

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

Sec. 33-388. - Short title.

Sec. 33-389. - Provisions hereof established as minimum standards governing zoning.

Sec. 33-390. - Definitions.

Sec. 33-391. - Establishment of airport zoning area for Kendall Tamiami Executive Airport.

Sec. 33-392. - Establishment of zone classification districts for airport zoning area.

Sec. 33-393. - Establishment of height limitations for zone classification districts in the airport zoning area.

Sec. 33-394. - Establishment of land use zoning criteria for airports.

Sec. 33-395. - Land use zoning classifications for airports.

Sec. 33-396. - Land use and height zoning maps for the airport zoning area.

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

Sec. 33-396.2. - Site plan review.

Sec. 33-397. - Nonconforming uses, regulations not retroactive.

Sec. 33-398. - Reserved.

Sec. 33-399. - Administration and enforcement.

Sec. 33-400. - Permits.

Sec. 33-401. - Nonconforming uses abandoned or destroyed.

Sec. 33-402. - Variances.

Sec. 33-403. - Conditions to variances.

Sec. 33-404. - Penalties and enforcement.

Sec. 33-405. - Conflicting regulations.

Secs. 33-406—33-419. - Reserved.

Sec. 33-388. - Short title.

This article shall be known and may be cited as the "Kendall Tamiami Executive Airport Zoning Ordinance."

(Ord. No. 69-40, § 1, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-389. - Provisions hereof established as minimum standards governing zoning.

It is established that the airport zoning area for Kendall Tamiami Executive Airport, the zone classification districts therein and the height limitation applicable to such districts, as the same are hereinafter set forth, shall be incorporated with all other minimum standards governing zoning heretofore or hereinafter adopted pursuant to Section 4.07 of the Home Rule charter for Miami-Dade County, Florida.

(Ord. No. 69-40, § 2, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

Sec. 33-390. - Definitions.

In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01 F.S. and Section 33-1 and Section 33-302 of the Code of Miami-Dade County, Florida, and the following definitions shall apply:

- (1) Airport means Kendall Tamiami Executive Airport.
- (2) Airport elevation means the established elevation of the highest point on the usable landing area. The airport elevation for Kendall Tamiami Executive Airport is ten (10.0) feet mean sea level.
- (3) Airport reference point means the point established as the approximate geographic center of the landing area and so designated and identified. The position of the airport reference point for Kendall Tamiami Executive Airport is described as follows:

Commence at the northeast corner of Section 16, Township 55 South, Range 39 East, Miami-Dade County, Florida, and run thence southward along the east line of said Section 16 at a bearing of South 02° 22' 40" East a distance of 2734.47 feet; thence westward at right angles to the said east line of Section 16 at a bearing of South 87° 37' 20" West for a distanced of 334.45 feet to the airport reference point.

- (4) Aviation schools shall mean any educational facility that primarily provides education or training in the science and art of flight, including, but not limited to: the operation and construction of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operations, improvement, repair or maintenance of airports or other air navigation facilities, and instruction in flying or ground subjects pertaining thereto.
- (5) Educational facilities shall mean those facilities as defined by Chapter 235, Florida Statutes, as amended, and the Code of Miami-Dade County.
- (6) Hazard to Air Navigation is an obstruction determined by the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (7) Height for the purpose of determining the height limits in all districts set forth in this article and shown on the boundary map for zone classification districts, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
- (8) Instrument runway means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or take-off of aircraft under restricted visibility conditions. The instrument runways at Kendall Tamiami Executive Airport are designated as Runway 9L/27R and Runway 9R/27L and their centerlines are described as follows:
 - (a) Runway 9L/27R: Commencing at the northeast corner of Section 15, Township 55 South, Range 39 East, Miami-Dade County, Florida; thence south 03° 53' 36" East along the east line of said Section 15 a distance of 945.03 feet; thence south 87° 04' 03" West a distance of 2606.21 feet to the east end of the runway and the point of beginning; thence continue south 87° 04' 03" West a distance of 5000 feet to the west end of the runway.
 - (b) Runway 9R/27L: Commencing at the southeast corner of Section 15, Township 55 South, Range 39 East, Miami-Dade County, Florida; thence north 04° 35' 16" West along the east line of said Section 15 a distance of 1068.16 feet; thence south 87° 04' 03" West a distance of 2684.19 feet to the east end of the runway and the point of beginning; thence continue south 87° 04' 03" West a distance of 5000 feet to the west end of the runway.

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

- (8.5) Landing area means the area of the airport used or intended to be used for landing, take-off, or taxiing of aircraft.
- (9) Nonconforming use means any structure, tree or use of land lawfully in existence on the effective date hereof which does not conform to a regulation prescribed in this article or any amendment thereto, as of the effective date of such regulations.
- (10) Non-instrument runway means a runway other than an instrument runway. The non-instrument runway at Kendall Tamiami Executive Airport is designated as Runway 13/31 and its centerline is described as follows:
- (a) Runway 13/31: Commencing at the northeast corner of Section 15, Township 55 South, Range 39 East, Miami-Dade County, Florida; thence south 03° 53' 36" East along the east line of said Section 15 a distance of 945.03 feet; thence south 87° 04' 03" West a distance of 9254.87 feet; thence south 52° 54' 00" East a distance of 1148.67 feet to the northwest end of the runway and the point of beginning; thence continue south 52° 54' 00" East a distance of 4000 feet to the southeast end of the runway.
- (11) Person means an individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, administrator, executor, guardian or other similar representative thereof.
- (12) Runway means the defined area on an airport prepared for landing and take-off of aircraft along its length.
- (13) Structure means an object constructed or installed by man, including, but without being limited to, buildings, derricks, draglines, cranes and other boom-equipped machinery, towers, signs, smokestacks, utility poles, or overhead transmission lines.
- (14) Tree means any object of natural growth.
- (15) Obstruction means any structure, growth, or other object, including a mobile object, which exceeds the height limitations as set forth herein.
- (16) Airport hazard means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. §§ 77.21, 77.23, 77.25, 77.28, and 77.29 and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.
- (Ord. No. 69-40, § 3, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-391. - Establishment of airport zoning area for Kendall Tamiami Executive Airport.

For the purpose of this article there is hereby created and established the airport zoning area for Kendall Tamiami Executive Airport and it is hereby ordained that such area shall include, and the provisions of this article shall be applicable to and embrace all of the unincorporated and the incorporated land and water area lying, situate and being in those certain portions of Miami-Dade County, Florida, described as follows, to wit:

- (1) In Township 55 South, Range 37 East, all of Sections 1, 12, 13, 24, 25 and 36.
- (2) In Township 55 South, Range 38 East, all of Section 1 to 32 inclusive.
- (3) In Township 55 South, Range 39 East, all of Sections 1 to 30 inclusive.
- (4) In Township 55 South, Range 40 East, all of Sections 1 to 30 inclusive, and the north one-half (½) of Section 36.

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

- (5) In Township 55 South, Range 41 East, all of Sections 6, 7, 18, 19, 30, and the north one-half (½) of Section 31.
- (6) In Township 54 South, Range 40 East, the south one-half (½) of Sections 35 and 36.
- (7) In Township 54 South, Range 41 East, the south one-half (½) of Section 31.
- (8) All of Lot 1 as the same lies between Township 54 South, Range 37 East and Township 55 South, Range 37 East.
- (9) All of Lot 6 as the same lies between Township 54 South, Range 38 East and Township 55 South, Range 38 East.

(Ord. No. 69-40, § 4, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-392. - Establishment of zone classification districts for airport zoning area.

For the purpose of this article all of the Airport Zoning Area for Kendall Tamiami Executive Airport, as the same is created, established and described hereinbefore, is hereby divided into zone classification districts as follows:

- (1) L or Landing districts (Primary Surfaces). A "landing district" is established for each instrument runway for instrument landings and take-offs and for each non-instrument runway for non-instrument landings and take-offs.

A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet, shall extend for the full length of such instrument runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof.

A landing district for non-instrument runway shall have a uniform width of five hundred (500) feet, shall extend for the full length of such non-instrument runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof.

- (2) IA or Instrument approach districts. An "instrument approach district" is established for each end of each instrument runway for instrument landings and take-offs and it is further established that each such instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the instrument approach surface.

The instrument approach surface shall begin, and shall have a base one thousand (1,000) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway. The instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to fifty (50) feet horizontally for the first ten thousand (10,000) feet of its length and thence with a slope of one (1) foot vertically to forty (40) feet horizontally for the remainder.

- (3) NA or Non-instrument approach districts. A "non-instrument approach district" is established for each end of each non-instrument runway for non-instrument landings and take-offs and it is further established that each such non-instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article be referred to and described as the non-instrument approach surface.

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

The non-instrument approach surface shall begin, and shall have a base five hundred (500) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway. The non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.

(4) TR or Transitional districts. "Transitional districts" are hereby established adjacent to each landing, instrument approach and non-instrument approach district.

Transitional districts adjacent to runways embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface symmetrically located on each side of each runway. For instrument runways such imaginary inclined surfaces extend outward from lines parallel to and five hundred (500) feet on either side of the centerline of the runway, upward with a slope of one (1) foot vertically to seven (7) feet horizontally and terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation. For non-instrument runways such imaginary inclined surfaces extend outward from lines parallel to and two hundred fifty (250) feet on either side of the centerline of the runway, upward with a slope of one (1) foot vertically to seven (7) feet horizontally and terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation.

Transitional districts adjacent to non-instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the non-instrument approach surfaces, as hereinbefore described, at right angles to the centerline of the runway, with a slope of one (1) foot vertically to seven (7) feet horizontally terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation.

Transitional districts adjacent to instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the instrument approach surfaces as hereinbefore described, at right angles to the centerline of the runway with a slope of one (1) foot vertically to seven (7) feet horizontally.

Within horizontal districts, which are hereafter established and described, this imaginary inclined plane shall terminate when it reaches an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation. Within conical districts, which are also hereafter established and described, this imaginary inclined surface shall terminate in its intersection with the conical surface which, for the purposes of this article, is described hereinbelow. Outward from the limits of such conical surface, this imaginary inclined surface shall terminate five thousand (5,000) feet from the long sides of the hereinbefore described instrument approach surfaces, such five thousand (5,000) feet being measured horizontally and at right angles to the continuation of the centerline of the runway.

For the purposes of this subsection, the horizontal surface is established one hundred fifty (150) feet above the heretofore established airport elevation by swinging arcs of 10,000 feet radii for all runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

For the purposes of this article, the conical surface is established at the outer edge of the horizontal surface base which has a radius of thirteen thousand two hundred and fifty (13,250) feet centered vertically above the airport reference point at an elevation one hundred fifty (150) feet above the heretofore established airport elevation and the horizontal circular top of which has a radius of seventeen thousand two hundred and fifty (17,250) feet at an elevation three hundred

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

and fifty (350) feet above the hereinbefore established airport elevation by extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

- (5) T or Horizontal districts. A "horizontal district" is established as the area within the oblique circle having its center at the airport reference point and thirteen thousand two hundred and fifty (13,250) feet as its radius is created by swinging arcs of 10,000 feet for all runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal district does not include the landing, instrument approach, non-instrument approach, transitional or conical districts.
- (6) TI or Conical districts. A "conical district" is established commencing at the periphery of the horizontal district and extending to a periphery seventeen thousand two hundred and fifty (17,250) feet from the airport reference point therefrom a horizontal distance of 4,000 feet. The conical district does not include the landing instrument approach, non-instrument approach and transitional or horizontal districts.
- (7) NZ or Non-zoned districts. Those portions of the airport zoning area not embraced and included in landing, instrument approach, non-instrument approach, transitional, horizontal and conical districts, as the same are established and described elsewhere herein, are hereby designated as non-zoned districts.

(Ord. No. 69-40, § 5, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-393. - Establishment of height limitations for zone classification districts in the airport zoning area.

Except as otherwise provided elsewhere in this article, no structure shall be erected or altered and no tree shall be allowed to grow or be maintained in any district created and established by this article to a height in excess of the height limits herein established for such district. Such height limitations will, in applying the provisions of this article, be corrected to elevations referred to the heretofore established mean sea level datum plane, by adding such height limitations to the mean sea level elevation of the point, line or plane to which such height limitation is referenced, or to the airport elevation, as the context of this article requires. Such limitations are hereby established for the districts as follow:

- (1) Landing districts: Structures and trees will not be permitted in landing districts except as required, necessary and pertinent to the operation and maintenance of Kendall Tamiami Executive Airport and then only to the extent permitted or authorized by applicable rule or regulation promulgated by the Federal Aviation Administration, or its successor counterpart.
- (2) Instrument approach districts: One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- (3) Non-instrument approach districts: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.
- (4) Transitional districts: One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways and five hundred (500) feet from the centerline of instrument runways, measured at right angles

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

to the longitudinal centerline of the runway and extending upward to a maximum height of one hundred fifty (150) feet above the airport elevation as established elsewhere herein.

In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all instrument approach surfaces, all non-instrument approach surfaces and the long sides of all primary surfaces upward and outward to an intersection with hereinbefore described horizontal and conical surfaces. Further, where the instrument approach surface projects beyond, or through and beyond the conical surface, the height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained, beginning at the edge of the instrument approach surface and extending a distance of five thousand (5,000) feet from the edge of the instrument approach surface, such five thousand (5,000) feet being measured horizontally and at right angles to the continuation of the centerline of the runway.

- (5) Horizontal district: One hundred fifty (150) feet above the hereinbefore established airport elevation.
- (6) Conical district: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the hereinbefore described horizontal surface and extending to a height of 350 feet above the airport elevation.
- (7) Non-zoned districts: The height limitations as well as land use requirement in non-zoned districts shall, for the purposes of this article, be identical with requirements as set forth in Chapter 33 of the Code of Miami-Dade County, Florida, or, as the same may be set forth in the general zoning ordinances of the various municipalities where the property is located within a municipality.

Where the hereinbefore described imaginary inclined or horizontal surfaces for one (1) district overlap, merge or intersect with those of any other district, the imaginary inclined or horizontal surface that prescribes the most restrictive height limitation shall obtain and shall govern.

Notwithstanding any other provisions of this article to the contrary, the height limits prescribed by this article shall not establish for any particular parcel of privately owned land at any particular point within such a parcel, a height limit of less than forty (40) feet above mean sea level at that point.

The drawing entitled "Airport Height Zoning Area Map for Kendall-Tamiami Executive Airport" as prepared by the Miami-Dade Aviation Department, dated March 26, 2002, reflecting the above-defined height limitations, which is on file in the Office of the Miami-Dade County Planning and Zoning Department, shall be the official height zoning map for the Kendall-Tamiami Executive Airport, shall be prima facie evidence of the height of the structures and shall be applicable to and controlling of such height limitations established herein.

(Ord. No. 69-40, § 6, 7-9-69; Ord. No. 99-118, § 1, 9-21-99; Ord. No. 02-169, § 1, 9-24-02)

Sec. 33-394. - Establishment of land use zoning criteria for airports.

For the purpose of this article all of the land use zoning criteria for Kendall-Tamiami Executive Airport and the surrounding area, as the same is created, established and described hereinbefore, is hereby divided into classifications as follows:

- (1) Inner District (ILZ). An ILZ covers an area measured as one-half the length of the longest runway at the airport on either side and at the end of each runway centerline at the airport.
- (2) Outer District (OLZ). The OLZ at an airport is based on VFR traffic pattern criteria and predominant type of aircraft utilizing the airport. For Kendall-Tamiami Executive Airport "Category A" is used due to the predominant type of aircraft having an approach speed less than 91 knots and aircraft weighing less than 30,001 pounds. The mathematical formula for

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

determining the limits of the OLZ are found in Federal Aviation Administration (FAA) Advisory Circular 7400.2C.

- (3) No School Zone (NSZ). An NSZ for each runway covers an area that extends five statute miles from the end of a runway in a direct line along the centerline of the runway, and has a width measuring one-half the length of the longest runway at the airport.
- (4) Inner Safety Zone (ISZ). Also referred to as the Runway Protection Zone (RPZ). For Kendall-Tamiami Executive Airport the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for Runway 13/31 begins at a width of 500 feet and extends 1,000 feet to a width of 700 feet. The ISZ dimension for Runway 9R/27L and Runway 9L/27R begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet.
- (5) Outer Safety Zone (OSZ). The OSZ is described as an area that extends outward from the ISZ to a point 5,000 feet from a runway end. The OSZ dimension for Runway 13/31 begins at a width of 700 feet and extends 3,800 feet to a width of 1,460 feet. The OSZ dimensions for Runway 9R/27L and Runway 9L/27R begin at a width of 1,750 feet and extend 2,300 feet to a width of 2,440 feet.

The drawing entitled "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and Surrounding Area," as prepared by the Miami-Dade Aviation Department, dated September 13, 2001, reflecting the above defined classifications, which is on file in the Office of the Miami-Dade County Planning and Zoning Department, shall be the official land use zoning map for the Kendall-Tamiami Executive Airport, shall be prima facie evidence of the boundaries of the zones and districts depicted thereon, and shall be applicable to and controlling of zoning for such zones and districts.

(Ord. No. 99-118, § 1, 9-21-99; Ord. No. 02-169, § 1, 9-24-02)

Sec. 33-395. - Land use zoning classifications for airports.

- (A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:
 - (1) Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
 - (2) Outer District (OLZ). New residential construction and educational facilities excluding aviation, within this land use classification are required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.
 - (3) No School Zone (NSZ). New educational facilities, excluding aviation schools, are not permitted within this land use classification.
 - (4) Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation schools), churches and places of public assembly are not permitted within this land use classification.
 - (5) Outer Safety Zone (OSZ). Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.
- (B) Except as otherwise provided in this article, it shall be unlawful to put any land or water located within L, T, and NA Districts and within TR Districts adjoining L and NA Districts and within the

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

inner ten thousand (10,000) feet of IA Districts and the adjoining portions of TR Districts to any of the following prohibited uses:

Prohibited uses:

- (1) Establishments or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport.
- (2) Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zoning area in such a manner as to create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft.
- (3) Neither residential construction nor any educational facility as defined in Chapter 235, Florida Statutes, and the Code of Miami-Dade County, with the exception of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.
- (4) Nothing contained herein shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 235.19, Florida Statutes, as of July 1, 1993.
- (5) Land fills and associated uses that emit smoke, gases, dust or attract birds shall not be permitted within 10,000 feet of any runway.

(Ord. No. 69-40, § 8, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-396. - Land use and height zoning maps for the airport zoning area.

The Board of County Commissioners shall, by ordinance, adopt, approve and ratify drawings which shall be entitled "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and Surrounding Area, and "Airport Height Zoning Map for Kendall-Tamiami Executive Airport." Such drawings shall locate and identify Kendall-Tamiami Executive Airport, the affected surrounding area, and other topographic data pertinent thereto and to the purposes of this article and they shall also truly and faithfully depict the airport zoning area and the boundaries; and by contour lines, the height limitations, and zone classification districts therein as the same are established herein and as the same may be changed, varied, amended or supplemented by ordinance as provided and prescribed in Chapter 33 of the Code of Miami-Dade County, Florida. Copies or prints of such drawings shall be maintained and kept on file in the office of the Miami-Dade County Planning and Zoning Department and shall be prima facie evidence of the boundaries of the zone classification districts and the height limitations applicable thereto and therein.

(Ord. No. 69-40, § 7, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-118, § 1, 9-21-99; Ord. No. 02-169, § 1, 9-24-02)

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

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

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 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,

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

- (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 × 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:

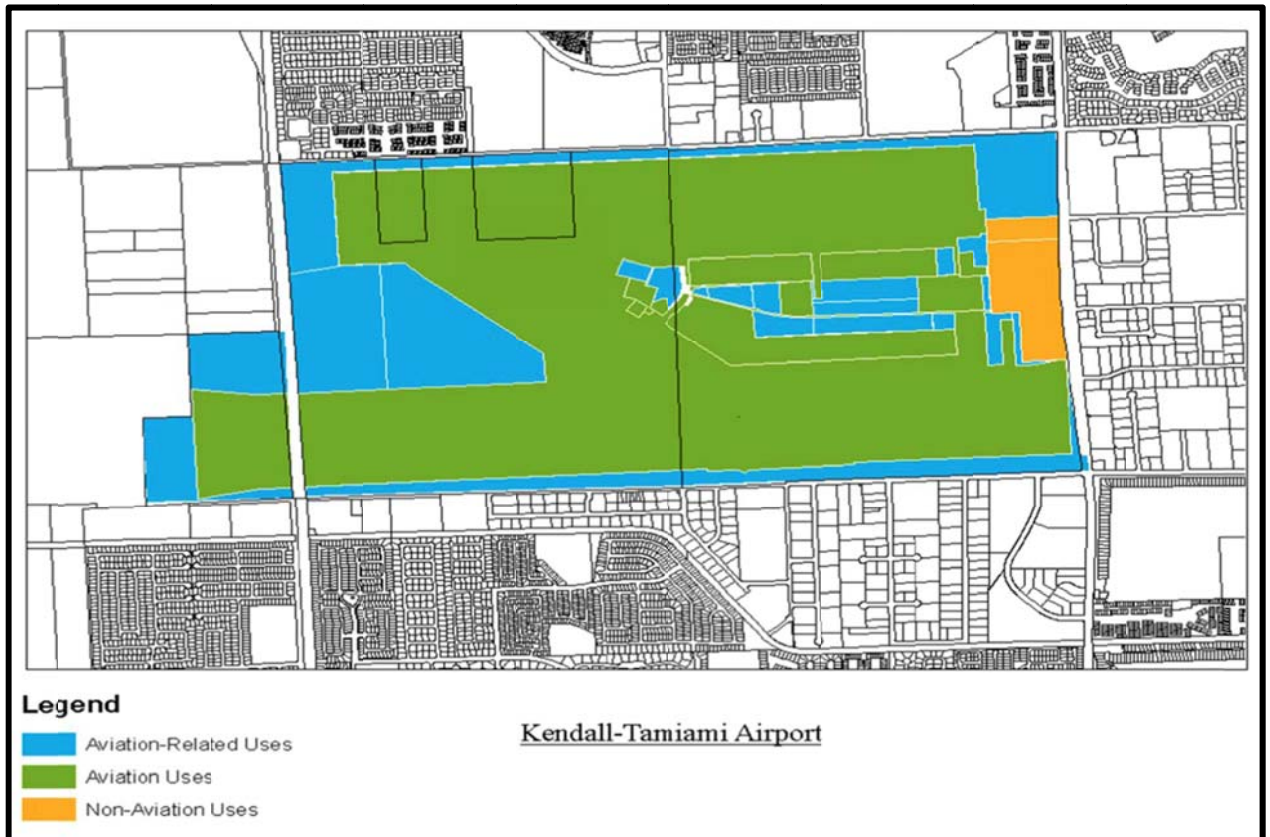
PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

Use	Uses		Area (±43 Acres)
	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.



(Ord. No. 11-66, § 1, 8-2-11)

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

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:

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

- (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 set back two and one-half (2½) 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.

(Ord. No. 11-66, § 2, 8-2-11)

Sec. 33-397. - Nonconforming uses, regulations not retroactive.

The regulations prescribed by this article or any amendment thereto shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land lawfully in existence not conforming to the regulations as of July 19, 1969, or otherwise interfere with the continuance of any nonconforming use. Between July 19, 1969 and the effective date of this ordinance property owners shall not be permitted to erect any structure or to grow or maintain trees to heights in excess of those provided in Ordinance No. 69-40. After July 19,

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

1969, property owners shall not be permitted to erect any structure or to grow or maintain trees to heights in excess of those provided herein. Notwithstanding the preceding provisions of this article, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the Aviation Department, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazard. Such marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the Miami-Dade County Aviation Department in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Aviation Department.

For the purposes of determining what shall constitute a nonconforming use, nothing contained herein shall be construed to prohibit or to require the removal of any lawful residential construction existing on the effective date of this ordinance or the approval of new residential construction either (a) on land located inside a residential zoning district, (b) on land designated or considered as "Residential Communities" on the Comprehensive Development Master Plan Land Use Plan Map, or (c) on land designated as "Agriculture" or "Open Land" on the Land Use Plan Map that was surrounded on three or more sides within ¼ mile by land designated as "Residential Communities" on the Land Use Plan Map on the effective date of this ordinance. Any new residential construction on land identified in this paragraph is required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.

For the purposes of determining what shall constitute a non-conforming use, nothing contained herein shall be construed to prohibit the construction of educational facilities previously approved by Zoning Resolution of the Community Zoning Appeals Board or Board of County Commissioners within twelve (12) months prior to the effective date of this ordinance.

(Ord. No. 69-40, § 9, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-398. - Reserved.

Editor's note—

Ord. No. 99-118, § 1, adopted Sept. 21, 1999 renumbered former Section 33-398, entitled "Permits" as Section 33-400

Sec. 33-399. - Administration and enforcement.

It shall be the duty of the Director of the Department of Planning and Zoning of Miami-Dade County, Florida, to administer the regulations prescribed herein in accordance with Section 2-105, Code of Miami-Dade County, Florida. It shall be the duty of Team Metro to enforce these regulations.

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by Team Metro. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the Aviation Department and Team Metro of Miami-Dade County. A Planning and Zoning Department administrative official shall order discontinuance of use of land or buildings; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alteration, or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

(Ord. No. 69-40, § 10, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 99-118, § 1, 9-21-99)

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

Sec. 33-400. - Permits.

Applications for permits under this article shall be obtained from the appropriate planning and zoning department or agency.

Approval of applications for permits for all construction, for adding height to any existing structures, and for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial, industrial educational facility or residential use in any airport zone classification district lying within unincorporated and incorporated areas of Miami-Dade County, shall be obtained from the Director of the Department of Planning and Zoning, such application for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction. No person shall operate such equipment until approval is obtained from the Director of the Aviation Department and Building Department.

All applications for permits made to appropriate municipal Planning and Zoning Departments or agencies for all construction or for adding height to any existing structure, and for all alterations, repairs, or additions that will change the use of structure from the existing use to any commercial, industrial educational facility or residential use in any airport zone classification district lying within a municipality for which airport zone classification district boundaries have been established herein, shall be approved by the Director of the Miami-Dade County Planning and Zoning Department and Building Official or by their duly authorized representatives prior to issuance of the permit by any municipal Planning and Zoning Department or agency for the purpose of assuring compliance with the minimum standards governing zoning as set forth in this article; provided, however, no approval by the Director and Building Official will be required for building and use permits from municipalities which have adopted by ordinance effective airport zoning regulations, the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the areas covered by this article. No approval by the Director of the Miami-Dade County Planning and Zoning Department and Building Official will be required for building and use permits from municipalities which have adopted by ordinance effective general zoning regulations, the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the areas covered by this article; providing, however, that no municipality may grant any variance to said general zoning regulations which would make said minimum standards less restrictive than the minimum standards prescribed herein.

Permits will be approved by the Director of the Miami-Dade County Planning and Zoning Department and Building Official or their duly authorized representatives unless the proposal fails to meet the requirements of all applicable zoning regulations and building codes including the provisions of this article.

Permits when applied for by applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration of any commercial, industrial, educational facility or residential use as is consistent with the provisions hereof, shall, when the boom operating height exceeds the height limitations imposed by this article, require applicant to mark, or mark and light, the machinery to reflect conformity with the Federal Aviation Administration's or the Miami-Dade County Aviation Department standards for marking and lighting obstructions, whichever is the more restrictive, and shall require the applicant in such cases to obtain approval from the Director of the Miami-Dade County Aviation Department for the location, height and time of operation for such construction equipment use prior to the issuance of a construction permit to the applicant.

Notwithstanding any provision of this ordinance, in granting any permit or variance under this article, the Director or the appropriate board shall require the owner of the structure or tree for which a permit or variance is being sought, to install, operate and maintain thereon, at the owners sole

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standards established by rule of the Department of Transportation.

Any decision of the Director of the Planning and Zoning Department of Miami-Dade County may be appealed as provided and prescribed under Article XXXVI, of Chapter 33, Code of Miami-Dade County, Florida.

(Ord. No. 69-40, § 11, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-401. - Nonconforming uses abandoned or destroyed.

Whenever the Director of Planning and Zoning Department of Miami-Dade County determines that the height limits or use standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no permit shall be granted for such reconstruction substitution or replacement.

Whether application is made for a permit under this paragraph or not, the Director of the Planning and Zoning Department of Miami-Dade County may by appropriate action require the owner of the nonconforming structure or tree to permit the Miami-Dade County Aviation Department at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations.

(Ord. No. 69-40, § 12, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-402. - Variances.

(1) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or otherwise use his property not in accordance with the regulations prescribed in this article may apply to the appropriate zoning board for a variance from such regulations as provided and prescribed under Article XXXVI of Chapter 33, Code of Miami-Dade County, Florida. Applications for variances or any other authorization for any construction or use not authorized by Sections 33-392, 33-393, 33-394, 33-395, 33-396 or 33-397 shall be submitted and determined in accordance with the procedures, provisions and requirements set forth in Florida Statutes, Section 333.03 and Sections 333.07 through and including 333.11 (1998) or successor legislation. For the purpose of zoning applications filed under this chapter, the appropriate Community Zoning Appeals Board shall constitute the board of adjustment pursuant to Florida Statutes, Section 333.10, subject to all procedures applicable to community zoning appeals boards.

(2) At the time of filing the application, the applicant shall forward to the Florida Department of Transportation by certified mail, return receipt requested, a copy of the application for the Department's review and comment, if any. A copy of the return receipt must be filed with the Director of the Miami-Dade County Department of Planning and Zoning at the time of filing the application. No public hearing on the application may commence less than forty-six (46) days after receipt of the application by the Department of Transportation. Notwithstanding any provision of the Code of Miami-Dade County, failure to comply with the requirements of this subsection shall be grounds for appeal of a decision rendered by the community zoning appeals board by an applicant, governing body of any municipality, if affected, or any aggrieved party as defined in Section 33-313, Code of Miami-Dade County, the Director or the County Manager to the Board of County Commissioners. The provisions of Section 33-313 shall govern all appeals brought under this subsection.

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

- (3) No application shall be considered unless a written evaluation and recommendation of the director of the aviation department of his or her designee has been provided to the applicable board. For purposes of applications brought under this section, the procedures of this section shall be in addition to any procedures set forth elsewhere in the Code of Miami-Dade County.
- (4) Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.
- (5) Construction of any educational facility is prohibited at either end of a runway of Kendall-Tamiami Executive Airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. In addition to any findings required in this chapter, variances approving construction of an educational facility within the delineated area shall only be granted when the appropriate zoning board makes specific findings detailing how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.
- (6) Notwithstanding the foregoing provisions of this section, in granting any permit or variance under this article, the Director or the appropriate board shall require the owner of the structure or tree for which a permit or variance is being sought, to install, operate and maintain thereon, at the owners sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standards established by rule of the Department of Transportation.
- (7) Notwithstanding any provision contained in any section of this Code, the Board of County Commissioners shall have jurisdiction over any appeal filed by the County Manager from a decision of a Community Zoning Appeals Board rendered pursuant to this section where it is the opinion of the County Manager that a Community Zoning Appeals Board's resolution is incompatible with aviation activity or aviation safety.

(Ord. No. 69-40, § 13, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-403. - Conditions to variances.

Any variance granted under this article may, if such action is deemed advisable to effectuate the purposes of this article and reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at his expense, or to permit the Miami-Dade County Aviation Department to install, operate, and maintain thereon at the owner's expense such marking, or marking and lighting, as may be necessary to indicate to aircraft pilots the presence of an airport hazard or hazard to air navigation.

(Ord. No. 69-40, § 14, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-404. - Penalties and enforcement.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall be punishable as provided by Section 33-39, Code of Miami-Dade County, Florida.

PART III - CODE OF ORDINANCES

Chapter 33 - ZONING

ARTICLE XL. - KENDALL TAMIAMI EXECUTIVE AIRPORT ZONING

(Ord. No. 69-40, § 15, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Sec. 33-405. - Conflicting regulations.

Nothing contained in this article shall be interpreted to conflict with or supersede any federal regulation pertaining to the control of hazards to air navigation; provided however, where this article imposes lower height limitations or more stringent restrictions upon the use of land or water than are imposed or required by other County ordinance or resolution, or federal rules or regulations the provisions of this article shall govern.

(Ord. No. 69-40, § 16, 7-9-69; Ord. No. 99-118, § 1, 9-21-99)

Secs. 33-406—33-419. - Reserved.

FOOTNOTE(S):

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Editor's note— Article XL, §§ 33-388—33-403, is derived from Ord. No. 69-40, §§ 1—16, enacted July 9, 1969. Section 17 of said ordinance provides that the ordinance provisions be included in the Code of Ordinances as a new article of Chapter 33 (Back)