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Chapter 33 - ZONING

ARTICLE XXXVII. - MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING

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Sec. 33-330. - Short title.

This article shall be known and may be cited as the "Miami International Airport (Wilcox Field) Zoning Ordinance."

(Ord. No. 69-39, § 1, 7-9-69)

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Sec. 33-330.1. - Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that the uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. Pursuant to Ordinance No. 75-22, the Board adopted and accepted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County whereby it specifically declared that it was the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:

- (a) foster and promote the general welfare;
- (b) to create and maintain conditions under which man and nature can exist in productive harmony;
and
- (c) to fill the social, economic and other requirements of the present and future generations of citizens of Miami-Dade County, Florida.

The Board further finds that the CDMP was enacted to assure for all people of Miami-Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, an environment which supports diversity and variety of individual choice; to achieve a balance between population and resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources.

Among the CDMP provisions designed to achieve these ends are goals, objectives and policies to ensure the provision of an economic, integrated environment and community sensitive and balanced system of air transportation, facilities and services; to maximize compatibility between airports and the surrounding communities; and to maximize aviation's support of local and regional economic growth. In furtherance of these goals, objectives and policies, the Board finds that the coordinated review and analysis of its airport facilities and surrounding communities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of airport facilities and the surrounding communities' present and future land uses is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of the efficient land use around the airport, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan development patterns and life styles. The capability of an efficient, safe airport system and associated industry and businesses, acting in conjunction with other urban services, including public and private educational facilities, to establish general development trends, is well recognized.

A maximum coordination of the airport system requirements and land use policy decisions is therefore essential to optimize the role of the airport system as a potent tool for implementing the desired patterns of metropolitan development in Miami-Dade County. To this end, height limitations for the high structure set-aside (HSA) height zoning district were developed in coordination with the Federal Aviation Administration (FAA) and the City of Miami. The height limitations for the HSA are at the maximums tolerable under the current state of aviation technology and should not be raised unless and until technological advances make greater height limits in the HSA both safe and feasible.

This Board further finds that the Legislature of the State of Florida has mandated the adoption of land use regulations by Miami-Dade County, as a political subdivision authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. This Board acknowledges and adopts as its own those legislative findings in Chapter 333, Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto.

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Among the matters specifically required by Chapter 333, Florida Statutes, to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. This Board hereby finds that public and private educational facilities for all of Miami-Dade's communities are an indispensable urban service, essential to achieving a high standard of living for Miami-Dade County's residents and to meeting critical social and economic needs. This Board further finds that meeting the escalating demand for such educational facilities in already developed or rapidly developing urban areas is expensive and difficult, due in part to dwindling supplies of available developable land. This Board further finds that where certain conditions and requirements are met, as prescribed by the zoning regulations contained herein, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to all of Miami-Dade County's airports, including Miami International Airport. This Board's adoption of the regulations contained herein reflect its balancing of the escalating need and demand for educational facilities to serve its residents, the health and safety concerns pertinent to allowing development in proximity to Miami International Airport, and the interest in maintaining and fostering business and industry associated with aviation in general and specifically with Miami International Airport.

(Ord. No. 04-203, § 1, 11-30-04; Ord. No. 07-92, § 1, 7-10-07)

Sec. 33-331. - Provisions hereof established as minimum standards governing zoning.

It is established that the airport zoning area for Miami International Airport (Wilcox Field), the zone classification districts therein and the height limitations 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. 69-39, § 2, 7-9-69; Ord. No. 04-203, § 2, 11-30-04)

Sec. 33-332. - Definitions.

For purposes of this article, the following definitions shall apply:

- (1) *Airport* means Miami International Airport (Wilcox Field), including those lands owned by Miami-Dade County generally from NW 12 to 36 Street, between NW 42 Avenue (LeJeune Road) to the Palmetto Expressway (SR 826).
- (2) *Airport elevation* means the established elevation of the highest point on the usable landing area. The airport elevation for Miami International Airport (Wilcox Field) is ten (10.0) feet, mean sea level.
- (3) *Airport hazard* means any structure, obstruction, tree or use of land which exceeds the federal obstruction standards contained in 14 C.F.R. sections 77.21, 77.23, 77.25, 77.28 and 77.29, or which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or which is otherwise hazardous to taking off, maneuvering, or landing of aircraft.
- (3.1) *Aviation-related school* shall mean any educational facility whose greater portion of curriculum is in the education or training in the science and art of flight and airports, 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, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or subjects pertaining thereto.
- (3.2) *Educational facilities* shall mean both those facilities as defined by Chapter 1013, Florida Statutes, as amended, including, but not limited to, traditional public schools and charter schools, and also private schools, as defined by the Code of Miami-Dade County. It is provided,

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however, that for purposes of this article, educational facilities shall not include "baby-sitting services for shoppers" or "family day care homes," or, in the CA-B and CA-C sub-zones as defined in this article, day nurseries and after-school care, as those terms are defined in Section 33-151.11 of the Code, or day nurseries serving the workers in a lawful commercial or industrial use, when fully contained in the structure accommodating such commercial or industrial use.

- (3.3) Hazard to Air Navigation means an object which will have substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.
- (4) Height shall mean the maximum vertical distance Above Mean Sea Level (AMSL) to the highest point of the structure or tree.
- (5) Instrument runway means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or takeoff of aircraft under restricted visibility conditions. The instrument runways at Miami International Airport are designated as Runways 8R/26L, 9/27 and 12/30. Their centerlines are described as follows:
- (a) Runway 8R/26L: Commencing at the SE corner of the NW $\frac{1}{4}$ of Section 29, Township 53 South, Range 41 East, Miami-Dade County, Florida; thence N $1^{\circ} 43' 33.8''$ W a distance of 459.03 feet; thence S $87^{\circ} 04' 03''$ W a distance of 1685.80 feet to the east end of the runway and the point of beginning; thence S $87^{\circ} 04' 03''$ W a distance of 10,502 feet to the west end of the runway.
- (b) Runway 9/27: Commencing at the SE corner of the NW $\frac{1}{4}$ of Section 31, Township 53 South, Range 41 East, Miami-Dade County, Florida; thence S $87^{\circ} 20' 34.4''$ W a distance of 920.11 feet; thence N $10^{\circ} 42' 02''$ W a distance of 670.40 feet; thence S $87^{\circ} 04' 03''$ W a distance of 10,310 feet to the west end of the runway and the point of beginning; thence N $87^{\circ} 04' 03''$ E a distance of 13,000 feet to the east end of the runway.
- (c) Runway 12/30: Commencing at the SE corner of the NW $\frac{1}{4}$ of Section 31, Township 53 South, Range 41 East, Miami-Dade County, Florida; thence N $69^{\circ} 45' 53''$ E a distance of 986.62 feet to the southeasterly end of the runway and the point of beginning; thence N $60^{\circ} 51' 27''$ W a distance of 9,355 feet to the northwesterly end of the runway.
- (6) Landing area means the area of the airport used or intended to be used for landing, takeoff, or taxiing of aircraft.
- (7) 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.
- (7.1) Non-instrument runway means a runway other than an instrument runway. The non-instrument runway at Miami International Airport is designated as Runway 8L/26R. Its centerline is described as follows:
- (a) Runway 8L/26R: Commencing at the Northwest corner of Section 25, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence southward along the west line of said Section 25 a distance of 3245.23 feet; thence N $87^{\circ} 22' 38''$ E a distance of 1138.87 feet to the west end of the runway and the point of beginning; thence N $87^{\circ} 22' 44''$ E a distance of 8,600 feet to the east end of the runway.
- (7.2) Obstruction means any structure, growth, or other object including a mobile object, which exceeds the height limitation as set forth in this article.
- (8) Person means an individual, firm, copartnership, corporation, company, association, joint stock association, any trustee, receiver, assignee, administrator, executor, governmental agency or

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body politic, and includes any trustee, receiver, assignee, administrator, executor, guardian or other similar representative thereof.

- (9) *Precision approach surface* means an inclined imaginary surface centered on the extended centerline of a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR) or centered on the extended centerline of a runway for which such a precision approach system is planned and so indicated on an airport layout plan or on any other airport planning document. For the purposes of this article a precision approach surface is hereby established for each end of each runway. The positioning, extent and configuration for a precision approach surface shall be the same as hereinafter described for an IA or Instrument Approach District.
- (10) *Runway* means the defined area on an airport prepared for landing and take-off of aircraft along its length.
- (11) *Primary surface*, sometimes hereinafter called "landing district," means a surface longitudinally centered on a runway and extending two hundred (200) feet beyond each end of that runway. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for instrument runways is one thousand (1,000) feet. The width of the primary surface for non-instrument runways is five hundred (500) feet.
- (12) *Structure* means an object constructed, installed, or transported by man, including, but without being limited to, buildings, flagpoles, lightning rods, parapets, antennas, spires, cell towers, roof-mounted equipment or appurtenances, derricks, draglines, cranes and other boom-equipped machinery, towers, signs, smokestacks, utility poles, or overhead transmission lines, whether temporary or permanent.
- (13) *Tree* means trees or other flora, whether naturally occurring or placed by man or machine, whether temporary or permanent.
- (14) *All Objects AMSL Review Boundary* shall be defined by constructing 2000 foot radius arcs from the centerline of each runway end and connecting the outermost arcs with tangent lines. This boundary shall encircle the airport.
- (15) *35 foot AMSL Review Boundary* shall be defined by connecting the 200 foot AMSL height limits contained in the various airport height zoning districts established within this article. This boundary shall encircle the airport.
- (16) *200 foot AMSL or greater review area* shall be defined by all areas beyond the 35 foot AMSL Review Boundary and lying within the airport zoning area defined in Section 33-333 of this article.
- (17) *Development Permit* is any building permit, zoning permit or approval, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the County or any municipality having the effect of permitting the development, alteration, use or occupancy; or change of use or occupancy, of any land or structure.

(Ord. No. 69-39, § 3, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 04-203, § 3, 11-30-04; Ord. No. 05-187, § 1, 10-18-05; Ord. No. 07-92, § 2, 7-10-07)

Sec. 33-333. - Establishment of airport zoning area for Miami International Airport (Wilcox Field).

For the purpose of this article there is hereby created and established the airport zoning area for Miami International Airport (Wilcox Field), and it is hereby ordained that such area shall include, and that

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the provisions of this article shall be applicable to and embrace, all of the unincorporated and incorporated land and water area lying, situate and being in those certain portions of Miami-Dade County, Florida, within the following described boundaries:

- (1) *Northern boundary.* Commencing at the intersection of the Miami-Dade County-Broward County line and the centerline of U.S. Highway 27, proceed easterly along the County line to the range line between Range 42 East and Range 43 East.
- (2) *Eastern boundary.* Commencing at the intersection of the Miami-Dade County-Broward County extended, and the range line between Range 42 East and Range 43 East, proceed southerly along said range line to the intersection of theoretical S.E. 152 Street.
- (3) *Southern boundary.* Commencing at the intersection of theoretical S.E. 152 Street and the range line between Range 42 East and Range 43 East, proceed westerly along theoretical S.E. 152 Street and S.W. 152 Street to the intersection S.W. 152 Street and Krome Avenue.
- (4) *Western boundary.* Commencing at the intersection of Krome Avenue and S.W. 152 Street, proceed northerly along the centerline of Krome Avenue to the intersection of U.S. Highway 27, thence northerly along the centerline of U.S. Highway 27 to the Miami-Dade County-Broward County line.

(Ord. No. 69-39, § 4, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 04-203, § 4, 11-30-04)

Sec. 33-334. - Establishment of airspace review criteria.

The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airspace Review Criteria MIA" as prepared by the Miami-Dade Aviation Department (MDAD), dated January 2, 2007. This map depicts the regions within the Airport Zoning Area in which structures and trees of varying height levels are subject to review by MDAD. The map is on file in the Miami-Dade Aviation Department and the Department of Planning and Zoning. Such map shall be the official height review criteria map for Miami International Airport, and shall establish the locations and heights of structures and trees that shall be reviewed by MDAD for the issuance of a letter of determination by MDAD pursuant to Section 33-349 of this article prior to the issuance of any development permit.

If a property, parcel, or project (as defined by its folio number(s)) is bifurcated by any of the review boundaries defined in this section and depicted in the Airspace Review Criteria MIA Map, then the more restrictive review criteria shall apply to the entire property, parcel, or project.

For the purposes of this article, the following shall establish the criteria, based upon a structure or tree's height and location, that determines if such structure or tree is subject to MDAD's review pursuant to Section 33-349.

Within the All Objects Review Boundary, MDAD shall review all applications for development permits.

Between the All Objects Review Boundary and the 35 foot AMSL Review Boundary, all development permit applications for structures or trees greater than or equal to 35 feet AMSL shall be reviewed by MDAD.

Outside of the 35 foot AMSL Review Boundary but within or partially within the MIA Airport Zoning Area, all development permit applications for structures or trees greater than or equal to 200 feet in height shall be reviewed by MDAD.

Any crane use within the airport zoning area shall be coordinated with MDAD and the Federal Aviation Agency (FAA) for a "Determination of No Hazard" by the FAA.

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(Ord. No. 69-39, § 5, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 99-65, § 1, 6-8-99; Ord. No. 04-203, § 5, 11-30-04; Ord. No. 07-92, § 3, 7-10-07)

Sec. 33-335. - 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, as established by the Airport Height Zoning Area Map for Miami International Airport defined in this section. 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. An area, a structure or a tree located in more than one (1) of the described districts is considered to be only in the district with the more restrictive height limitation.

The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airport Height Zoning Area Map for Miami International Airport" as prepared by the Miami-Dade Aviation Department, dated August 26, 2003, reflecting the above-defined height limitations, which is on file in the Office of the Miami-Dade County Department of Planning and Zoning. Such map shall be the official height zoning map for the Miami International Airport, shall establish the maximum height of the structures and shall be applicable to and controlling of such height limitations established herein.

Such limitations are hereby established for the districts as follows:

- (1) For Runways 8R, 26L, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.
- (2) For Runways 9 and 27, one (1) foot vertically for each fifty (50) feet horizontally beginning at a point two hundred (200) feet from the end of these instrument runways and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.
- (3) *Horizontal district*: One hundred fifty (150) feet above the hereinbefore established airport elevation.
- (4) *Conical district*: One (1) foot vertically to twenty (20) feet horizontally beginning at the periphery of the hereinbefore described horizontal surface for a horizontal distance of four thousand (4,000) feet.
- (5) *Departure zone district*: For departure zone surface 1, one (1) foot vertically to forty (40) feet horizontally beginning at the departure end of each runway at an elevation of forty-five (45) feet MSL and extending outward a distance of two (2) nautical miles (12,152 feet) from the end of the runway. For departure zone surface 2, one (1) foot vertically to forty (40) feet horizontally beginning at the edge of each runway and the edge of the departure zone surface 1, and at an elevation of three hundred forty-nine (349) feet MSL, which is the elevation at the high end of the departure zone 1 surface, then extending until an elevation of one thousand five hundred ten (1,510) feet MSL is reached. The one thousand five hundred ten-foot elevation continues outward from the airport as a horizontal plane to the boundaries of the airport zoning area. The

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height restrictions in the departure zone district do not apply within the high structure set-aside district.

- (6) *High structure set-aside district:* For the 949-foot level surface, nine hundred forty-nine (949) feet MSL; for the 660-foot shelf, six hundred sixty (660) feet MSL; for the 710 foot shelf, seven hundred ten (710) feet MSL; for the west climb gradient surface, one (1) foot vertically to thirty and eight hundredths (30.08) feet horizontally beginning at the westerly edge of the 949-foot level surface down to the hereinbefore described westerly boundary of the high structure set-aside district; for southeast climb gradient surface, one (1) foot vertically to twenty-four and three-tenths (24.3) feet horizontally beginning at an elevation of eight hundred forty (840) feet MSL at the easterly boundary of the 710-foot shelf up to the easterly boundary of the high structure set-aside district; and for the transition surfaces, one (1) foot vertically to seven (7) feet horizontally as a continuation of the transition surfaces described hereinbefore under transition district, beginning at the northerly boundaries of the 660 shelf, the 710 shelf and the southeast climb gradient, and the northerly boundary of the high structure set-aside district and extending up to the 949-foot level surface or the west climb gradient surface.
- (7) *Transition district:* One (1) foot vertically for each seven (7) feet horizontally from the sides of the primary surfaces and from the sides of the approach surfaces. Transition surfaces from the primary surfaces to the horizontal surface, and from the approach surfaces to the adjacent horizontal surface, conical surface or departure zone surface. Within the high structure set-aside district, the transitional surfaces extend from the adjacent departure zone surface on the north to the 949-foot level surface and to the west climb gradient surface; and from the northerly boundaries of the 660-foot shelf, the 710-foot shelf and the southeast climb gradient to the 949-foot level surface and to the west climb gradient surface.
- (8) *Non-Instrument approach districts:*
 - (a) For Runways 8L and 26R, 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.

(Ord. No. 69-39, § 6, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 99-65, § 1, 6-8-99; Ord. No. 04-203, § 6, 11-30-04)

Sec. 33-336. - Establishment of airport land use zoning map, criteria and use restrictions for Miami International Airport and surrounding zones and sub-zones.

The Board of County Commissioners hereby adopts, approves and ratifies the map "Airport Land Use Zoning Map for Miami International Airport and Surrounding Area," as prepared by the Miami-Dade Aviation Department MDAD, dated July 19, 2004, reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport zoning area and the land use zones and sub-zones. Such map establishes the boundaries of the airport zoning area, land use zones and sub-zones, and the prohibitions, restrictions and limitations on uses permitted thereon. The above defined map, which is on file in the Miami-Dade County Department of Planning and Zoning, shall be an official land use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the zones and sub-zones depicted thereon, and shall be applicable to and controlling of zoning for such land use zones and sub-zones.

- (A) For the purpose of this article all of the land use zoning criteria for Miami International Airport, and surrounding area, as the same is created established and described hereinbefore, is hereby divided into zones as follows:

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- (1) *Inner Safety Zone (ISZ)*, also referred to as the Runway Protection Zone (RPZ). For Miami International 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 Runways 12/30, 9R/27L, 9L/27R and 8/26 begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet. The ISZ dimension for Runways 8/26 begin at a width of five hundred (500) feet and extends one thousand seven hundred (1,700) feet to a width of one thousand ten (1,010) feet.
 - (2) *Outer Safety Zone (OSZ)*. The OSZ is described as an area that extends outward from the ISZ to a point that is five thousand (5,000) feet from the runway end. The OSZ dimensions for Runways 12/30, 9R/27L and 9L/27R begin at a width of 1,750 feet and extend outward 2,300 feet to a width at 2,440 feet. The OSZ dimensions for Runways 8/26 begin at a width of one thousand ten (1,010) feet and extend outward three thousand one hundred (3,100) feet to a width at one thousand nine hundred forty (1,940) feet.
 - (3) *Inner Land Use Zone (ILZ)*. An ILZ for Miami International Airport is considered to be within the 75 decibel and greater Day Night Noise Level (DNL) Noise Contour which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The ILZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
 - (4) *Outer Land Use Zone (OLZ)*. The OLZ for Miami International Airport is within the 65 to 74 decibel Day Night Noise Level (DNL) Noise Contour, which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The OLZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
 - (5) *Critical Area Approach Zone (CA)*. A CA for each runway at Miami International Airport covers an area that extends five (5) statute miles from the end of a runway in a direct line along the extended centerline of the runway, and has a width measuring one-half ($\frac{1}{2}$) the length of the longest runway at Miami International Airport. The CA for each runway consist of a CA-A, a CA-B and a CA-C sub-zone. The CA-A is the area closest to the runway and extends out two (2) miles from the end of the runway; the CA-B extends out the next one-and-one-half miles from the end of the CA-A; and the CA-C extends out the remaining one-and-one-half miles from the end of the CA-B. The CA is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area.
- (B) No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in the Miami International Airport (Wilcox Field) Zoning Area, which is designed, arranged, or intended to be used or occupied for any purpose otherwise permitted in the underlying zoning district, except in compliance with the following restrictions, limitations and prohibitions:
- (1) *Inner Safety Zone (ISZ)*. New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this land use zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels or motels and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. In no event shall this prohibition be varied.
 - (2) *Outer Safety Zone (OSZ)*. New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels or motels and their ancillary uses. Additionally,

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the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. There shall be no variance pertaining to the residential and educational uses prohibited herein nor any variance permitting a use for public assembly other than as permitted in this Section 33-336

- (3) *Inner Land Use Zone (ILZ)*. New residential construction and educational facilities (excluding aviation related schools) are prohibited within this zone. In no event shall this prohibition be varied.
- (4) *Outer Land Use Zone (OLZ)*. New residential construction constructed after the effective date of this ordinance and educational facilities (excluding aviation related schools) within this land use zone are only permitted where not otherwise prohibited and where a minimum of 25 decibel (db) Noise Level Reduction (NLR) materials are incorporated in the design and construction of the structure.
- (5) *Critical Area Approach Zone (CA)*. Educational facilities in the CA (excluding aviation related schools) are subject to the following prohibitions, restrictions and limitations. Exceptions listed in this paragraph shall be applicable to all sub-zones, except when particular sub-zones are expressly indicated.

Nothing in this subsection 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 former Section 235.19, Florida Statutes, as of July 1, 1993. It is provided, however, that applicants for new structures or modifications to existing structures shall be subject to all other zoning regulations in this code applicable to charter schools and private schools.

A new public educational facility site proposed or selected after the effective date of this ordinance (February 24, 2005), when located partially within the CA-B or CA-C sub-zone, shall not be subject to the requirements of this subsection, where no more than 49% of the site is within the CA and no portion of the site within the CA is designated or will be used for classroom space.

The requirements of this subsection shall not apply to replacement or modification of an existing public educational facility where there is no increase in the total number of student stations authorized for such facility as of the effective date of this ordinance (February 24, 2005) and there is no expansion of the site.

CA-A. No new educational facilities (except aviation related schools and except as provided above) are permitted in the CA-A sub-zone. In no event shall this prohibition be varied.

Educational facilities existing as of the effective date of this ordinance (February 24, 2005), except as otherwise provided in this section, shall be permitted to expand, upon demonstration that the requirements and standards established in Section 33-337(A), the underlying applicable zoning district standards, and all other standards in this Chapter have been met. In no event shall this provision be varied.

CA-B. Except as otherwise provided in this section, establishment of an educational facility is permitted in the CA-B sub-zone, after public hearing upon demonstration that the requirements and standards established in Section 33-337(A), the underlying applicable zoning district standards, and all other standards in this Chapter applicable to educational facilities have been met. Expansions and modifications of an educational facility shall be permitted in the CA-B sub-zone, upon application for building permit pursuant to Section 33-340 of this code, when

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otherwise in compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

- (i) any on-site expansion or modification of non-occupied space, including, but not limited to, bus drop-offs, parking lots, and playing field improvements;
- (ii) any on-site expansion or modification of non-classroom occupied space, up to 40% above the square footage of the educational facility as of the effective date of this ordinance (February 24, 2005); or
- (iii) any on-site expansion or modification of classroom space, up to 40% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (February 24, 2005), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (February 24, 2005) by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (February 24, 2005), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-B sub-zone shall be permitted upon demonstration that the requirements and standards established in Section 33-337(B)(2), (3) and (4) have been met.

A new traditional public educational facility proposed in this sub-zone for the sole purpose of relieving overcrowding at an existing traditional public educational facility shall be deemed an expansion and subject to the requirements and standards of Section 33-337(B)(2), (3), and (4), where the School Board has provided assurances by interlocal agreement that:

- (i) the existing public educational facility is at or exceeds 115% of the Florida Inventory of School Houses capacity, as of the effective date of this ordinance (February 24, 2005), and that the existing and new educational facilities shall not cumulatively provide for a greater number of students than enrolled in the existing educational facility as of the effective date of this ordinance (February 24, 2005);
- (ii) the new reliever public educational facility will provide for a number of students equal to or fewer than the reduction of the number of students at the existing educational facility, and
- (iii) the new reliever school will be located in a sub-zone no more restrictive than the sub-zone of the existing educational facility.

Any facility not in compliance with the foregoing shall be deemed a new school subject to the requirements of the sub-zone for which it is proposed.

CA-C. Except as otherwise provided in this section, establishment of an educational facility is permitted in the CA-C sub-zone, when in compliance with the requirements of Section 33-337(B), the underlying applicable zoning district standards, and all other standards in this Chapter applicable to educational facilities. Expansions and modifications of an educational facility shall be permitted in the CA-C sub-zone, upon application for building permit pursuant to Section 33-340 of this code, when otherwise in compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

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- (i) any on-site expansion or modification of non-occupied space, including, but not limited to, bus drop-offs, parking lots, and playing field improvements;
- (ii) any on-site expansion or modification of non-classroom occupied space, up to 40% above the square footage of the educational facility as of the effective date of this ordinance (February 24, 2005); or
- (iii) any on-site expansion or modification of classroom space, up to 40% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (February 24, 2005), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (February 24, 2005) by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (February 24, 2005), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-C sub-zone shall be permitted upon demonstration that the requirements and standards established in Section 33-337(B)(2), (3) and (4) have been met.

A new traditional public educational facility proposed in this sub-zone for the sole purpose of relieving overcrowding at an existing traditional public educational facility shall be deemed an expansion and subject to the requirements and standards of Section 33-337(B)(2), (3), and (4), where the School Board has provided assurances by interlocal agreement that:

- (i) the existing public educational facility is at or exceeds 115% of the Florida Inventory of School Houses capacity, as of the effective date of this ordinance (February 24, 2005), and that the existing and new educational facilities shall not cumulatively provide for a greater number of students than enrolled in the existing educational facility as of the effective date of this ordinance (February 24, 2005);
- (ii) the new reliever public educational facility will provide for a number of students equal to or fewer than the reduction of the number of students at the existing educational facility, and
- (iii) the new reliever school will be located in a sub-zone no more restrictive than the sub-zone of the existing educational facility.

Any facility not in compliance with the foregoing shall be deemed a new school subject to the requirements of the sub-zone for which it is proposed.

- (C) *Additional* limitations. Any use otherwise permitted under this section or pursuant to the underlying zoning district shall be prohibited in the L, T, and TR Districts and within the inner ten thousand (10,000) feet of any IA District and the adjoining portions of TR Districts, all as depicted in the Airport Height Zoning Area Map defined herein, where such use constitutes or includes any of the following 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) any establishment or use within the airport zoning area that may 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 in the eyes of the

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tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft;

- (3) landfills and associated uses that emit smoke gases, or dust or any use that may attract birds, within 10,000 feet of any runway; and
- (4) aircraft touch and goes.

(D) The prohibitions, restrictions and limitations in this section are minimum standards. Compliance with these standards shall not serve as a conclusive basis to approve a land use not otherwise in conformity with the CDMP, nor as a basis to amend the CDMP.

(Ord. No. 69-39, § 7, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 04-203, § 7, 11-30-04; Ord. No. 07-92, § 4, 7-10-07)

Sec. 33-337. - Educational facilities standards.

(A) CA-B.

(1) *Required information.* Except as otherwise provided in Section 33-336(B)(5), all applicants for educational facilities in the CA-B sub-zone shall submit the following applicable information to the Department in accordance with the filing provisions of Article XXXVI of this Chapter for review by the Department and for consideration at public hearing.

(a) *Written information.*

- (1) Total size of the site. Gross and net figures shall be provided.
- (2) Maximum number of students to be served
- (3) Maximum number of teachers and administrative and clerical personnel
- (4) Maximum number of classrooms and total square footage of classroom space
- (5) Total square footage of non-classroom space
- (6) Amount and location of exterior recreational/play area in square footage
- (7) Maximum number and type of vehicles that will be used in conjunction with the operation of the facility.
- (8) Number of parking spaces provided for staff, visitors, and transportation and operation vehicles, and justification that those spaces are sufficient for this facility
- (9) Grades or age groups that will be served
- (10) Days and hours of operation, weekly and annually
- (11) An explanation of any such activities anticipated to be conducted in association with the educational facility but typically conducted outside of the hours of operation of the educational facility
- (12) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application
- (13) A copy of the charter approved by the Miami-Dade County Public School Board in the case of a charter school.

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- (14) Where an educational facility is to be operated in a structure simultaneously used as a residence, religious facility or other type of facility, the area which will be specifically used for the educational facility during the hours of operation shall be clearly defined.
 - (15) The applicant for approval of an educational facility shall additionally provide explanation regarding any activities anticipated to be conducted in conjunction with the educational facility, including, but not limited to, adult education classes, community outreach facilities, and civic building use. Such uses not determined by the Director to be directly associated with the educational facility operation shall require approval as otherwise specified within this code.
- (b) *Graphic information.* The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects:
- (1) A plan indicating existing zoning on the site and adjacent areas
 - (2) A plan indicating the applicable and adjacent sub-zones of the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area and distances from the application property line to the nearest property line of each sub-zone, and a plan depicting the maximum structure height in the applicable Airport Height Zoning Area Map for Miami International Airport.
 - (3) A dimensioned site plan drawn to scale indicating the following:
 - (a) Location of all structures and setback dimensions from all property lines
 - (b) Parking area layout, automobile stacking area for drop-off and pick-up of children, and drives
 - (c) Walkways
 - (d) Location of recreation areas and play equipment which shall include surrounding fences and/or walls
 - (e) Any other features which can appropriately be shown in plan form.
 - (4) Floor plans and elevations of all proposed structures.
 - (5) Landscape development plan listing quantities, size, height and names of all plants.
- (2) Exception Standards. Except as otherwise provided in Section 33-336(B)(5), the establishment of an educational facility is permitted in the CA-B sub-zone after public hearing upon demonstration that the following standards have been met, when not otherwise in conflict with the requirements for school districts established by the Florida Statutes:
- a. *Public policy standard.* For each new educational facility or an expansion or modification to an existing educational facility, there shall be specific findings made that the public policy reasons for allowing construction of such a facility or expansion outweigh health and safety concerns of such construction at the specified location. The phrase "public policy reasons" includes the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.
 - b. *No comparable site.* Evidence that no suitable comparable site exists outside of the CA-B sub-zone where the facility could be located.
 - c. *Impact on aviation related industrial or commercial operations and activities.* Where educational facilities are proposed in or adjacent to industrial or commercial areas it shall be clearly demonstrated, in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how

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the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport is minimized.

- d. *Operation of the airport.* No public hearing approval, or any condition or restriction on such approval, shall impose or result in any limitation or operational modification associated with the operation of the airport.
- e. *Objection of transportation authorities.* Objections to the application by the Federal Aviation Administration (FAA) or the Florida Department of Transportation (FDOT) have been satisfactorily addressed.
- f. *Ingress, egress and traffic compatibility.* Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including by not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.
- g. *Auto Stacking.* Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.
- h. *Hours of operation.* The hours of operation of the facility shall not cause or create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.
- i. *Environmental hazard potential.* The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of, or visitors to, the facility.
- j. *CDMP standards.* The educational facility, its site and operations, shall be consistent with the goals objectives and policies of the Comprehensive Development Master Plan, in particular those policies which seek to maximum compatibility of land use around airports.
- k. *Transportation Safety Analysis.* Historical transportation safety data shall be provided to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site may place students at a greater safety risk than if the proposed educational facility is located in the CA-B sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.
- l. *Noise.* Educational facilities with outdoor recreational areas shall not be located in the vicinity of any nonresidential property from which noise exceeding sixty (60) decibels at the property line is produced.
- m. *Gas transmission or fuel facilities.* Educational facilities shall not be located on a site within one hundred (100) feet of any gas transmission line or fuel facilities.
- n. *Emergency access.* Unobstructed on-site access for emergency equipment shall be provided.
- o. *Circulation.* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic

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generated from the educational facility should be routed in such a manner as to minimize impact on surrounding development.

- p. *Signs and outdoor lighting.* All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.
- q. *Roof installations and facilities.* All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.

(B) CA-C.

- (1) *Public policy determination.* The establishment, expansion or modification of an educational facility is permitted in the CA-C sub-zone without a public hearing. As to new educational facilities or expansions of existing educational facilities within the CA-C sub-zone, the Board finds that the public policy reasons for allowing construction of such facilities or expansions outweigh health and safety concerns of such construction, where the requirements of this subsection are met. The phrase "public policy reasons" is defined as the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.
- (2) *Required information.* All applicants for educational facilities in the CA-C sub-zone shall submit to the department the information required in paragraph (A)(1)(a) and (b) above.
- (3) *Site Plan Review Criteria.* Except as otherwise provided in Section 33-336(B)(5) and when not in otherwise in conflict with requirements for public school districts established by the Florida Statutes, for both unincorporated and incorporated areas, the Department shall review plans and required information for new educational facilities, and expansions and modifications to existing educational facilities for compliance with the zoning regulations and for compliance with the site plan review criteria. The decision of the Department pursuant to the site plan review criteria may be appealed to the Board of County Commissioners within thirty (30) days after decision is rendered in writing. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding and adjacent areas. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

The following criteria shall be utilized by the Department and by the Board, upon appeal, in the review process, when not otherwise in conflict with requirements for school districts established by the Florida Statutes:

- (1) *CDMP standards.* The educational facility, its site and operations, shall be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan, in particular those policies contained within the Land Use Element which seek to maximize compatibility of land use around airports.
- (2) *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.
- (3) *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 non-compatible uses and ameliorate the impact of noise.

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- (4) *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 uses.
- (5) *Impact on industrial or commercial operations and activities.* Where educational facilities are proposed in or adjacent to, industrial or commercial areas it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport is minimized.
- (6) *Environmental hazard potential.* The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of or visitors to the facility.
- (7) *Emergency access.* Unobstructed on-site access for emergency equipment shall be provided.
- (8) *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 educational facility should be routed in such a manner as to minimize impact on surrounding development.
- (9) *Ingress, egress and traffic compatibility.* Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including but not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.
- (10) *Transportation safety analysis.* Historical transportation safety data shall be provided to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site outside the CA-C may place students at a greater safety risk than if the proposed educational facility is located at the application site in the CA-C sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.
- (11) *Hours of operation.* The hours of operation of the facility shall not cause to create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.
- (12) *Auto Stacking.* Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.
- (13) *Signs and outdoor lighting.* All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.

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- (14) *Roof installations and facilities.* All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.
- (4) *Notice.* Published notice of an application for site plan review shall be provided in the manner prescribed for laymans' notice prescribed in Section 33-310(c)(1)(B) of this code. Within fifteen (15) days after the decision on the application, notice of the Director's decision shall be published in a newspaper of general circulation. Any aggrieved person may appeal the Director's decision pursuant to Section 33-314 within thirty (30) days after the date of newspaper publication.
- (C) Upon execution of an interlocal agreement with a municipality, the County may delegate to such municipality the powers and duties of the Department of Planning and Zoning or the Board of County Commissioners under this section pertaining to the CA-B and CA-C sub-zone. Any such agreement shall provide for the application of all requirements, standards and procedures contained herein.
- (Ord. No. 69-39, § 8, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 04-203, § 8, 11-30-04)

Sec. 33-337.1. - Uses permitted on Miami International Airport (Wilcox Field) lands in the GP Governmental Property zoning district.

The Comprehensive Development Master Plan (CDMP) provides for aviation, aviation-related and non-aviation uses at Miami International Airport-Wilcox Field (MIA). The purpose of this section of the Code is to provide for non-aviation uses on those lands at MIA that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the CDMP's 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.

Non-Aviation Uses: The portion of the airport designated in the Comprehensive Development Master Plan for non-aviation uses may be developed at a maximum FAR of 2.0 (excluding parking structures). All non-aviation uses shall be subject to the site plan review standards of Section 33-337.2 of this Code.

- (1) Subject to the restrictions contained herein, the following non-aviation uses may be approved in the non-aviation areas of the airport:
- (a) Lodgings such as hotels and motels (except in terminal concourses), subject to the standards of the BU-2 district.
 - (b) Office buildings (except in terminal concourses), subject to the standards of the BU-2 district.
 - (c) Industrial uses such as distribution, storage, manufacturing, research and development, and machine shops, subject to the site development standards of the IU-1 zoning district.
 - (d) Agricultural uses, subject to the standards of the AU district.
 - (e) Retail, restaurants, and personal service establishments, subject to the standards of the BU-2 district.
- (2) MIA area requirements for non-aviation use lands designated GP in this subsection of the Code. The minimum and maximum of land area devoted to particular non-aviation uses for those parcels designated as "non-aviation use" in Figure 1 shall be as follows:

NON-AVIATION AREA (±56.7 ACRES)

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Use	Minimum (acres)	Maximum (acres)
Commercial/Office	3	56.7
Hotel or Motel	0	56.7
Institutional	0	11
Industrial	11	56.7

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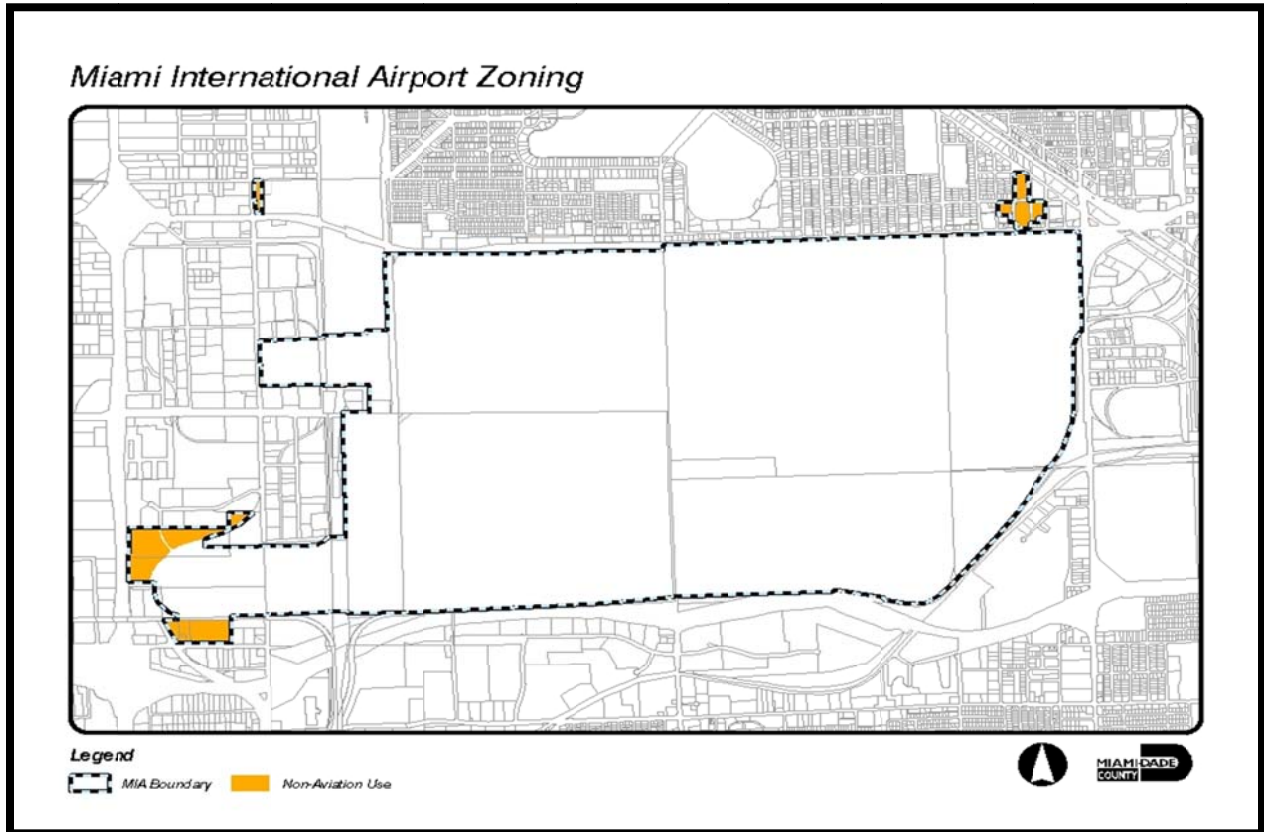


Figure 1 - Miami International Airport

- (3) The Director of the Miami-Dade Aviation Department shall monitor the allocation of non-aviation uses in all areas of MIA lands zoned GP in order to maintain compliance with the Aviation Subelement of the CDMP.

(Ord. No. 12-56, § 1, 7-3-12)

Sec. 33-337.2. - Site plan review.

For all non-aviation uses, the Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria prior to building permit. 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 thirty (30) 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 thirty (30) days without formal written denial shall constitute approval. Notwithstanding the provisions of Section 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.

- (A) *Compliance.* 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

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Aviation Department governing permissible uses on the entire airport property. All development shall comply with the off-street parking requirements of Chapter 33, and with Chapter 18A

- (B) Signage. Non-aviation uses shall comply with the signage requirements of Article VI, except that entrance features are not required to comply with Section 33-112(a)(1), (g), (h) and (i).
- (C) *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: _____.
- (D) *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,

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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 noncommercial 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 shall comply with the Energy Conservation Standards (Sections 553.951—553.975) of Florida Statutes Chapter 553.
- (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 (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. 12-56, § 2, 7-3-12)

Sec. 33-338. - Airport land use zoning nonconforming uses, regulations not retroactive.

The regulations prescribed by this article or any amendment thereto shall not be construed to require the change or alteration of any permanent structure or use lawfully in existence not conforming to the land use regulations of this article, or otherwise interfere with the lawful continuance of any legal nonconforming use.

(Ord. No. 69-39, § 9, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 04-203, § 9, 11-30-04; Ord. No. 07-92, § 5, 7-10-07)

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Sec. 33-339. - Airport land use zoning 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 Airport Land Use Zoning regulations prescribed herein in accordance with Section 2-105, Code of Miami-Dade County, Florida, within unincorporated Miami-Dade County. It shall be the duty of the Aviation Department to enforce these regulations within unincorporated Miami-Dade County. The appropriate municipal official shall administer and enforce these regulations for Miami-Dade County in the incorporated areas.

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by MDAD or the appropriate municipal administrative official. 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 Miami-Dade County Aviation Department as well as the Director of the Department of Planning and Zoning. The Director of the Department of Planning and Zoning or the director of the appropriate municipal office or designee shall order discontinuance of use of land or buildings; removal of trees in their entirety to conform with height limitations set forth herein; removal of buildings, additions, alterations, structures, or objects; 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. 69-39, § 10, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 04-203, § 10, 11-30-04; Ord. No. 07-92, § 6, 7-10-07)

Sec. 33-340. - Airport land use zoning permits.

Applications for development permits in incorporated areas of Miami-Dade County that are located within any airport zone or sub-zone established in Section 33-336 shall be reviewed by the appropriate municipal board(s) or official(s) for the purpose of assuring compliance with the minimum airport land use zoning standards set forth in this article. Applications for development permits in the unincorporated areas of Miami-Dade County that are located within any airport zone or sub-zone shall be reviewed by the appropriate County board(s) or official(s) for the purpose of assuring compliance with the minimum airport land use zoning standards set forth in this article. In all such instances, whether in the incorporated or unincorporated areas, a copy of the application for development permit shall be provided to the Director of the Miami-Dade Aviation Department and the Director of the Miami-Dade Planning and Zoning Department at the time such application is submitted.

The directors of MDAD and the Planning and Zoning Department shall submit in writing, to the appropriate board or official, any objections they may have to an application for development permit regulated by this article. All permits for traditional public school facility projects will be issued through the Miami-Dade Public School Building Department. Written notice of such school facility projects shall be submitted to the Directors of MDAD and the Planning and Zoning Department in sufficiently reasonable time to allow them to file written objections prior to the issuance of any permit.

The Director of MDAD and the Director of the Planning and Zoning Department are authorized to appeal or otherwise legally contest decisions of any municipality or other governmental agency granting a development permit regulated by this article for failure to comply with the airport land use zoning standards of this article.

(Ord. No. 69-39, § 11, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 04-203, § 11, 11-30-04; Ord. No. 07-92, § 7, 7-10-07)

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Sec. 33-341. - Airport land use zoning: nonconforming uses abandoned or destroyed.

Whenever the appropriate building, zoning, or other County or municipal official determines that the airport land use zoning standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no development permit shall be granted for such reconstruction, substitution or replacement, regardless of whether such nonconforming use could otherwise be reconstructed, substituted, or replaced pursuant to Section 33-35 of this Chapter, or pursuant to any otherwise applicable law of the County or any municipality.

(Ord. No. 69-39, § 12, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 86-83, § 1, 10-28-86; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 04-203, § 12, 11-30-04; Ord. No. 07-92, § 8, 7-10-07)

Sec. 33-342. - Variances and exceptions limited.

- (1) Any person desiring to use property not in accordance with the land use or any other regulations prescribed in this article, shall follow the procedures set forth below for a variance or exception from such regulations, except in such instances where this article expressly prohibits variances or exceptions from certain regulations.
- (2) Applications expressly for variances, exceptions, or any other authorization for any structure or use not expressly authorized by this article shall be submitted and determined in accordance with the procedures provisions and requirements set forth herein and in Florida Statutes, Section 333.03 and Sections 333.07 through and including 333.11 (1998), as may be amended from time to time. Notwithstanding any other provisions of the Code of Miami-Dade County to the contrary, for the purpose of zoning applications within the incorporated and the unincorporated area filed under this Article, the Board of County Commissioners shall constitute the Board of adjustment pursuant to Florida Statutes, Section 333.10, and shall utilize the procedures for processing zoning applications pursuant to this article.
- (3) Prior to filing any application for variance or exception, the applicant shall forward to the Florida Department of Transportation by certified mail, return receipt requested, a copy of the application for review and comment, if any, by the Florida Department of Transportation. Copies of the return receipt must be filed with the Director of the 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 Florida Department of Transportation. Notwithstanding any other provision of this code, failure to comply with the requirements of this subsection shall be grounds for appeal as set forth in Section 333.07(2)(a), Florida Statutes.

The applicant shall submit with the application documentation showing compliance with the federal requirement for notification of the proposed construction and a valid aeronautical evaluation of the application.

- (4) Approval of variances, when not specifically prohibited by this article, shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest but granting thereof would do substantial justice and be in accordance with the intent and purpose of this article. 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 Miami International 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. Any variance may be subject to any reasonable conditions necessary to effectuate the purposes of this Chapter.
- (5) In determining whether the standard set forth in paragraph (4) above has been met, the following factors pertaining to the public interest shall be considered:

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- (a) the nature of the terrain and height of existing structures;
- (b) public and private interest and investments;
- (c) the character of flying operations and planned future development of Miami International Airport;
- (d) federal airways as designated by the Federal Aviation Administration;
- (e) whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at Miami International Airport;
- (f) technological advances;
- (g) the safety of persons on the ground and in the air;
- (h) land use density;
- (i) safe and efficient use of navigable airspace; and
- (j) the cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

No variance shall be approved solely on the basis that the proposed structure or use will not exceed federal obstruction standards, or any other federal aviation regulation.

- (6) Notwithstanding the foregoing provisions of this section, in granting any variances or any other authorization for any structure or use not expressly authorized herein, the Board of County Commissioners shall require the owner of the structure or tree for which such authorization is being sought to install, operate and maintain thereon, at the owner's 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 Florida Department of Transportation.

(Ord. No. 69-39, § 13, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 04-203, § 13, 11-30-04; Ord. No. 07-92, § 9, 7-10-07)

Sec. 33-343. - Conditions to site plan approvals, public hearing approvals and 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 circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at his or her 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. Such other reasonable conditions may also be imposed as to ensure compliance with the intent of this article.

(Ord. No. 69-39, § 14, 7-9-69; Ord. No. 78-78, § 1, 11-7-78; Ord. No. 04-203, § 14, 11-30-04)

Sec. 33-343.1. - Notice of airport proximity (airport land use zoning).

All approval of uses in the CA-A sub-zone, including, but not limited to, approvals of permits, site plans, exceptions and variances, shall include the following notice prominently displayed:

NOTIFICATION OF AIRPORT PROXIMITY

The property that is the subject of this zoning approval is located in proximity to Miami International Airport and is therefore subject to certain impacts as a result of such proximity. Among the potential

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impacts are increased noise levels associated with aircraft and airport operations, overhead aircraft flights at reduced altitudes, and frequent overhead aircraft flights throughout the day and night.

Application for and utilization of any approval under Article XXXVII of the Code of Miami-Dade County (Miami International Airport (Wilcox Field) Zoning), shall constitute acknowledgment of the above-described conditions, and acknowledgement that the owner of the property and successors in title are not entitled to any present or future relief or compensation from Miami-Dade County or any other party to mitigate or ameliorate such impacts.

Additionally, each approval of a new educational facility, or an expansion or modification of an existing educational facility, in the Critical Approach (CA) Zone shall contain notification that the facility is located within 5 miles of a Miami International Airport runway.

(Ord. No. 04-203, § 17, 11-30-04; Ord. No. 07-92, § 10, 7-10-07)

Sec. 33-344. - 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, or in any other manner allowed by law; and any violation of any height, land use or other regulation of this article may be remedied by Miami-Dade County in any manner and through any means allowed by law.

(Ord. No. 69-39, § 15, 7-9-69; Ord. No. 07-92, § 11, 7-10-07)

Sec. 33-345. - Conflicting regulations.

Nothing contained in this article shall be interpreted to conflict with or supersede any federal regulation pertaining to the control of airport hazards, except in those instances in which 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, in any of which instances the provisions of this article shall govern.

(Ord. No. 69-39, § 16, 7-9-69; Ord. No. 78-78, §§ 2, 3, 11-7-78)

Sec. 33-346. - Establishment of airport height zoning districts for airport obstruction analysis area.

The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airport Height Zoning District Map Miami International Airport", dated September 20, 2006, ("MIA Height Map") reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport height zoning districts. Such map establishes the boundaries of the airport height zoning districts, and the prohibitions, restrictions, and limitations on heights permitted thereon by this article.

The above defined map, which is on file in the Miami-Dade Aviation Department and the Department of Planning and Zoning, shall be the official height use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the districts depicted thereon, and shall be applicable to and controlling of height zoning for such districts.

- (A) For the purpose of this article all of the airport height classification areas for Miami International Airport (Wilcox Field), as the same is created, established and described hereinbefore, is hereby divided into height zoning districts as follows:

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- (1) *L or Landing districts (Primary Surfaces).* A "landing district" is established for each instrument and non-instrument runway. A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet. A landing district for a non-instrument runway shall have a uniform width of five hundred (500) feet. All landing districts shall extend for the full length of such 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. Each landing district shall embrace and include all of the land and water area lying vertically beneath an imaginary surface referred to as the "primary surface" which shall have an elevation equal to the elevation of the nearest point on the runway centerline.

- (2) *IA or Instrument approach districts.* An "instrument approach district" is established for each end of each instrument runway for instrument landings and takeoffs, and it is further established that each 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 on a base one thousand (1,000) feet wide, such base to be at a position two hundred (200) feet beyond the end of the runway and from such base the approach surface shall widen uniformly to 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 extension of the centerline of the runway.

Within the high structure set-aside district, the imaginary inclined instrument approach surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinafter described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the instrument approach surfaces.

The instrument approach surface shall extend outward and upward from its one thousand-foot-wide base, the elevation of which base is ten (10) feet MSL.

- (a) For runways 8R, 26L, 12 and 30, the approach surface shall slope upward one (1) foot vertically to sixty-five (65) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.
- (b) For runways 9 and 27, the approach surface shall slope upward one (1) foot vertically to fifty (50) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.
- (3) *HZ or Horizontal districts.* A "horizontal district" is established by swinging arcs of ten thousand (10,000) feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The horizontal district does not include the landing, instrument approach and transition districts. The surface of the horizontal district is a horizontal plane at an elevation of one hundred fifty (150) feet above the hereinbefore established airport elevation.
- (4) *CN or Conical district.* A "conical district" is established commencing at the periphery of the horizontal district and extending outward for a horizontal distance of four thousand (4,000) feet. The surface of the conical district commences at the elevation of the surface of the horizontal district and extends outward and upward at a slope of one (1) foot vertically to twenty (20) feet horizontally. Within the high structure set-aside district, the imaginary

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inclined Conical surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-246 (6), subsections (a) through (e) hereinafter described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the conical surfaces.

- (5) *DZ or Departure zone district.* A "departure zone district" is hereby established adjacent to each instrument runway, and it is further established that each departure zone district shall embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which shall hereafter, for the purpose of this article, be referred to and described as departure zone surface 1 and departure zone surface 2 as depicted on the Airport Height Zoning Area Map for Miami International Airport as defined herein. The high structure set-aside district, which is hereinafter established and described, shall not be a part of and is hereby specifically excluded from the departure zone district.
- (6) *HSA or High structure set-aside district.* A "high structure set-aside district" is established which identifies an area where tall buildings and other structures may be permitted with limited impact on the capacity and operation of Miami International Airport. When in conflict with any other imaginary surface specified within this article, the herein defined HSA districts shall be the prevailing height limitation. The high structure set-aside district embraces and includes all of the land and water lying within an area in the City of Miami, Florida bounded by the following five (5) sub-districts as follows:
- (a) This district shall be known as the 1010-foot AMSL boundary district. It shall have a maximum allowable height of 1010 feet AMSL. This district shall be bounded by an imaginary polygon connecting the following six (6) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:
- Northwestern most corner: Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then east to Point #16 Latitude: 25° 46' 49.646" Longitude: 80° 11' 6.9859"
Then east to Point #9 Latitude: 25° 46' 50.2126" Longitude: 80° 10' 56.2165"
Then southeast to Point #8 Latitude: 25° 46' 31.6176" Longitude: 80° 10' 47.7207"
Then southwest to Point #7 Latitude: 25° 45' 21.8290" Longitude: 80° 11' 08.4645"
Then northwest to Point #6 Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"
Then northeast to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"
Then north back to the first point.
- (b) This district shall be known as 709-foot AMSL boundary district. It shall have a maximum allowable height of 709 feet AMSL. This district shall be bounded by an imaginary line connecting the following polygon consisting of seven (7) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:
- Northwestern most corner: Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then easterly to Point #18 Latitude: 25° 47' 09.0115" Longitude: 80° 11' 24.5157"
Then Northeast to Point #23 Latitude: 25° 47' 10.2132" Longitude: 80° 11' 19.4348"
Then northeast to Point #19 Latitude: 25° 47' 13.4815" Longitude: 80° 11' 11.6725"
Then east to Point #14 Latitude: 25° 47' 14.1187" Longitude: 80° 11' 07.1561"
Then south to Point #16 Latitude: 25° 46' 49.646" Longitude: 80° 11' 06.9859"
Then west to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then north back to the first point.

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- (c) This district shall be known as the 649-foot AMSL boundary district. It shall have a maximum allowable height of 649 feet AMSL. This district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #11 Latitude: 25° 48' 41.4522" Longitude: 80° 11' 43.1295"

Then east to Point #22 Latitude: 25° 48' 40.8496" Longitude: 80° 11' 15.5784"

Then northeast to Point #24 Latitude: 25° 48' 41.4146" Longitude: 80° 11' 08.9165"

Then northeast to Point #15 Latitude: 25° 48' 41.0436" Longitude: 80° 11' 07.1879"

Then south to Point #14 Latitude: 25° 47' 14.1187" Longitude: 80° 11' 07.1561"

Then west to Point #19 Latitude: 25° 47' 13.4815" Longitude: 80° 11' 11.6725"

Then Northeast to Point #23 Latitude: 25° 47' 10.2132" Longitude: 80° 11' 19.4348"

Then southwest to Point #18 Latitude: 25° 47' 09.0115" Longitude: 80° 11' 24.5157"

Then west to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"

Then north to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"

Then northwest to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"

Then north back to the first point.

- (d) This district shall be known as the High Set-Aside Transitional District. Boundary end shall vary in its slope depending on the allowable heights that are adjacent to this district as set forth in this article. It shall have a maximum allowable height of 310 feet AMSL along some portions of the western boundary and increase to a maximum allowable height of 1010 feet AMSL along those areas that are adjacent to the 1010-foot boundary.

This district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #1 Latitude: 25° 47' 37.6803" Longitude: 80° 12' 18.9273"

Then east to Point #13 Latitude: 25° 47' 38.5695" Longitude: 80° 11' 41.318"

Then south to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"

Then southeast to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"

Then south to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"

Then south to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"

Then south to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"

Then southeast to Point # Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"

Then northwest to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"

Then north to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"

Then north to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"

Then back to the first point of this district.

- (e) This district shall be known as 310-foot AMSL boundary district. It shall have a maximum allowable height of 310 feet AMSL. This district shall be bounded by an imaginary line connecting the following polygon consisting of twelve (12) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #3 Latitude: 25° 47' 41.6854" Longitude: 80° 13' 40.3263"

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Then east to Point #25 Latitude: 25° 47' 33.8427" Longitude: 80° 12' 17.0685"
Then south to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"
Then south to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"
Then south to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"
Then northwest to Point #4 Latitude: 25° 46' 18.54" Longitude: 80° 13' 50.8037"
Then northwest to Point #26 Latitude: 25° 46' 31.8645" Longitude: 80° 14' 15.3849"
Then northeast to Point #27 Latitude: 25° 46' 29.9925" Longitude: 80° 14' 04.5838"
Then north to Point #28 Latitude: 25° 46' 53.1392" Longitude: 80° 13' 15.1815"
Then northwest to Point #29 Latitude: 25° 46' 55.9420" Longitude: 80° 14' 5.6983"
Then northeast to Point #30 Latitude: 25° 46' 56.6371" Longitude: 80° 13' 54.8079"
Then north to Point #31 Latitude: 25° 47' 19.8838" Longitude: 80° 13' 55.9731"
Then back to the first point of this district.

- (7) *TR or Transition districts.* "Transition districts" are hereby established adjacent to each landing and each instrument approach district.

Transition districts adjacent to landing districts embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface symmetrically located on each side of such landing districts. For instrument runways such imaginary inclined surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one (1) foot vertically to seven (7) feet horizontally from the sides of the primary surface and from the side of the approach surface.

Transition 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, with a slope of one (1) foot vertically to seven (7) feet horizontally.

Within horizontal districts, this imaginary inclined transition surface shall terminate when it reaches an elevation of one hundred sixty (160) feet AMSL. Within conical districts, the imaginary inclined transition surface shall terminate in its intersection with the conical surface as hereinbefore described under "conical district." Within the departure zone district, the imaginary inclined transition surface shall terminate in its intersection with the departure zone surface hereinbefore described under "departure zone district." Within the high structure set-aside district, the imaginary inclined transition surface shall terminate in its intersection with any of the HSA districts as defined in subsection (6)(a) through (e) of this article hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the transitional surfaces.

- (8) *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.

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.

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The non-instrument approach surface shall extend outward and upward from its five hundred-foot-wide base, the elevation of which is base is ten (10) feet AMSL.

For Runways 8L and 26R, the approach surface shall slope upward one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.

- (B) Criteria included in the Miami-Dade County Comprehensive Development Plan shall be utilized in the review of land use and zoning modifications which are requested in the hereinbefore established airport zoning area.

(Ord. No. 07-92, § 12, 7-10-07)

Sec. 33-347. - Establishment of height limitations for height zoning districts in the airport zoning area.

Except as otherwise provided elsewhere in this article, no structure or object shall be erected or altered and no tree shall be allowed to grow or be maintained in any height zoning district created and established by this article to a height in excess of the height limits herein established for such district, as depicted by the MIA Height Map. In applying the provisions of this article, such height limitations shall 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. An area, structure, or tree located in more than one (1) of the described districts is considered to be only in the district with the more restrictive height limitation.

The MIA Height Map adopted in Section 33-346 of this article shall be the official height zoning map for the Miami International Airport, shall establish the maximum height of structures and trees and shall be applicable to and controlling of such height limitations established herein.

Height limitations are hereby established for the districts of the MIA Height Map as follows:

(1) Instrument Approach Districts:

- (a) For Runways 8R, 26L, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway. Within the high structure set-aside district, this imaginary inclined surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of these surfaces.
- (b) For Runways 9 and 27, one (1) foot vertically for each fifty (50) feet horizontally beginning at a point two hundred (200) feet from the end of these instrument runways and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway. Within the high structure set-aside district, this imaginary inclined surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of these surfaces.

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- (2) *Horizontal district*: One hundred fifty (150) feet above the hereinbefore established airport elevation.
- (3) *Conical district*: One (1) foot vertically to twenty (20) feet horizontally beginning at the periphery of the hereinbefore described horizontal district for a horizontal distance of four thousand (4,000) feet. Within the high structure set-aside district, the imaginary inclined Conical surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the conical surfaces.
- (4) *Departure zone district*: For departure zone surface 1, one (1) foot vertically to forty (40) feet horizontally beginning at the departure end of each runway at an elevation of forty-five (45) feet AMSL and extending outward a distance of two (2) nautical miles (12,152 feet) from the end of the runway. For departure zone surface 2, one (1) foot vertically to forty (40) feet horizontally beginning at the edge of each runway and the edge of the departure zone surface 1, and at an elevation of three hundred forty-nine (349) feet AMSL, which is the elevation at the high end of the departure zone 1 surface, then extending until an elevation of one thousand five hundred ten (1,510) feet AMSL is reached. The one thousand five hundred ten-foot elevation continues outward from the airport as a horizontal plane to the boundaries of the airport zoning area. The height restrictions in the departure zone district do not apply within the high structure set-aside district.
- (5) *HSA or High structure set-aside district*: A "high structure set-aside district" is established which identifies an area where tall buildings and other structures may be permitted with limited impact on the capacity and operation of Miami International Airport. When in conflict with any other imaginary surface specified within this article, the herein defined HSA sub-districts shall be the prevailing height limitation. The high structure set-aside district embraces and includes all of the land and water lying within an area in the City of Miami, Florida bounded by the following five (5) sub-districts as follows:
- (a) This sub-district shall be known as the 1010-foot AMSL boundary district. It shall have a maximum allowable height of 1010 feet. This sub-district shall be bounded by an imaginary polygon connecting the following six (6) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:
- Northwestern most corner: Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then east to Point #16 Latitude: 25° 46' 49.646" Longitude: 80° 11' 6.9859"
Then east to Point #9 Latitude: 25° 46' 50.2126" Longitude: 80° 10' 56.2165"
Then southeast to Point #8 Latitude: 25° 46' 31.6176" Longitude: 80° 10' 47.7207"
Then southwest to Point #7 Latitude: 25° 45' 21.8290" Longitude: 80° 11' 08.4645"
Then northwest to Point #6 Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"
Then northeast to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"
Then north back to the first point.
- (b) This sub-district shall be known as 709-foot AMSL boundary district. It shall have a maximum allowable height of 709 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of seven (7) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:
- Northwestern most corner: Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then easterly to Point #18 Latitude: 25° 47' 09.0115" Longitude: 80° 11' 24.5157"

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Then Northeast to Point #23 Latitude: 25° 47' 10.2132" Longitude: 80° 11' 19.4348"
Then northeast to Point #19 Latitude: 25° 47' 13.4815" Longitude: 80° 11' 11.6725"
Then east to Point #14 Latitude: 25° 47' 14.1187" Longitude: 80° 11' 07.1561"
Then south to Point #16 Latitude: 25° 46' 49.646" Longitude: 80° 11' 06.9859"
Then west to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then north back to the first point.

- (c) This sub-district shall be known as the 649-foot AMSL boundary district. It shall have a maximum allowable height of 649 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #11 Latitude: 25° 48' 41.4522" Longitude: 80° 11' 43.1295"
Then east to Point #22 Latitude: 25° 48' 40.8496" Longitude: 80° 11' 15.5784"
Then northeast to Point #24 Latitude: 25° 48' 41.4146" Longitude: 80° 11' 08.9165"
Then northeast to Point #15 Latitude: 25° 48' 41.0436" Longitude: 80° 11' 07.1879"
Then south to Point #14 Latitude: 25° 47' 14.1187" Longitude: 80° 11' 07.1561"
Then west to Point #19 Latitude: 25° 47' 13.4815" Longitude: 80° 11' 11.6725"
Then Northeast to Point #23 Latitude: 25° 47' 10.2132" Longitude: 80° 11' 19.4348"
Then southwest to Point #18 Latitude: 25° 47' 09.0115" Longitude: 80° 11' 24.5157"
Then west to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then north to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"
Then northwest to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"
Then north back to the first point.

- (d) This sub-district shall be known as the High-Set Aside Transitional District. Boundary end shall vary in its slope depending on the allowable heights that are adjacent to this sub-district as set forth in this article. It shall have a maximum allowable height of 310 feet AMSL along some portions of the western boundary and increase to a maximum allowable height of 1010 feet AMSL along those areas that are adjacent to the 1010-foot boundary. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #1 Latitude: 25° 47' 37.6803" Longitude: 80° 12' 18.9273"
Then east to Point #13 Latitude: 25° 47' 38.5695" Longitude: 80° 11' 41.318"
Then south to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"
Then southeast to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"
Then south to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then south to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then south to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"
Then southeast to Point #6 Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"
Then northwest to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"
Then north to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"
Then north to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"
Then back to the first point of this district.

- (e) This sub-district shall be known as 310-foot AMSL boundary district. It shall have a maximum allowable height of 310 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of twelve (12) NAD 83 Latitude and

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Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #3 Latitude: 25° 47' 41.6854" Longitude: 80° 13' 40.3263"
Then east to Point #25 Latitude: 25° 47' 33.8427" Longitude: 80° 12' 17.0685"
Then south to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"
Then south to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"
Then south to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"
Then northwest to Point #4 Latitude: 25° 46' 18.54" Longitude: 80° 13' 50.8037"
Then northwest to Point #26 Latitude: 25° 46' 31.8645" Longitude: 80° 14' 15.3849"
Then northeast to Point #27 Latitude: 25° 46' 29.9925" Longitude: 80° 14' 04.5838"
Then north to Point #28 Latitude: 25° 46' 53.1392" Longitude: 80° 13' 15.1815"
Then northwest to Point #29 Latitude: 25° 46' 55.9420" Longitude: 80° 14' 5.6983"
Then northeast to Point #30 Latitude: 25° 46' 56.6371" Longitude: 80° 13' 54.8079"
Then north to Point #31 Latitude: 25° 47' 19.8838" Longitude: 80° 13' 55.9731"
Then back to the first point of this district.

- (6) *Transition district:* One (1) foot vertically for each seven (7) feet horizontally from the sides of the primary surfaces and from the sides of the approach surfaces (instrument or non-instrument). Transition surfaces extend from the primary surfaces to the horizontal surface, and from the approach surfaces to the adjacent horizontal surface, conical surface or departure zone surface. Within the high structure set-aside district, the imaginary inclined transition, conical, and approach surfaces shall terminate in its intersection with any of the HSA districts as defined in subsection (6)(a) through (e) of this article hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the approach, conical, or transitional surfaces.
- (7) *Non-Instrument approach districts:* For Runways 8L and 26R, 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.

(Ord. No. 07-92, § 13, 7-10-07)

Sec. 33-348. - Administration and enforcement of airport height zoning.

Notwithstanding any other provision of this chapter or Code to the contrary, it shall be the duty of the Director of the Miami-Dade Aviation Department (MDAD), to administer and enforce the regulations prescribed herein relating to height zoning within unincorporated Miami-Dade County and all incorporated municipalities therein.

In the event of any violation of the regulations contained herein, the Aviation Department shall provide notice of such violation to the appropriate administrative official, with a copy to the owner of the property where such violation occurred. 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 Department of Planning and Zoning. The Director of the Miami-Dade Aviation Department or the director of the appropriate municipal office or designee shall order discontinuance of use of land or buildings; removal of structures or trees to conform with height limitations set forth herein; removal of buildings, additions, alterations, 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. 07-92, § 14, 7-10-07)

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Sec. 33-349. - Airspace approvals.

No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.

For permanent structures or trees, such approval is required for (1) all structures or trees on property located within or bifurcated by the all objects review boundary; (2) for all structures or trees greater than or equal to 35 feet AMSL on property located within or bifurcated by the 35 foot AMSL review boundary; and for all structures or trees greater than or equal to 200 feet AMSL on property located within or partially within the MIA airport zoning area but outside the 35 foot AMSL review boundary. For temporary cranes or other temporary structures, such approval is required if such structures meet either the crane review criteria or the events review criteria set forth in this section.

In all instances, whether in the incorporated or unincorporated areas of Miami-Dade County, a copy of any application for a development permit that requires approval by MDAD pursuant to this Section 33-349 must be submitted to MDAD for review prior to the issuance of any development permit based on such application. Each such application for a development permit shall indicate the height (AMSL) of all applied-for structures. Any development permit subject to the review and approval process of this Section 33-349 that is issued without the written approval of MDAD shall be voidable through an original action by a court of competent jurisdiction regardless of the expiration of any otherwise applicable appeal period for the challenge of such development permit.

Temporary cranes or other temporary structures, which meet the crane review criteria of this article, but which do not require a development permit for their erection, installation, siting, operation, or use, shall receive written approval from MDAD prior to their erection, installation, siting, operation or use if so erected, installed, sited, operated or used anywhere within the MIA airport zoning area. Temporary events, which meet the temporary events review criteria of this article, but which do not require a development permit for their installation, siting, operation or use, shall receive written approval from MDAD prior to their installation, siting, operation or use if so installed, sited, operated or used anywhere within the MIA airport zoning area.

In addition, neither Miami-Dade County nor any municipality or other entity shall issue any development permit, or allow the use of a crane, or otherwise allow any other structure to be erected, located or otherwise established within the airport zoning area unless such structure has been reviewed and approved by the FAA if the structure meets FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77, as amended.

Notwithstanding any provisions of this chapter, in approving any permit under this article, the Director of the Miami-Dade Aviation Department shall require the owner of the structure for which a permit is being sought, to install, operate and maintain thereon at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of a structure, such marking and lighting to conform to the specific standard established by rule of the Department of Transportation and Federal Aviation Administration Advisory Circular 70/7460-1k change 1, or most recent update.

In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article.

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The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

(A) *Permanent structures or trees.*

(1) Review process for permanent structures or trees shall be as follows:

- (a) Applicant shall provide the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, and seconds format and to an accuracy of three decimal places for the seconds), job site address, height to tallest point of structures and trees, name of structures and trees, folio number(s), site location sheet and profile sheet (both 11×17 inch format) indicating the maximum height AMSL of the structures and trees. If any structure or tree meets the FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" issued by the FAA must be submitted to MDAD at the same time.
- (b) Upon receipt of the required information, MDAD shall initiate the review process. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
- (c) For permanent structures or trees, MDAD shall issue a letter indicating if the proposed structure or tree height does or does not conform to the criteria established within this article. The letter shall also indicate whether the applicant needs to submit their information to the FAA for their own evaluation. No building permit or other development permit shall be issued by any incorporated municipality or Miami-Dade County unless the applicant can provide a valid "Determination of No Hazard" issued by the FAA, if the project meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77. No building permit or other development permit shall be issued for, and no structure or tree shall be allowed to a height greater than the lower of (1) that height stated on a valid "Determination of No Hazard" issued by the FAA, or (2) that height allowed by the regulations set forth in this article.

- (2) Certificate of Use and Certificate of Occupancy requirements for permanent structures. Upon completion of any project, no certificate of occupancy or certificate of use shall be issued by a municipality or Miami-Dade County until approval is obtained from MDAD certifying that the structure was built no higher than the height approved by MDAD in compliance with this article. This approval shall be issued by MDAD after submittal by applicant of the required information including as-built elevations certified and prepared, signed and sealed by a State of Florida licensed surveyor, architect or engineer. Such elevation as-built certification shall be 8.5" × 11" in size and contain an elevation view of as-built construction with Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, seconds format with at least 2 decimal places accuracy for the seconds number) noted for the height of the structure and the height of any appurtenances thereto. The height shall also be indicated for the point closest to Miami International Airport.

(B) *Temporary Cranes and Other Temporary Structures.*

- (1) Crane review criteria. Any crane or other temporary structure shall be reviewed if its height may at any time exceed an imaginary surface extending outward and upward at a slope of 100 to 1 from the nearest point of the nearest runway at MIA, or if its height may at any time equal or exceed 200 feet AMSL.

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- (2) No temporary crane or other temporary structure meeting the crane review criteria above shall be erected, installed, sited, operated or used unless it has been approved in writing by MDAD.
 - (3) Review and approval process for temporary cranes and other temporary structures shall be as follows:
 - (a) Applicant shall provide to the Aviation Department the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, and seconds format and to an accuracy of three decimal places for the seconds), job site address, height to tallest point of crane or structure, dates and times of operation, whether nighttime operation is requested, applicant's name, phone number, email, fax number, and the crane or structure operator's 24 hour phone number. This information should be provided to the MDAD, Aviation Planning Division, using MDAD's "Permissible Crane Height Determination" form. If the structure meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" as issued by the FAA must be submitted at the same time.
 - (b) Upon receipt of the required information, MDAD shall process the application. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
 - (c) MDAD shall indicate on the "Permissible Crane Height Determination" form the allowable crane or structure height. MDAD shall not approve an application unless a valid FAA "Determination of No Hazard" has been attached, if the crane or structure meets FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77.
 - (4) Crane lighting. Any crane or other temporary construction equipment shall comply with FAA Advisory Circular 70/7460-1K "Obstruction Marking and Lighting", as amended.
- (C) *Temporary Events Affecting Navigable Airspace.*
- (1) Temporary events review criteria. A temporary event that could affect navigable airspace shall be reviewed by MDAD if its height may at any time exceed an imaginary surface extending outward and upward at a slope of 100 to 1 from the nearest point of the nearest runway at MIA, or if its height may at any time equal or exceed 200 feet AMSL.
 - (a) Balloons, kites, unmanned rockets and unmanned free balloons shall be reviewed, operated, and marked in accordance with Title 14 of the Code of Federal Regulations, Part 101, as amended.
 - (b) Fireworks shall be reviewed and operated in accordance with Title 14 of the Code of Federal Regulations, Part 101, as amended.
 - (c) Outdoor laser operations shall be reviewed in accordance with FAA Advisory Circular 70-1, as amended.
 - (d) Radio controlled aircraft or other radio controlled objects shall be operated in accordance with FAA Advisory Circular 91-57, as amended.
 - (2) Review and approval process for temporary events impacting airspace shall be as follows:
 - (a) Applicant shall provide a written request to MDAD indicating the nature of the temporary event and any other pertinent details including the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, and seconds format and to an accuracy of three decimal places for the seconds), address where the temporary event will be located, operated, sited, installed, launched or otherwise used, height to tallest reasonably anticipated point of the temporary event, dates and times of operation,

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whether nighttime operation is requested, applicant's name, phone number, email, fax number, and the temporary event operator's 24 hour phone number. This information should be provided to MDAD, Aviation Planning Division, using MDAD's "Permissible Crane Height Determination" form. If the temporary event meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" as issued by the FAA must be submitted at the same time.

- (b) Upon receipt of the required information, MDAD shall process the application. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
- (c) MDAD shall respond in writing stating whether the temporary event will be allowed to be used, operated or installed, and, if allowed, the allowable maximum height of the temporary event. MDAD shall not approve an application unless a valid FAA "Determination of No Hazard" has been attached, if the temporary event meets FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77.
- (d) In addition, the following temporary events shall meet and comply with the following criteria prior to approval from MDAD:
 - 1. Lasers. Outdoor laser operations must receive and submit to MDAD a letter of non-objection from the FAA and be operated in accordance with FAA Advisory Circular 70-1.
 - 2. Fireworks. Fireworks operations shall receive and submit to MDAD an acknowledgement letter from the FAA indicating that the operation meets the criteria of FAR Title 14, Part 101. Operations shall abide by all conditions prescribed in such FAA-issued acknowledgement letter.
 - 3. Balloons, kites, unmanned rockets, and unmanned free balloons. These operations shall receive and submit to MDAD a waiver issued by the FAA as specified in FAR Title 14, Part 101.

(D) *Violations.* In addition to any other remedies or penalties set forth in this article or elsewhere in this code for violations of the provisions of this article, any structure, tree, temporary crane or structure, or temporary event that violates the provisions of this article is subject to a stop work order issued by MDAD or other appropriate county or municipal official, and is also subject to an order to lower, remove, or cease the operation or use of the structure, tree, temporary crane or structure, or temporary event that is in violation of the provisions of this article.

(Ord. No. 07-92, § 15, 7-10-07)

Sec. 33-350. - Airport height zoning: nonconforming uses abandoned or destroyed.

Whenever the appropriate building, zoning, or other County or municipal official determines that the height limits of this article will be violated by the reconstruction, substitution or replacement of an existing legal nonconforming use, structure or tree, no permit shall be granted for such reconstruction, substitution or replacement, regardless of whether such nonconforming use could otherwise be reconstructed, substituted, or replaced pursuant to Section 33-35 of this Chapter or pursuant to any otherwise applicable law of the County or any municipality. Notwithstanding any other provision of this Code or otherwise applicable municipal law, an appropriate County or municipal official may require the owner of a nonconforming structure or tree to allow the Miami-Dade Aviation Department, at the owner's expense to lower, remove, or mark, or mark and light, such structure or tree as may be necessary to conform such structure or tree to the height regulations of this article, or to give visual warning of such structures or trees that do not conform to the height regulations of this article. No development permit shall be granted

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that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation that it was when this ordinance was adopted or than when the application for permit was made.

(Ord. No. 07-92, § 16, 7-10-07)

Secs. 33-351—33-355. - Reserved.

FOOTNOTE(S):

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Editor's note— Article XXXVII, §§ 33-330—33-345, is derived from Ord. No. 69-39, §§ 1—16, enacted July 9, 1969. Section 2 of said ordinance authorized codification of such ordinance as a part of this Code. Section 19 of said ordinance repealed conflicting ordinances, therefore the editors deleted former §§ 33-330—33-345, derived from Ord. No. 61-29, §§ 1—16, enacted June 27, 1961, pertaining to similar subject matter and codified in lieu thereof, the provisions of Ord. No. 69-39 herein set out. (Back)