

## ARTICLE XXXVIII. OPA LOCKA AIRPORT ZONING\*

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**\*Editor's note:** Article XXXVIII, §§ 33-356--33-371, is derived from Ord. No. 69-37, §§ 1--16, enacted July 9, 1969. Said ordinance repealed all conflicting ordinances and authorized inclusion of said ordinance as a part of this Code; therefore, the editors deleted the former provisions of §§ 33-356--33-371, pertaining to similar subject matter, derived from Ord. No. 63-51, §§ 1--16, enacted Nov. 19, 1963, and codified in lieu thereof the provisions of Ord. No. 69-37 herein set out.

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### Sec. 33-356. Short title.

This article shall be known and may be cited as the "Opa Locka Airport Zoning Ordinance."  
(Ord. No. 69-37, § 1, 7-9-69)

### Sec. 33-357. Provisions hereof established as minimum standards governing zoning.

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

(Ord. No. 69-37, § 2, 7-9-69)

### Sec. 33-358. Definitions.

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

- (1) *Airport* means Opa Locka Airport.
- (2) *Airport elevation* means the established elevation of the highest point on the usable landing area. The airport elevation for Opa Locka Airport is nine (9.0), mean sea level.
- (3) *Airport hazard* means any structure or tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
- (4) *Airport reference point* means the point established as the approximate geographic center of the landing area and so designated and identified. The positions of the airport reference point for Opa Locka Airport is described as follows:

Commence at the northeast corner of Section 19, Township 52 South, Range 41 East, Miami-Dade County, Florida, and run thence westward along the north line of said Section 19 for a distance of 1099 feet; thence southerly and at right angles to the said north line of Section 19 for a distance of 1357 feet to the airport reference point.

- (5) *Height* for the purpose of determining the height limits in all districts set forth in this

article and shown on the boundary map for zone classification districts, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

(6) *Instrument runway* means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or take-off of aircraft under restricted visibility conditions. The instrument runway at Opa Locka Airport is designated as Runway 9L/27R and its centerline is described as follows:

(a) *Runway 9L/27R*: Commencing at the southwest corner of Section 18, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence northward along the west line of said Section 18 a distance of 791.18 feet; thence north  $88^{\circ} 27' 52''$  East a distance of 1362.54 feet to the west end of the runway and the point of beginning; thence continue north  $88^{\circ} 27' 52''$  East a distance of 8000 feet to the east end of the runway.

(7) *Landing area* means the area of the airport used or intended to be used for landing, take-off, or taxiing of aircraft.

(8) *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.

(9) *Non-instrument runway* means a runway other than an instrument runway. The non-instrument runways at Opa Locka Airport are designated as Runway 9R/27L, Runway 9C-27C, Runway 18R/36L and Runway 18L/36R and their centerlines are described as follow:

(a) *Runway 9R/27L*: Commencing at the southwest corner of Section 18, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence northward along the west line of said Section 18 a distanced of 791.18 feet; thence north  $88^{\circ} 27' 52''$  East a distance of 4546.26 feet; thence south  $01^{\circ} 50' 07''$  West a distance of 5008.69 feet; thence south  $88^{\circ} 27' 52''$  West a distance of 2001.21 feet to the west end of the runway and the point of beginning; thence north  $88^{\circ} 27' 52''$  East a distance of 5000 feet to the end of the runway.

(b) *Runway 9C-27C*: Commencing at the southwest corner of Section 18, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence northward along the west line of said Section 18 a distance of 791.18 feet; thence north  $88^{\circ} 27' 52''$  East a distance of 4546.26 feet; thence south  $01^{\circ} 50' 07''$  West a distance of 2653.15 feet; thence north  $88^{\circ} 10' 12''$  West a distance of 300.00 feet to the east end of the runway and the point of beginning; thence continue north  $88^{\circ} 10' 12''$  West a distance of 3000 feet to the west end of the runway.

(c) *Runway 18R/36L*: Commencing at the southwest corner of Section 18, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence northward along the west line of said Section 18 a distance of 791.18 feet; thence north  $88^{\circ} 27' 52''$  East a distance of 3845.05 feet; thence south  $01^{\circ} 50' 07''$  West a distance of 658.67 feet to the north end of the runway and the point of beginning; thence continue south  $01^{\circ} 50' 07''$  west a distance of 4400 feet to the south end of the runway.

(d) *Runway 18L/36R*: Commencing at the southwest corner of Section 18, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence northward along the west line of said Section 18 a distance of 791.18 feet; thence N  $88^{\circ} 27' 52''$  East a distance of 4546.25 feet; thence south  $01^{\circ} 50' 07''$  West 658.67 feet to the north end of the runway and the point of beginning; thence continue south  $01^{\circ} 50' 07''$  West a distance of 4400 feet to the south end of the runway.

(10) *Person* means an individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, administrator, executor, guardian or other similar representative thereof.

(11) *Runway* means the paved surface of an airport landing strip.

(12) *Structure* means an object constructed or installed by man including, but without being limited to, buildings, derricks, draglines, cranes and other boom-equipped machinery, towers, signs, smokestacks, utility poles, or overhead transmission lines.

(13) *Tree* means any object of natural growth.

(Ord. No. 69-37, § 3, 7-9-69)

### **Sec. 33-359. Establishment of airport zoning area for Opa Locka Airport.**

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

(1) In Township 52 South, Range 39 East, all of Sections 10 to 15, inclusive; 22 to 27, inclusive; 34 to 36, inclusive, and the east one-half ( 1/2) of Sections 9, 16, 21, 28 and 33.

(2) In Township 53 South, Range 39 East, all of Sections 1 to 3, inclusive, and the east one-half ( 1/2) of Section 4.

(3) In Township 52 South, Range 40 East, all of Sections 1 to 3, inclusive, and all of Sections 7 to 36 inclusive.

(4) In Township 53 South, Range 40 East, all of Sections 1 to 6, inclusive, and the north one-half ( 1/2) of the north one-half ( 1/2) of Section 12.

(5) In Township 51 South, Range 41 East, all of Sections 31 to 33, inclusive.

(6) All of Township 52 South, Range 41 East.

(7) In Township 53 South, Range 41 East, all of Sections 3 to 6, inclusive, and the north one-half ( 1/2) of the north one-half ( 1/2) of Sections 7 and 8.

(8) All of Township 52 South, Range 42 East.

(Ord. No. 69-37, § 4, 7-9-69)

### **Sec. 33-360. Establishment of zone classification district for airport zoning area.**

For the purpose of this article all of the airport zoning area for Opa Locka Airport, as the same is created, established and described hereinbefore, is hereby divided into zone classification districts as follows:

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

A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet, shall extend for the full length of such instrument runway plus a distance of two hundred (200) feet beyond each

end thereof and shall include such runway and be symmetrical about the centerline thereof.

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

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

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

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

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 two thousand five hundred (2,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway. The non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to forty (40) feet horizontally for its entire length.

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

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

non-instrument runways such imaginary inclined surface extend outward from lines parallel to and two hundred fifty (250) feet on either side of the centerline of the runway, upward with a slope of one (1) foot vertically to seven (7) feet horizontally and terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation.

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

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

For the purposes of this article, the horizontal surface is established as a horizontal circular surface which has a radius of thirteen thousand (13,000) feet centered vertically above the airport reference point at an elevation one hundred fifty (150) feet above the heretofore established airport elevation.

For the purposes of this article, the conical surface is established as the outer surface of right angled section of an inverted cone, the horizontal circular base of which has a radius of thirteen thousand (13,000) feet centered vertically above the airport reference point at an elevation one hundred fifty (150) feet above the heretofore established airport elevation and the horizontal circular top of which has a radius of twenty thousand (20,000) feet at an elevation five hundred (500) feet above the hereinbefore established airport elevation.

(5) *T or Horizontal districts.* A "horizontal district" is established as the area within a circle having its center at the airport reference point and thirteen thousand (13,000) feet as its radius. The horizontal district does not include the landing, instrument approach, non-instrument approach and transition districts.

(6) *TI or Conical district.* A "conical district" is established commencing at the periphery of the horizontal district and extending to a periphery twenty thousand (20,000) feet from the airport reference point. The conical district does not include the instrument approach,

non-instrument approach and transition districts.

(7) *NZ or Non-zoned districts.* Those portions of the airport zoning area not embraced and included in landing, instrument approach, non-instrument approach, transition, horizontal and conical districts, as the same are established and described elsewhere herein, are hereby designated as non-zoned districts.

(Ord. No. 69-37, § 5, 7-9-69)

### **Sec. 33-361. Establishment of height limitations for zone classification districts in the airport zoning area.**

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

(1) *Landing districts:* Structures and trees will not be permitted in landing districts except as required, necessary and pertinent to the operation and maintenance of Opa Locka Airport and then only to the extent permitted or authorized by applicable rule or regulation promulgated by the Federal Aviation Administration, or its successor counterpart.

(2) *Instrument approach districts:* One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

(3) *Non-instrument approach districts:* One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.

(4) *Transition districts:* One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways and five hundred (500) feet from the centerline of instrument runways, measured at right angles to the longitudinal centerline of the runway and extending upward to a maximum height of one hundred fifty (150) feet above the airport elevation as established elsewhere herein.

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

angles to the continuation of the centerline of the runway.

(5) *Horizontal district*: One hundred fifty (150) feet above the hereinbefore established airport elevation.

(6) *Conical district*: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the hereinbefore described horizontal surface and measured in a vertical plane passing through the airport reference point.

(7) *Non-zoned districts*: The height limitations as well as land use requirement in non-zoned districts shall, for the purposes of this article, be identical with requirements as set forth in Chapter 33 of the Code of Miami-Dade County, Florida, or, as the same may be set forth in the general zoning ordinances of the various municipalities where the property is located within a municipality.

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

Notwithstanding any other provisions of this article to the contrary, the height limits prescribed by this article shall not establish for any particular parcel of privately owned land at any particular point within such a parcel, a height limit of less than thirty-nine (39) feet above mean sea level at that point.

(Ord. No. 69-37, § 6, 7-9-69)

### **Sec. 33-362. Zone classification district boundary map for the airport zoning area.**

The Board of County Commissioners shall, by resolution, adopt, approve and ratify a drawing which shall be entitled "Airport Zoning Area for Opa Locka Airport, Boundary Map, Zone Classification Districts." Such drawing shall locate and identify Opa Locka Airport and other topographic data pertinent thereto and to the purposes of this article and it shall also truly and faithfully depict the boundary of the airport zoning area and the boundaries; and by contour lines, the height limitations, for the several zone classification districts therein as the same are established herein and as the same may be changed, varied, amended or supplemented by resolution as provided and prescribed in Chapter 33 of the Code of Miami-Dade County, Florida. Copies or prints of such drawing shall be maintained and kept on file in the offices of the Miami-Dade County Port Authority and the Department and shall be prima facie evidence of the boundaries of the zone classification districts and the height limitations applicable thereto and therein.

(Ord. No. 69-37, § 7, 7-9-69; Ord. No. 95-215, § 1, 12-5-95)

### **Sec. 33-363. Use restrictions.**

Except as otherwise provided in this article, it shall be unlawful to put any land or water located within L, T, and NA Districts and within TR Districts adjoining L and NA Districts and within the inner ten thousand (10,000) feet of IA Districts and the adjoining portions of TR Districts to any of the following prohibited uses:

*Prohibited uses:*

(1) Establishments or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport.

(2) Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zoning area in such a manner as to create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish

between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft.

(Ord. No. 69-37, § 8, 7-9-69; Ord. No. 98-125, § 21, 9-3-98)

### **Sec. 33-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.**

The following public airport uses shall be permitted on those lands at Opa-locka Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

(1) The airside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, clear zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

(2) The landside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is not restricted and also terminal concourses, may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least 30% of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

(a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

1. terminal area for general aviation passenger traffic, such as private or corporate aircraft passenger traffic, which may include non-aviation related uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,
2. parking garages and lots serving the airport,
3. access roadways serving the airport,
4. offices of aviation industry companies and the Miami-Dade County Aviation Department,
5. facilities of fixed base operators,
6. hangar rentals and tie downs,
7. ground transportation services,
8. general aviation aircraft, such as private and corporate jets or other aircraft, and automobile rental establishments,
9. aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational

facilities providing aviation courses,

10. aviation-related governmental agency facilities,

11. flying club facilities,

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

13. aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores.

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

1. lodgings such as hotels and motels (except in terminal concourses),

2. office buildings (except in terminal concourses),

3. industrial uses such as distribution, storage, manufacturing research and development and machine shops (except in terminal concourses),

4. agricultural uses, and

5. retail, restaurants, and personal service establishments.

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

Those portions of the landside area that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved, impact on roadways, access and compatibility with neighboring development. Freestanding retail and personal service uses and shopping centers shall front service uses and shopping centers shall front on major access roads preferably near major intersections, where practicable, and have limited access to major roadways.

Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.

(Ord. No. 06-20, § 2, 2-7-06)

### **Sec. 33-364. Nonconforming uses, regulations not retroactive.**

The regulations prescribed by this article or any amendment thereto shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land lawfully in existence not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. After effective date hereof, property owners shall not be permitted to grow or maintain trees to heights in excess of those provided herein. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was lawfully begun prior to the effective date of this article, and is diligently prosecuted and completed within the time limit as prescribed by the South

Florida Building Code. Notwithstanding the preceding provisions of this article, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the Miami-Dade County Port Authority, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazard. Such marking, or marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the Miami-Dade County Port Authority in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Port Authority.

(Ord. No. 69-37, § 9, 7-9-69)

### **Sec. 33-365. Administration and enforcement.**

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

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by Team Metro. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the Miami-Dade County Port authority. A Department administrative official shall order discontinuance of use of land or buildings; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, 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. 69-37, § 10, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98)

### **Sec. 33-366. Permits.**

Applications for permits under this article shall be obtained from the appropriate Building and Zoning Department or agency.

Applications for permits for all construction, for adding height to any existing structures, and for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial or industrial use in any airport zone classification district lying within unincorporated areas of Miami-Dade County, shall be obtained from the Director and from the Building Department.

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

restrictive than the minimum standards prescribed herein.

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

Permits, when issued to applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions hereof, shall when the boom operating height exceeds the height limitations imposed by this article, require applicant to mark, or mark and light, the highest point on the boom to reflect conformity with the Federal Aviation Administration's standards for marking and lighting obstructions, and in such cases the applicant shall notify the Director of the Miami-Dade County Port Authority at least twenty-four (24) hours prior to the time that such use is to begin.

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

(Ord. No. 69-37, § 11, 7-9-69; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98)

### **Sec. 33-367. Nonconforming uses abandoned or destroyed.**

Whenever the Director determines that a nonconforming use, structure or tree has been abandoned or is more than fifty (50) percent burned, torn down, physically deteriorated, or decayed, no permit shall be granted for reconstruction that would permit such structure or tree to violate height limits or use standards of this article. Whether application is made for a permit under this paragraph or not, the Director may, by appropriate action, require the owner of the nonconforming structure or tree to permit the Miami-Dade County Port Authority at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations.

(Ord. No. 69-37, § 12, 7-9-69; Ord. No. 95-215, § 1, 12-5-95)

### **Sec. 33-368. Variances.**

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or otherwise use his property not in accordance with the regulations prescribed in this article may apply to the appropriate zoning board for a variance from such regulations as provided and prescribed under Article XXXVI of Chapter 33, Code of Miami-Dade County, Florida. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Opa Locka 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.

(Ord. No. 69-37, § 13, 7-9-69)

### **Sec. 33-369. Hazard marking and lighting.**

Any permit or 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, or to permit the Miami-Dade County Port Authority 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.

(Ord. No. 69-37, § 14, 7-9-69)

**Sec. 33-370. 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.

(Ord. No. 69-37, § 15, 7-9-69)

**Sec. 33-371. Conflicting regulations.**

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

(Ord. No. 69-37, § 16, 7-9-69)