan for aviation uses<<~~, ~~[[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.

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.

(2) The ~~[[landside]]~~ portion of the airport ~~>>designated in the Comprehensive Development Master Plan for aviation related and non-aviation uses<<~~, ~~[[which]]~~ shall be deemed to consist of all portions of the airport where general public access is not restricted ~~[[and also terminal concourses]]~~, ~~>>and<<~~ ~~[[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:

* * *

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

1. lodgings such as hotels and motels ~~[[except in terminal concourses]]~~,

* * *

5. retail, restaurants, and personal service establishments.

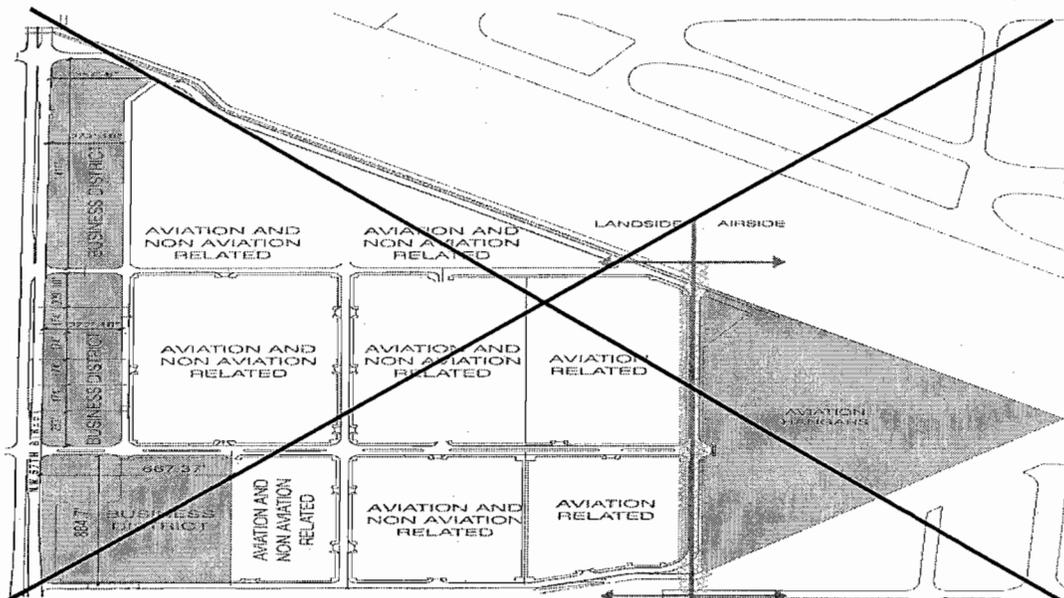
Such privately owned non-aviation related uses shall be limited as follows:

~~[[Those portions of the 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 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]]~~ ~~>>the current<<~~ airport layout plan ~~>>on file with the Miami-Dade County Aviation Department<<~~ governing permissible uses on the entire airport property. ~~>>Warehouses, storage showrooms, printing shops and any other industrial use permitted in those portions of the airport designated for non-~~

aviation related uses shall be subject to the site development standards of the IU-1 zoning district. Office buildings, retail sales, restaurants, personal service establishments, and any other business use permitted in those portions of the airport designated for non-aviation related uses, shall be subject to the site development requirements of the BU-1A district. All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping). All non-aviation related uses shall be subject to the site plan review standards of Section 33-363.2 of this code.<<

~~[[The landside non-aviation uses provided for in subsections 4 through 5 above shall be allowed in the "Aviation and Non-Aviation Related" areas depicted in the map entitled Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map ("the Opa-Locka Use Map"), as set forth below. Additionally, subsection 2 and 5 uses above (office buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in the Opa-Locka Use Map, subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off-Street Parking), of this code.]]~~



~~[[Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map]]~~

Section 2. Section 33-363.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-363.2. Site plan review.

- (A) For all non-aviation related 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. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon request made in writing to the Department. 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-industrial 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.

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