

ARTICLE XXXV. HOMESTEAD AIR FORCE BASE ZONING*

***Editor's note:** Article XXXV, §§ 33-292--33-301, is derived from Ord. No. 68-33, § 1, adopted May 21, 1968. This ordinance amended said sections to read as herein set out. Formerly said sections pertaining to similar subject matter were derived from Ord. No. 57-21, §§ 2--12, adopted Oct. 22, 1957.

Sec. 33-292. Definitions.

As used in this article, unless the context otherwise required:

- (1) *Airport* is the Homestead Air Force Base Airport.
- (2) *Airport hazard* is any structure or tree or use of land which obstructs the air space required for the safe flight of aircraft in landing or taking-off or maneuvering at or in the vicinity of the airport, or is otherwise hazardous to such landing or taking-off of aircraft.
- (3) *Airport hazard area* is any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.
- (4) *Nonconforming use* is any structure, tree, or use of land which does not conform to this article as of the effective date thereof.
- (5) *Person* is any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.
- (6) *Structure* is any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, utility poles and overhead transmission lines.
- (7) *Land area* is any land or water area outside the governmental reservation and lying within the unincorporated and incorporated area of the County.
- (8) *Tree* is any object of natural growth.
- (9) *Landing area* is that part of the airfield that is used or intended to be used for landing and taking-off of aircraft, and the adjacent clear zone.
- (10) *Primary surface* is that surface which defines the limits of the obstruction clearance requirements in the immediate vicinity of the landing area. This area is entirely within the government reservation.
- (11) *Clear zone surface* is an area entirely within the government reservation and defines the limits of the obstruction clearance requirements in the vicinity contiguous to the ends of the primary surfaces.
- (12) *Approach-departure clearance surface* is an imaginary plane symmetrical about the runway centerline extended, beginning as an inclined plane (known as the glide angle) two hundred (200) feet beyond each end of the ultimate primary surface at the centerline elevation of the runway end (established airfield elevation) and extends for fifty thousand (50,000) feet. The slope of the approach-departure clearance surface is eighty to one (80:1) along the runway centerline extended (glide angle) until it reaches an elevation of five hundred (500) feet above the established airfield elevation. It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the

start of the original inclined plane. The width of this surface at the runway end is two thousand (2,000) feet; it flares uniformly to a width of sixteen thousand (16,000) feet at fifty thousand (50,000) feet.

(13) *Inner horizontal surface* is a plane; oval shape at a height of one hundred fifty (150) feet above the established airfield elevation. It is constructed by scribing an arc with a radius of seventy-five hundred (7500) feet about the centerline at the ends of the runway and interconnecting these arcs with tangents.

(14) *Conical surface* is an inclined surface extending outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airfield elevation. The slope of the conical surface is 20:1. It is constructed by scribing an arc with a radius of fourteen thousand five hundred (14,500) feet about the centerline at the ends of the runway and interconnecting these arcs with tangents.

(15) *Outer horizontal surface* is a plane located five hundred (500) feet above the established airfield elevation. It extends for a horizontal distance of thirty thousand (30,000) feet from the outer periphery of the conical surface.

(16) *Transitional surfaces* connect the primary surfaces, clear zone surface, and approach-departure clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is seven to one (7:1) outward and upward at right angles to the runway centerline.

(17) *Established airfield elevation* is seven (7) feet above MSL.

(18) *Airfield reference point* is a point or points on the airfield from which certain distances relative to specific criteria referred to in this article are measured. For the purpose of this article, the reference points will be at each end of the runway and on its centerline. These points are described and located in Section 33-293.1.

(19) *A zone* is that area of land falling beneath any surface and each zone will have the same name as the surface describing it.

(20) *Administrative agency* is the Department, with its Director as the chief executive, is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed, including that of hearing for permits.

(21) *MSL--Mean sea level* whenever the term MSL or mean sea level is used in the article, the same shall mean one (1) and the same thing.

(22) *The County's Community Zoning Appeals Board* is hereby appointed the "Board of Adjustment," pursuant to Section 333.10, Florida Statutes.

(Ord. No. 68-33, § 1, 5-21-68; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 21, 9-3-98)

Sec. 33-293. Establishing airport hazard area.

All of the land and water in this County which falls within the limits of the approach-departure clearance surfaces, and the outer horizontal surface, or surfaces closer to Homestead AFB, except land within the boundaries of Homestead Air Force Base, is declared to be in the airport hazard area and is subject to limitations of height and use control established by this article.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-293.1. Reference points of airport hazard area.

(1) Reference points 1 and 2 are the reference points of the airport hazard area and are related to a primary reference point two hundred fifty (250) feet east and one hundred (100) feet south of the northwest corner of the N 1/2 of the NW 1/4 of the SW 1/4 of the NW 1/4 of Township 57 South, Range 39 East, Section 12, Miami-Dade County, Florida, which is the location of the control tower which is also described as being at

Lat 25° - 29' - 18.9"

Long 80° - 23' - 39.9"

For the purpose hereof, the elevation of this point is seven (7) feet above mean sea level.

(2) Reference point No. 1 is at the northeast end of the runway and on its centerline. This point is located one thousand (1,000) feet from surveying monument HAF-41 on a true bearing of S49°03'29"W. The location of HAF-41 monument is as follows:

N - 424, 425.21

E - 708, 243.92

Lat - 25° - 29' - 59.808"

Lon - 80° - 22' - 07.135"

For the purpose hereof, the elevation of this point is seven (7) feet above mean sea level.

(3) Reference point No. 2 is at the southwest end of the runway and on its centerline. This point is located one thousand two hundred sixty-two and thirty-five hundredths (1,262.35) feet from surveying monument HAF-25 on a true bearing of N 49° 02' 29" E. The location of HAF-25 monument is as follows:

N - 415, 609.25

E - 698, 081.42

Lat - 25° - 28' - 32.958"

Lon - 80° - 23' - 58.482"

For the purpose hereof, the elevation of this point is seven (7) feet above mean sea level.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-293.2. Division of airport hazard area into zone.

The airport hazard area outside of the government reservation boundary is divided into height limiting zones as follows: approach-departure clearance surface zones, inner horizontal surface zones, outer horizontal surface zones and transitional surface zones.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-293.3. Zoning map adopted.

The Board of County Commissioners shall, by resolution, adopt, approve, and ratify a drawing which shall be entitled Homestead Air Force Base, Tab. No. F 5, sheet 1 of 1, as revised by Base Civil Engineers on September 1, 1967, on drawing original[lly] prepared by Weed, Johnson Associates, April 1, 1960. Such drawing shall locate and identify Homestead Air Force Base and other topographic data pertinent thereto and to the purposes of this article and it shall also truly and faithfully depict the boundaries of airport zoning area; 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 Homestead Air Force Base 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. 68-33, § 1, 5-21-68; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-294. Heights limitations.

Except as otherwise provided in this article, any structure which is erected, increased in height or tree allowed to grow so as to project above the height of the controlling imaginary surface as specified hereunder will be considered a flight hazard and in violation of this article.

(a) *Approach-departure clearance surfaces.* There is only one (1) runway at Homestead Air Force Base. This runway has a true north bearing of 49 degrees, 03 minutes, 29 seconds east. The magnetic declination at the Homestead Air Force Base is 1 degree, 10 minutes east. A height limitation within each surface is hereby established which will provide a clear space above the entire area of the approach-departure clearance surface, the height limitations being represented by a sloping plane, the base of which is two thousand (2,000) feet wide and begins two hundred (200) feet beyond the ultimate length of the runway and extends outward and upward on a ratio of eighty (80) feet horizontal to one (1) foot vertical for a horizontal distance of forty thousand (40,000) feet, at which point it reaches a vertical height of five hundred seven (507) feet above the mean sea level and a horizontal width of thirteen thousand two hundred (13,200) feet. This plane continues at a vertical height of five hundred seven (507) feet above MSL until it reaches a horizontal distance of fifty thousand (50,000) feet and horizontal width of sixteen thousand (16,000) feet. The maximum permissible heights within the approach-departure clearance surface zone, based on mean sea level, shall be listed in the following tabulation: tabs msp 1042;

TABLE INSET:

Width of zone in feet	Max. permissible elev. in feet	2,000	7
1,000	2,224	17	
5,000	3,344	67	
10,000	4,744	129	
15,000	6,144	192	
20,000	7,544	255	
25,000	8,944	317	
30,000	10,344	380	
35,000	11,744	442	
40,000	13,144	504	
40,200	13,200	507	
50,200	16,000	507	

(b) *Inner horizontal surface.* The height limitation within the inner horizontal surface zone is one hundred fifty (150) feet above the established airfield elevation or one hundred fifty-seven (157) feet above mean sea level.

(c) *Conical surface.* The height limitations within the conical surface zone are given in

the following tabulations:

TABLE INSET:

<i>Distance from outer edge of inner horizontal surface (Feet)</i>	<i>Maximum permissible height above MSL (Feet)</i>
0	157
1,000	207
2,000	257
3,000	307
4,000	357
5,000	407
6,000	457
7,000	507

(d) *Outer horizontal surface.* The height limitation within the outer horizontal surface zone is five hundred (500) feet above the established airfield elevation or five hundred seven (507) feet above mean sea level.

(e) *Transitional surfaces.* The height limitation along the intersection of the transitional surface zones and the approach-departure clearance surface are given in the following tabulations:

TABLE INSET:

<i>Distance from end of runway (Feet)</i>	<i>Distance from runway centerline (Feet)</i>	<i>Permissible height above mean sea level (Feet)</i>
200	1,000	7
1,400	1,168	22
2,600	1,336	37
3,800	1,504	52
5,000	1,672	67
7,400	2,008	97
9,800	2,344	127
12,200	2,680	157
14,600	3,016	187
19,400	3,688	247
29,000	5,032	367
38,600	6,376	487
40,200	6,600	507

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-295. Use restrictions.

(a) Notwithstanding any other provisions of this article, no use may be made of land within the airport hazard area in such a manner as to create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking-off or maneuvering of aircraft.

(b) In addition to the height limitations which apply to the approach-departure surface zone, use of the land in the area defined as the approach-departure surface zones shall be controlled so as to prevent location or construction of places of public assembly, schools, churches, hospitals, barracks, and apartment housing, and such uses are hereby prohibited in these surface zones.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-296. Permits.

Before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired, and before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrative Agency. Except as provided herein, applications for permits shall be granted, provided the matter as applied for meets the provisions of this article.

(a) *New uses.* No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established, in the airport hazard area, unless a permit has been applied for and granted by the administrative agency. No tree shall be planted within the transitional surface zones, within three thousand (3,000) feet from the ends of the runways, unless a permit has been applied for and granted by the administrative agency. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit the administrative agency to determine whether the resulting use, structure, or tree would conform to this chapter. If such determination is in the affirmative, the permit applied for shall be granted. If such determination is in the negative, the permit applied for shall be denied.

(b) *Existing uses.* Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, in the airport hazard area, a permit must be secured from the administrative agency, authorizing such replacement, change or repairs. No such permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this article [ten (10) days after March 21, 1968] or than it was when the application for a permit is made.

(c) *Nonconforming uses.* Wherever the administrative agency determines that a nonconforming structure or tree has been abandoned or is more than eighty (80) percent torn down, destroyed, deteriorated or decayed:

(1) No permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and

(2) Whether application is made for a permit under this subsection or not, the said agency may, by appropriate action, compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten (10) days after notice thereof, the said agency may report the

violation to the political subdivision involved therein, which subdivision, through its appropriate agency, may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object or the land, whereon it is or was located, and unless such an assessment is paid within ninety (90) days from the service of the notice thereof on the owner or his agent of such object or land, the sum shall be a lien on said land, and shall bear interest thereafter at the rate of six (6) percent per annum until paid, and shall be collected in the same manner as taxes on real property are collected by said political subdivision, said lien may be enforced in the manner provided for enforcement of liens by Chapter 86, Florida Statutes.

(d) In addition to the permits required herein in the event the land area is in an incorporated area, building permits must be obtained from the applicable municipality.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-297. Variances and appeals.

Any person desiring to erect any structures, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of the airport zoning regulations adopted under this chapter, may apply to the Community Zoning Appeals Board for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of these regulations. Provided, that any variance may be allowed subject to any reasonable conditions that the Board may deem necessary to effectuate the purpose of these regulations. All such variances shall be applied for in the same manner as any other variances and shall be granted only after the same notice and hearing as required in the case of other variances. Any person aggrieved, or taxpayer affected, by any decision of the administrative agency made in its administration of these airport zoning regulations or any governing body or Board of a political subdivision, or any airport zoning board, which is of the opinion that a decision of such administrative agency is an improper application of these airport zoning regulations of concern to such governing body, may appeal to the Community Zoning Appeals Board to hear and decide appeals from the decision of such administrative agency.

(Ord. No. 68-33, § 1, 5-21-68; Ord. No. 98-125, § 21, 9-3-98)

Sec. 33-298. Hazard marking and lighting.

In granting any permit or variance under these regulations, the administrative agency or Board of Adjustments may, if it deems such action advisable, to effectuate the purposes of these regulations and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to install, operate and maintain at his own expense, thereon hazard markers and lights which conform to the Federal Aviation Authority Standards as may be necessary to indicate to pilots the presence of an airport hazard. Upon conditions mutually agreeable to the United States Air Force and to the owner of an existing structure or tree, the United States Air Force shall be granted a permit to alter the height of the hazard or to install, operate and maintain thereon hazard markers and lights, at its own expense, as may be deemed necessary by the United States Air Force to indicate to pilots the presence of an airport hazard.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-299. Relation to comprehensive zoning regulations.

In the event of conflict between any airport zoning regulations adopted under this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-300. Penalties.

Each violation of these regulations, or any order or ruling promulgated hereunder, shall constitute a violation and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment, and each day a violation continues to exist shall constitute a separate offense.

(Ord. No. 68-33, § 1, 5-21-68)

Sec. 33-301. Severability.

If any of the provisions of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this article are declared to be severable.

(Ord. No. 68-33, § 1, 5-21-68)