MEMORANDUM

Amended
Agenda Item No. 7(B)

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

DATE: July 10, 2007

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

SUBJECT: Ordinance amending Chapter 33, Article XXXVII of the Code pertaining to the Airport Zoning Area for Miami International Airport (Wilcox Field)

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.

R. A. Cuevas, Jr.
Acting County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: July 10, 2007

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

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to the Airport Zoning Area for Miami International Airport (Wilcox Field)

The ordinance pertaining to the Airport Zoning Area for Miami International Airport will not have a fiscal impact on Miami-Dade County.

Alex Muñoz
Assistant County Manager

Fis00907

MEMORANDUM

(Revised)

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

DATE: July 10, 2007

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

SUBJECT: Amended Agenda Item No. 7(B)

Please note any items checked.

	"4-Day Rule" ("3-Day Rule" for committees) applicable if raised
✓	6 weeks required between first reading and public hearing
✓	4 weeks notification to municipal officials required prior to public hearing
	Decreases revenues or increases expenditures without balancing budget
	Budget required
	Statement of fiscal impact required
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
	No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
07-10-07

ORDINANCE NO. **07-92**

ORDINANCE AMENDING CHAPTER 33, ARTICLE XXXVII OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO THE AIRPORT ZONING AREA FOR MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD); CREATING AND AMENDING PROVISIONS RELATING TO ALLOWABLE HEIGHTS OF PERMANENT AND TEMPORARY STRUCTURES AND TREES, AND CERTAIN TEMPORARY EVENTS THAT MAY AFFECT AIR TRAVEL, ALLOWABLE LAND USES, PERMIT ISSUANCE AND REVIEW, AND ENFORCEMENT OF REGULATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section .1 Section 33-330.1 of the Code of Miami-Dade County is hereby amended as follows: [1]

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

* * *

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

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

raised unless and until technological advances make greater height limits in the HSA both safe and feasible.<<

* * *

Section 2. Section 33-332 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-332. 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, Florida Statutes, and Section 33-1 and Section 33-302 of the Code of Miami-Dade County, Florida, and]] >>For purposes of this article,<< the following definitions shall apply:

* * *

(4) Height:[[~~For the purpose of determining the height limits in all districts set forth in this article and shown on the Airport Height Zoning Area Map (MIA), as defined herein,~~]] Height shall mean the maximum vertical distance [[~~between~~]] >>Above<< Mean Sea Level (>>A<<MSL) [[~~and~~]] >>to<< the [[~~top~~]] >>highest point<< of the [[~~object or~~]]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 1/4 of Section 29, Township 53 South, Range 41 East, Miami-Dade County, Florida; thence N 1° 43' 33.8" W a distance of 459.03 feet; thence S 87° 04' 03" W a distance of 1685.80 feet to the east end of the runway and the point of beginning; thence S 87° 04' 03" W a distance of [[~~10,500~~]] >>10,502<< feet to the west end of the runway.

* * *

(12) Structure means an object constructed>>,<< [[~~or~~]] 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 [[~~any object of natural growth~~]] >>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.<<

Section 3. Section 33-334 of the Code of Miami-Dade County is hereby deleted in its entirety and new Section 33-334 is hereby created as follows:

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.<<

Section 4. Section 33-336 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-336. Establishment of >>airport<< land use zoning [[~~classification~~]] map[[~~s~~]], criteria and use restrictions for Miami International Airport and surrounding [[~~area~~]] >> 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 [[~~airport~~]] >>land use<< zone>>s and sub-zones<< [[~~sub-areas~~]]. Such map establishes the boundaries of the airport zoning area>>, land use zones and sub-zones<< [[~~and sub-areas~~]], and >>the<< [[~~all~~]] 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 [[~~areas and sub-areas~~]] >>zones and sub-zones<< depicted thereon, and shall be applicable to and controlling of zoning for such [[~~areas and sub-areas~~]] >>land use zones and sub-zones<<.

* * *

(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 [[~~, or hospitals~~]] 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 [[~~, or hospitals~~]] 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. 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 [[~~paragraph~~]] >>Section 33-336<<.

* * *

Section 5. Section 33-338 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-338. >>Airport land use zoning<< [[~~N~~]] >>n<<onconforming 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 permanent structure [[~~or tree~~]] or use lawfully in existence not conforming to the [[~~regulations as of July 19, 1969~~]] >>land use regulations of this article<<, or otherwise interfere with the >>lawful<< continuance of any >>legal<< nonconforming use. [[~~After the effective date of this ordinance, property owners shall not be permitted to erect any~~

~~structure or to grow or maintain trees to heights in excess of those provided herein. Notwithstanding the preceding provisions of this section, 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 Aviation Department, to indicate to the operators of aircraft in the vicinity of the airport the presence of an 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 Aviation Department in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Aviation Department.~~]]

Section 6. Section 33-339 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-339. >>Airport land use zoning << [[~~A~~]] >>a<<dministration 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 [[~~2-118~~]] >>2-105<<, Code of Miami-Dade County, Florida within unincorporated Miami-Dade County. It shall be the duty of [[~~Team Metro~~]] >>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 [[~~Team Metro~~]] >>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.

Section 7. Section 33-340 of the Code of Miami-Dade County is hereby deleted in its entirety and a new Section 33-340 is hereby created as follows:

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.<<

Section 8. Section 33-341 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-341. >>Airport land use zoning:<< [[~~N~~]]>>n<<onconforming uses abandoned or destroyed.

Whenever the appropriate >>building,<< zoning>>, or other County or municipal official<< determines that the [[~~height limits or~~]] >>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.<< [[~~Whether application is made for a permit under this paragraph or not, the appropriate zoning official may by appropriate action require the owner of the nonconforming structure or tree to permit the Miami-Dade County Aviation Department at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations. No permit shall be granted 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 is made.~~]]

Section 9. Section 33-342 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-342. Variances and exceptions limited.

(1) Any person desiring to [[~~erect or increase the height of any structure, or permit the growth of any tree, or otherwise~~]] 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<<.

* * *

Section 10. Section 33-343.1 of the Code of Miami-Dade County is hereby amended as follows:

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

* * *

Section 11. Section 33-344 of the Code of Miami-Dade County is hereby amended as follows:

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.<<

Section 12. Section 33-346 of the Code of Miami-Dade County is hereby created as follows:

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:

(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 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 L atitude: 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 #14Latitude: 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 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 #13Latitude: 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"
Then east to Point #25Latitude: 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 section 6, subsection (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.

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.

Section 13. Section 33-347 of the Code of Miami-Dade County Florida is hereby created as follows:

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.

(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 L atitude: 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"
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 #14Latitude: 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 #22Latitude: 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 #13Latitude: 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 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 #25Latitude: 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 section 6, subsection (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.

Section 14. Section 33-348 of the Code of Miami-Dade County is hereby created as follows:

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.

Section 15. Section 33-349 of the Code of Miami-Dade County Florida is hereby created as follows:

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.

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 11x17 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" x 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.

(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, 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 wavier 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.

Section 16. Section 33-350 of the Code of Miami-Dade County Florida is hereby created as follows:

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 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.

Section 17. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 18. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 19. This ordinance shall become effective ten (10) days after the date of enactment, or upon execution of the Interlocal Agreement between Miami-Dade County and the City of Miami's Board of City Commissioners pertaining to the City of Miami's consistency and compliance with specific requirements for the protection of navigable airspace for Miami

International Airport, whichever comes later, unless otherwise vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jay W. Williams

Sponsored by Chairman Bruno A. Barreiro