

ARTICLE X. PERRY/TAYLOR COUNTY AIRPORT ZONING

Sec. 42-926. Short title.

This article shall be known and may be cited as the "Perry/Taylor County Airport Zoning Ordinance."

(Ord. No. 80-1, § 1, 2-5-1980)

Sec. 42-927. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident potential hazard area means an area encompassing the approach zone of each runway extending out for a horizontal distance of 5,000 feet from the end of a runway in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure on the ground.

Airport means the Perry-Foley Airport.

Airport elevation means the highest point of an airport's usable landing area measured in feet above mean sea level.

Airport obstruction means any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25 and 77.28, or which obstruct the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airspace height means that to determine the height limits in all zones set forth in this article, the datum shall be mean sea level elevation (AMSL), unless otherwise specified.

Board of adjustment means the county airport zoning board of adjustment which shall be the board of county commissioners.

Minimum descent altitude means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Minimum enroute altitude means the altitude in effect between radio fixes which ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum obstruction clearance altitude means the specified altitude in effect between radio fixes on VOR airways, off-airway routes or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Nonconforming use means any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article or amendments thereto.

Nonprecision instrument runway means a runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration planning document or military service's military airport planning document.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man, including, but not limited to, buildings, towers, smoke stacks, utility poles and overhead transmission lines.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration approved airport layout plan, a military services approved military airport layout plan or by any planning document submitted to the Federal Aviation Administration by competent authority.

Zoning administrator means the county projects coordinator who shall be responsible for administering this article within the county and the city clerk will be responsible for administering this article within the City of Perry.

(Ord. No. 80-1, § II, 2-5-1980)

Cross references: Definitions generally, § 1-2.

Sec. 42-928. Violation; penalties.

Each violation of this article, or of any regulation, order or ruling promulgated in this article, shall be punishable by a fine of not more than \$500.00 and/or imprisonment for not more than 60 days. Each day a violation continues to exist shall constitute a separate offense.

(Ord. No. 80-1, § IX, 2-5-1980)

Sec. 42-929. Administration and enforcement.

It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed in this article within the territorial limits over which the political subdivision has zoning authority. The zoning administrator for the county shall be the county projects coordinator. In the event of any violation of the regulations contained in this article, the person responsible for such violation shall be given notice, in writing, by the zoning administrator. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of such notice shall be sent to the appropriate board of adjustment. An administrative official shall order discontinuance of use of land or building; removal of trees to conform with height limitations set forth in this article; 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. 80-1, § V, 2-5-1980)

Cross references: Administration, ch. 2.

Sec. 42-930. Board of adjustment.

(a) The county airport zoning board of adjustment shall have and will exercise the following powers on matters relating to areas within the territorial limit of authority:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article;
- (2) To hear and decide special exceptions to the terms of this article upon which such board of adjustment may be required to pass; and
- (3) To hear and decide specific variances.

The county airport zoning board of adjustment shall be the board of county commissioners.

(b) The board of adjustment shall adopt rules for its governance in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the appropriate county or city clerk.

(c) The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this article.

(d) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this article or to effect variation of this article.

(Ord. No. 80-1, § VI, 2-5-1980)

Cross references: Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-931. Appeals.

(a) Any person aggrieved or any taxpayer affected by any decision of the zoning administrator made in the administration of this article may appeal to the board of adjustment.

(b) All appeals under this article must be made within a reasonable time as provided by the rules of the board of adjustment, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the zoning administrator and after due cause is shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the interested parties and render a decision within a reasonable time. During the hearing, any party may appear in person, by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination, as may be appropriate.

(Ord. No. 80-1, § VII, 2-5-1980)

Sec. 42-932. Judicial review.

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment, may appeal to the circuit court as provided in F.S. § 333.11.

(Ord. No. 80-1, § VIII, 2-5-1980)

Sec. 42-933. Variances.

(a) Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. No application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of the application has been furnished to the county zoning administrator.

(b) A variance is required for the erection, alteration or modification of any structure which would cause the structure to exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29.

(c) No variance shall be granted unless the person applying for the variance submits documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation submitted by each person applying for a variance.

(d) In determining whether to issue or deny a variance, the board of adjustment shall consider the following:

- (1) The nature of the terrain and height of existing structures.
- (2) Public and private interests and investments.
- (3) The character of flying operations and planned development of airports.
- (4) Federal airways as designated by the Federal Aviation Administration.
- (5) Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.
- (6) Technological advances.
- (7) The safety of persons on the ground and in the air.
- (8) Land use density.
- (9) The safe and efficient use of navigable airspace.

(10) The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

(e) No variance shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 or 77.29, or any other federal aviation regulation.

(Ord. No. 80-1, § IV(2), 2-5-1980)

State law references: Variances, F.S. §§ 333.03(1)(c), 333.07(2).

Sec. 42-934. Zones and airspace height limitations.

In order to carry out the provisions of this article, there are created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Perry-Foley Airport Zoning Map which is attached to this article and made a part of this article. An area located in more than one of such zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

(1) *Primary zone.* An area longitudinally centered on a runway extending 200 feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

- a. Runways 18 and 36, 500 feet.
- b. Runways 12 and 30, 500 feet.

(2) *Approach zone.* An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

a. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

1. Runways 12 and 18, 1,500 feet.
2. Runways 30 and 36, 3,500 feet.

b. The approach surface extends for a horizontal distance of:

1. Runways 12 and 18, 5,000 feet.

2. Runways 30 and 36, 10,000 feet.

c. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

d. Permitted height limitation within the approach zones is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

1. Runways 12 and 18, permitted height increases one foot vertically for every 20 feet horizontal distance.

2. Runways 30 and 36, permitted height increases one foot vertically for every 34 feet horizontal distance.

(3) *Transitional zone.* The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(4) *Horizontal zone.* The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. Runways 12 and 18, 5,000 feet.

b. Runways 30 and 36, 10,000 feet.

The radius of the arc specified for each end of a runway will have the same arithmetical value. The value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 1,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone. No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

(5) *Conical zone.* The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

(6) *Other areas.* In addition to the height limitations imposed in subsections (1)--(5) of this section, no structure or obstruction will be permitted within the county that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

(Ord. No. 80-1, § III, 2-5-1980)

Sec. 42-935. Land use restrictions.

(a) Notwithstanding any other provisions of this article, no use may be made of land or water within any zones established by section 42-934 in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operation from a public airport or in the vicinity thereof.

(2) No operations from any type shall produce smoke, glare or other visual interference within three statute miles of any usable runway of a public airport which causes a hazard to aircraft operating from the public airport or in the vicinity thereof.

(3) No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(4) Use of land within the accident potential hazard area shall prohibit high density residential use of more than eight dwelling units per acre, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

(b) Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto on such structure. High intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto.

(c) In granting any permit or variance under this article, the administrative agency or board of adjustment shall require the owner of the structure or tree in question to install, operate and maintain thereon, at his own expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by rule by the state department of transportation.

(Ord. No. 80-1, § IV(1), (2), (4), 2-5-1980)

State law references: Similar provisions, F.S. § 333.07(3).

Secs. 42-936--42-965. Reserved.