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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# Memorandum

MIAMI-DADE COUNTY

(Second Reading 6-3-08)

**Date:** April 8, 2008

Agenda Item No. 7(H)

**Ordinance No. 08-73**

**To:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

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

**Subject:** Ordinance Pertaining to Airport Zoning Regulations; Amending Section 33-303.2 Pertaining to the Airport Developmental Impact Committee and Section 33-363.1 Pertaining to Uses Permitted on Opa-Locka Airport Lands

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## Recommendation

It is recommended that the Board adopt the attached ordinance pertaining to zoning amending Section 33-303.2 pertaining to the Airport Developmental Impact Committee and Section 33-363.1 pertaining to uses permitted on Opa-Locka airport lands.

## 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 no adverse fiscal impact to Miami-Dade County. The ordinance will facilitate development at the Opa-Locka airport and will result in direct payments to the County in the form of lease revenues for that property not currently being used for direct airport uses.

## Tract Record/Monitor

Not applicable.

## Background

The Board of County Commissioners (BCC) approved a lease agreement in 1999 for certain land located at the Opa-Locka airport. In 2003, the prior lessee under said lease agreement sought to develop aviation and non-aviation uses pursuant to the lease. In order to permit development at the Opa-Locka airport and to carry out the purpose of the lease, an amendment to certain elements of the Comprehensive Development Master Plan (CDMP) was required and approved by the BCC in October, 2003. The CDMP states that lands owned by the County at the Opa-Locka Airport may be developed for both airside and landside uses provided such uses comply with the requirements of CDMP, are compatible with airport operations, and comply with the applicable regulations of the Federal Aviation Administration. The airside portion of the airport which includes those portions of the airport where general public access is restricted is limited to aviation uses. The landside portion of the airport which consists of all portions of the airport where the general public access is not restricted and the terminal concourses, may include both aviation and non-aviation uses. The CDMP also includes limitations on the types and percentages of uses at the airport.

At its February 7, 2006 public hearing, the Board approved certain amendments to its Zoning Code to essentially implement the uses allowed in the CDMP for Opa-Locka Executive Airport. The Department of Planning and Zoning advised that further technical amendments were nevertheless required prior to the Department being able to review and approve any proposed development. Also, the BCC adopted Resolution R-1260-06 on November 28, 2006 to approve a preliminary development agreement with the State of Florida Department of Community Affairs and Renaissance Airpark Corp. to provide for certain development to occur at Opa-Locka Airport prior to issuance of a Development of Regional Impact Order with the understanding at that time that certain other approvals and actions would still be required before actual development could commence.

The proposed ordinance amends the Zoning Code to permit development of the Opa-Locka airport pursuant to the lease agreement and consistent with the CDMP. The proposed ordinance includes a map depicting the lease area of the airport. This map delineates aviation hangars, aviation related uses, aviation and non-aviation related uses, and business uses. The ordinance provides that landside non-aviation uses provided for in 33-363.1(2)(b) 1 through 5 of the code (lodging, office buildings, industrial uses, and retail), shall be allowed in the "Aviation and Non-Aviation Related" areas depicted on the map. 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.

Each site proposed for development in the area depicted as Business District shall comply with setback, height, floor area ratio, maximum lot coverage, and percentage of landscaping required as would be allowed in the BU-1A District. Uses in the area depicted as Business District are restricted to commercial and office uses and front along N.W. 57 Avenue.

The proposed ordinance adds the Director of the Miami-Dade County Aviation Department, or designee, as a non-voting member of the Airport Developmental Impact Committee. Applications for variances from the zoning regulations for aviation and non-aviation related areas shall be heard by the Board of County Commissioners after review and recommendation by the Airport Developmental Impact Committee.

Attachments

Assistant County Manager

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

**DATE:** June 3, 2008

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

**SUBJECT:** Agenda Item No. 7(H)

**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

Veto _____

Override _____

Agenda Item No. 7(H)
6-3-08

ORDINANCE NO. **08-73**

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-303.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE") PERTAINING TO THE AIRPORT DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 33-363.1 OF THE CODE PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; 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 33-303.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

**Sec. 33-303.2. Airport Developmental Impact Committee.**

There is hereby established an Airport Developmental Impact Committee Executive Council. When a zoning application under Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning) >> or under Article XXXVIII of this code (Opa Locka Airport Zoning)<< is for property located entirely in the unincorporated area of Miami-Dade County, the Airport Developmental Impact Committee Executive Council shall be composed of the County's Developmental Impact Committee Executive Council established by section 33-303.1 of this code>>, and the Director of Miami-Dade County Aviation Department, or designee, as a non-voting member<<. When a zoning application under Article XXXVII >>or Article XXXVIII<< of the code is for property located in whole or in part in the incorporated area of any municipality, the Airport Developmental Impact Committee Executive Council shall be composed of the persons described above and the Mayor of the municipality, if not a voting member of the municipal governing body, or if the Mayor is a voting member, then the City Manager of said municipality serving as the representative from the municipality where the application property is located. The Airport Developmental Impact Committee Executive Council shall, in accordance with the procedures in section 33-303.1 of this code, review and make recommendations to the Board of County Commissioners on all applications for exceptions, variances and appeals of decisions on applications for site plan approval under Article XXXVII >>and Article XXXVIII<< of this code.

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[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.

Mailed notice of meetings of the Airport Developmental Impact Committee Executive Council shall be provided in the manner prescribed for notice of applications for special exceptions under section 33-310(d)(2) of this code. Mailed notice of meetings shall also be provided simultaneously to any municipality in which an application site is located. Applications shall comply with the procedural requirements of section 33-304 of this code.

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

**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.

* * *

(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. terminal area for general aviation passenger traffic, such as private or corporate aircraft passenger traffic, 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. general aviation aircraft, such as private and corporate jets or other 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 museums and sightseeing services, and
13. aviation-related retail uses such as general aviation 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.

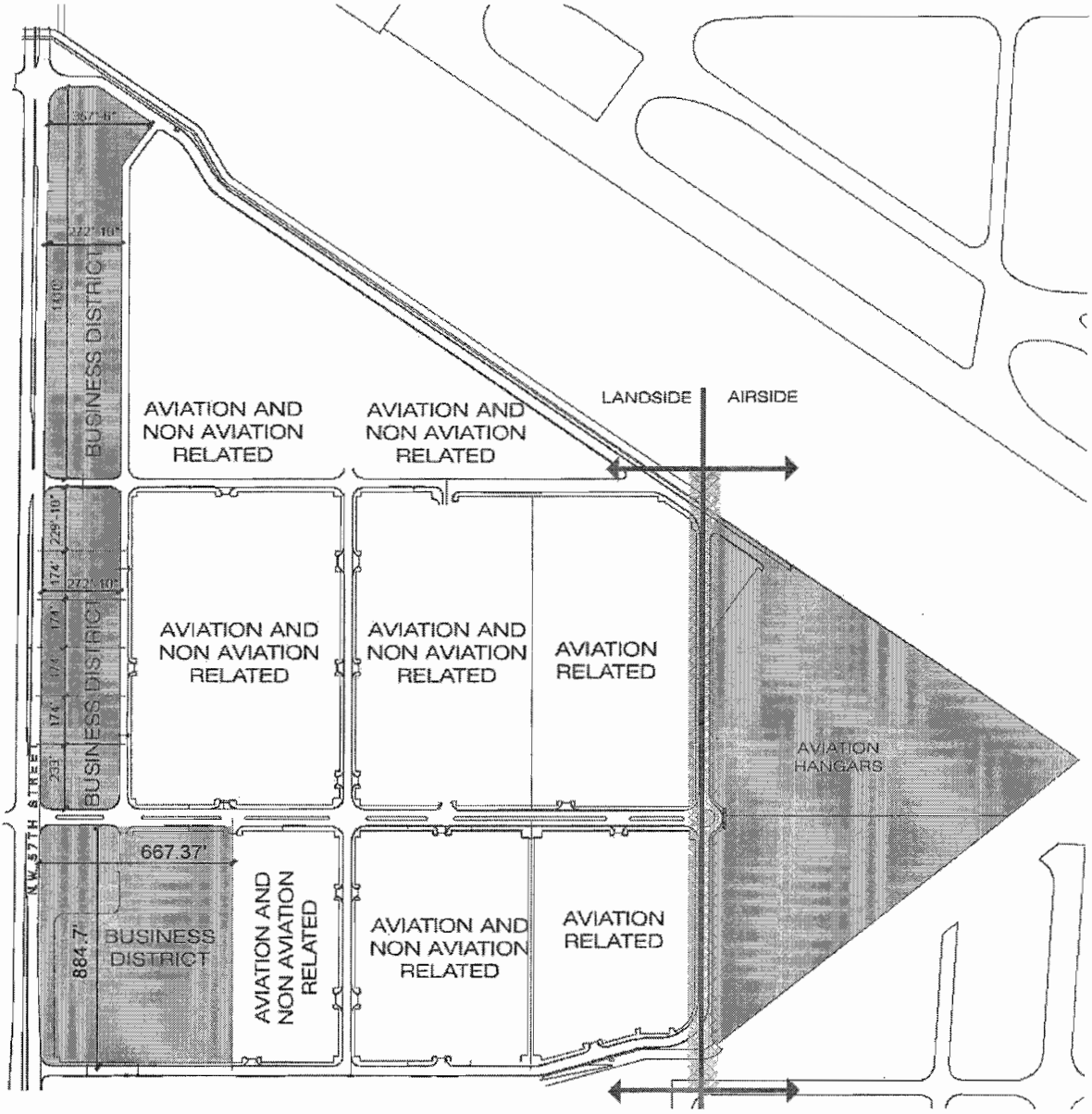
Such privately owned non-aviation related uses shall be limited as follows:

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 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.

>>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 <<

**Section 2.** 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 3.** 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 4.** 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: **June 3, 2008**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Joni Armstrong Coffey