MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	May 5, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaining to Airport Zoning Regulations; amending Section 33-363.1 pertaining to the Uses permitted on Opa-locka Airport Lands; Creating Section 33-363.2 Site Plan Review

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 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 the Uses Permitted on Opa-Locka Airport Lands; Creating Section 33-363.2 Site Plan Review

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This Substitute Item #2 differs from the original item (legistar no. 083241), as follows:

- **References to "airside" and "landside" were deleted in order to reflect terms used in the CDMP.**
- **The permitted uses are now categorized as "aviation uses," "aviation-related uses," and "non-aviation uses" reflecting the CDMP.**
- **Additional types of aviation maintenance facilities were added to the list of aviation uses.**
- **In the portion of the airport where general public access is not restricted additional aviation uses and aviation-related uses have been added – i.e. storage and aircraft maintenance.**
- **Office and retail buildings are now required to comply with the standards of the BU-2 zoning district instead of the BU-1A.**
- **A new Opa-Locka Executive Airport Development Zone Map containing the three development zones where non-aviation uses may be developed is included.**
- **A list of generic uses permitted with their respective range of acreage is provided for each of the development zones.**

- **Incorporates all the additions and deletions of the body of the Ordinance with underscores and double arrows.**
- **Substitute No. 2 differs from Substitute No. 1 in that it complies with the new rule change regarding substitutes and alternates as provided in Ordinance #09-13 adopted on March 3, 2009.**

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 Section33-363.2 site plan review standards.

Scope
The item shall affect Commission District 1 as it pertains to the Opa-Locka Airport and Commission District 13 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 additional private third party leasehold development within the boundaries of the Opa-Locka Airport.

Track Record/Monitor
Not applicable.

Background
The proposed ordinance amends the Zoning Code to allow additional third party leasehold development on Opa-Locka airport lands where consistent with the CDMP. The ordinance revises the regulatory criteria in order to provide for development standards for the different types of uses within the GP Zoning District designation. Additionally, development shall be subject to site plan review approvals.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 7(D)

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(D)

5-5-09

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), >>and<< 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, >>storage and aircraft maintenance and repair facilities and hangars, aircraft and aircraft parts manufacturing and storage, fixed base operators, air cargo operations, specialized aircraft service operations,<< and fuel farms. Where not

[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.

otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the [[~~airside portion~~]] >>portions of these airports designated for aviation use<<, subject to such conditions and requirements as may be imposed to ensure public health and safety.

(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 be developed with aviation uses, aviation-related uses and non-aviation uses<< [[~~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:

* * *

12. Aviation-related entertainment uses such as museums and sightseeing services, ~~and~~

13. Aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores[[~~.~~]]>>,<<

>>14. Storage and aircraft maintenance and repair facilities and hangars,

15. Aircraft and aircraft parts manufacturing and storage,

16. Air cargo operations, and

17. Specialized aircraft service operations.

(b) Aviation-related uses, which shall include, but not be limited to, manufacturing, storage, office, service or similar uses ancillary to or supportive of aviation uses may be approved in the aviation-related and non-aviation areas of the airport.<<

[[~~(b)~~]]>>(c)<< Subject to the restrictions contained herein, the following [[~~privately owned~~]] non-aviation[[~~-related~~]] uses may be approved in the [[~~landside area~~]] >>aviation-related and non-aviation areas<< 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.

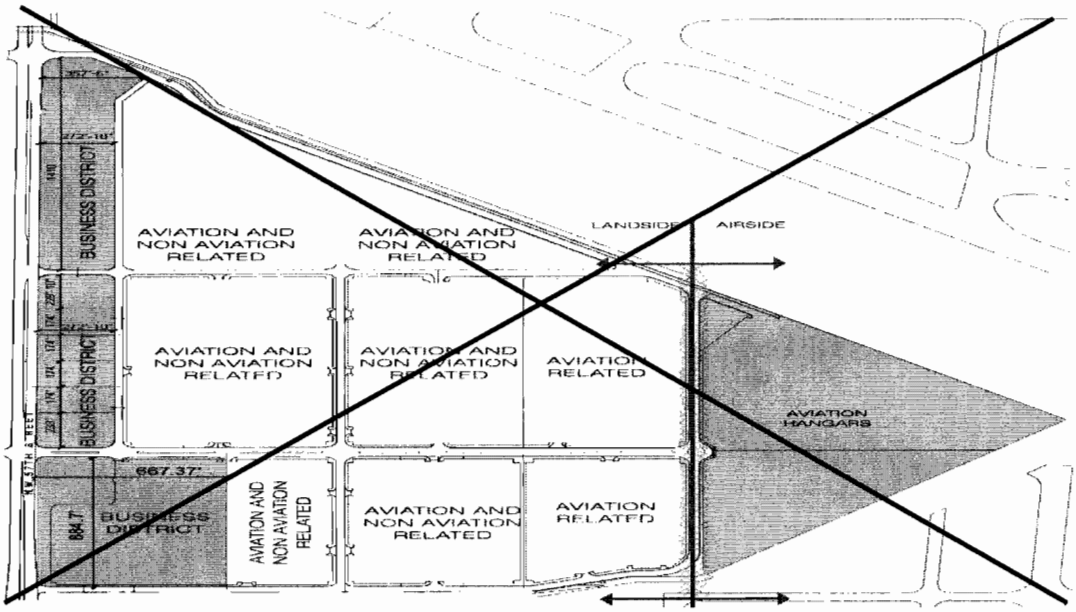
Such [[~~privately owned~~]] non-aviation [[~~related~~]] uses shall be limited as follows:

[[~~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~~]] >>practical<<, and have limited access to major roadways.

Each non-aviation 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, >>hotels and motels,<< restaurants, personal service establishments, and any other [[~~business use permitted in those portions of the airport designated for non-aviation related~~]] >>similar<< uses, shall be subject to the [[~~site development requirements of the BU-1A~~]] >>standards of the BU-2<< district. >>Agricultural uses shall be subject to the site development standards of the AU district.<< All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping). All non-aviation 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 1 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~~]]

>>(3) The airport shall consist of three development zones as depicted on the Opa-locka Executive Airport Development Zone Map where non-aviation uses may be developed. The minimum and maximum land area devoted to non-aviation uses within each development zone shall be limited as follows. The location and intensity of non-aviation uses within each development zone shall further be limited by the Comprehensive Development Master Plan's Airport Land Use Master Plan map and interpretive text.

(a) Zone One (153.4 Acres)

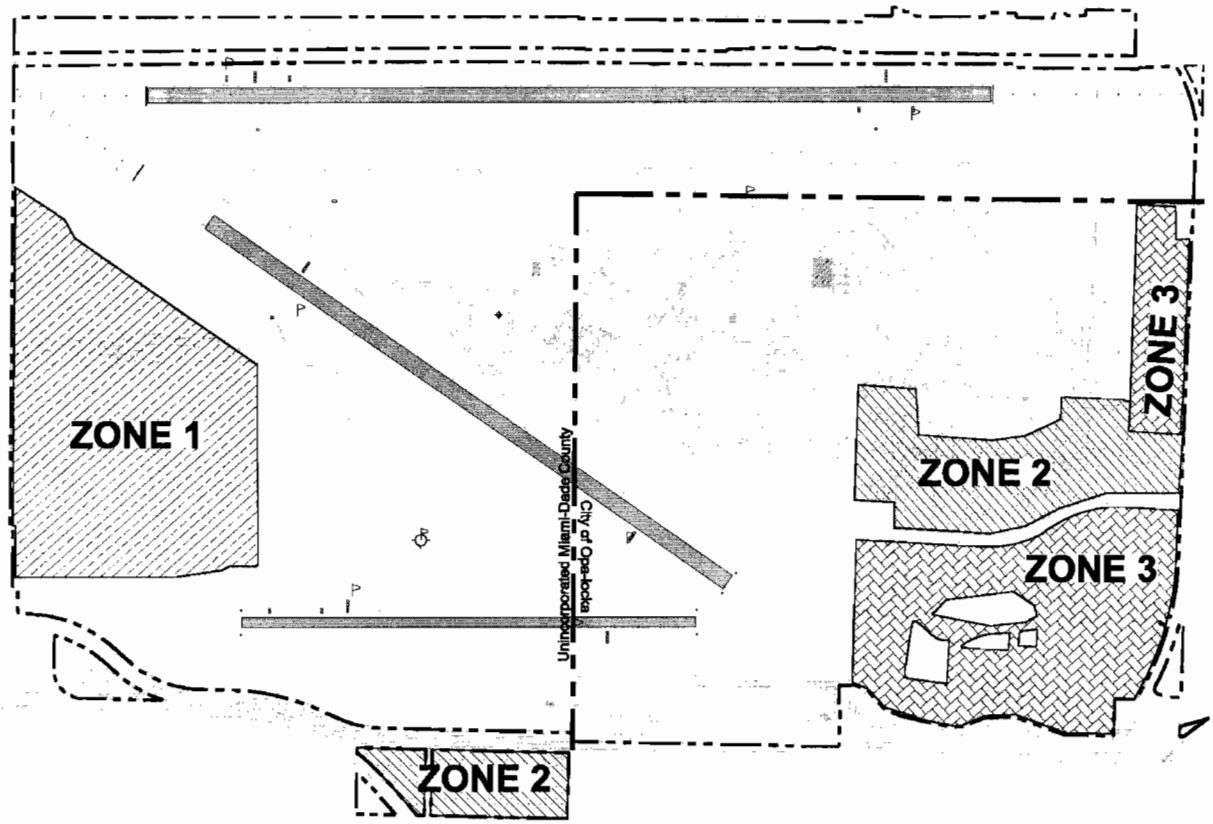
	Minimum (acres)	Maximum (acres)
Commercial	7.7	38.4
Office	7.7	38.4
Hotel or Motel	0	15.3
Institutional	0	30.7
Industrial	76.7	130.4

(b) Zone Two (87.7 acres)

	Minimum (acres)	Maximum (acres)
Commercial	4.4	21.9
Office	4.4	21.9
Hotel or Motel	0	8.8
Institutional	0	17.5
Industrial	43.9	74.5

(c) Zone Three (132 Acres)

	Minimum (acres)	Maximum (acres)
Commercial	6.6	33.0
Office	6.6	33.0
Hotel or Motel	0	13.2
Institutional	0	26.4
Industrial	66	112.2



Opa-locka Executive Airport Development Zone 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 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-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.

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: APW for RAC

Prepared by: CHC for JAC

Joni Armstrong Coffey

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: 7(D)

File Number: 091096

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: April 23, 2009

Type of Item: Code Amendment

Commission District 1

Summary

This ordinance amends the Miami-Dade Zoning Code (Code) to permit third party leasehold development on Opa-Locka Airport lands consistent with the Comprehensive Development Master Plan (CDMP).

This ordinance revises the Opa-Locka Airport's regulatory criteria in order to do the following:

- Provide development standards for the different types of uses within the Government Property (GP) Zoning District designation; and
- Provide guidelines for the site plan review process.

In addition, this resolution incorporates all of the proposed amendments considered at the April 14, 2009 Budget, Planning and Sustainable Committee meeting under Substitute No. 1; and complies with Ordinance No. 09-13, adopted by the Board of County Commissioners (BCC) on March 3, 2009, as it relates to the rules and procedures for a substitute item to come before the BCC. This item adheres to those mandates.

Background and Relevant Legislation

The CDMP states that lands owned by the County at the Opa-Locka Executive Airport (OPF) may be developed for both airside and landside uses provided such uses comply with the CDMP requirements, are compatible with airport operations and comply with Federal Aviation Administration (FAA) regulations. The CDMP also includes limitations on the types and percentages of uses at the airport.

Ordinance 06-20

On February 7, 2006, Ordinance 06-20 was adopted by the BCC, amending the Zoning Code and creating Section 33-363.1 pertaining to OPF Airport zoning. Ordinance 06-20 removed the government only restricted use providing for certain additional public airport uses in the GP Zoning District at OPF.

According to the February 7, 2008, General Aviation Airports Development Status Memorandum (Memo) provided by the County Manager, Miami-Dade Aviation Department (MDAD) has entered into three major long-term third-party development leases for mixed-use developments of both aviation and non-aviation uses at OPF. They are with J.P. Aviation Investments, AA Acquisitions, LLC., and AVE, LLC.

In addition, on July 10, 2008, BCC approved the development lease agreement between the County and The Carrie Meek Foundation, Inc. bringing the total number of major long-term third party development leases to four.

Policy Change and Implication

This ordinance amends the Code pertaining to the uses permitted on OPF (§ 33-363.1) and creates § 33-363.2, Site Plan Review standards. The table below outlines the difference between the current Code and the proposed ordinance.

Component	Current Code § 33-363.1	Proposed Ordinance	Comments
Airside / Landside Portion of the Airport	Used throughout the Code to designate portions of the airport where aviation and/or non-aviation uses are restricted.	Deleted in order to reflect terms used in the CDMP for aviation and non-aviation uses.	New terms under the proposed ordinance include aviation uses, aviation-related uses, and non-aviation uses.
Aviation Maintenance Facilities	List of aviation uses restricted to the airside portion of the airport.	The following are added to the list of aviation uses: storage and aircraft maintenance and repair facilities and hangars, aircraft and aircraft parts manufacturing and storage, fixed base operators, air cargo operations, specialized aircraft service operations.	
General Public Assess Areas	Current list of aviation uses where general public access is allowed includes existing uses and a list of substantially similar uses.	Aviation uses and Aviation-related uses have been added – i.e. storage and aircraft maintenance.	The Proposed Substitute Ordinance removes the requirement that at least 30% of the land area in which the general public is not restricted and the terminal concourses must be developed with aviation-related uses or

Component	Current Code § 33-363.1	Proposed Ordinance	Comments
			uses that directly support airport operations. All areas of the airport where general public access in not restricted may be developed with aviation uses, aviation-related uses and non aviation uses.
Site Development Standards of the IU-1 Zoning District	Warehouses, storage, showrooms, printing shops and any other industrial use permitted in those portions of the airport designated for non-aviation related uses.	Warehouses, storage, showrooms, printing shops and any other industrial use.	Language modified. No change in zoning impact. Both provide the same uses within the IU-1 district.
Site Development Standards of the BU-1A 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.	Office buildings, retail sales, <u>hotel and motels</u>, restaurants, personal service establishments, and any other similar uses.	Development Standards changed from BU-1A to BU-2 Zoning District. <u>The BU-2 District allows all uses permitted in the originally proposed BU-1A zoning district and accommodates the height of the non-aviation hotel and motel uses.</u>
Opa-Locka Airport Map	The Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map depicts aviation and non-aviation uses in the landside and airside of the airport.	A new Opa-Locka Executive Airport Development Zone Map containing three development zones where non-aviation uses may develop.	
Development	50-85% for industrial uses; 5-25% for commercial uses, 5-25% for office uses, 0-10%% for hotels and motels,	Minimum and Maximum Acreage for Commercial, Office, Hotel and motel institutions and	

Component	Current Code § 33-363.1	Proposed Ordinance	Comments
	and 0-20% for institutional uses.	industrial uses according to Development Zones.	
Lodgings such as hotels and motels	Privately owned non-aviation related uses such as hotels and motels may be approved in the general public access areas (landside), except in terminal concourses.	Privately owned non-aviation related uses modified to non-aviation uses. Terminal concourse exception removed.	
Agricultural Development Standards	Does not cover Agricultural uses.	Agricultural uses subject to the site development standards of the AU district.	

In addition, this ordinance creates § 33-363.2 of the Code, the Site Plan Review standards, providing for development criteria and requiring any development to go through the Department of Planning and Zoning (DPZ) Administrative Site Plan Review (ASPR) process. If the site plan is disapproved, the applicant may appeal to the BCC.

Budgetary Impact

According to the County Manager's memo, this ordinance creates a positive fiscal impact by revising regulation to permit additional private third party leasehold development within the boundaries of the OPF.

Along with the additional development, this resolution should generate additional revenues from applications submitted for site plan review and other developmental processes.

Prepared by: Elizabeth N. Owens