

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, RELATING TO REGULATION
3 OF STRUCTURES AND OBJECTS OF NATURAL
4 GROWTH IN THE VICINITY OF ORLANDO
5 INTERNATIONAL AIRPORT AND ORLANDO
6 EXECUTIVE AIRPORT; AMENDING CHAPTER 5,
7 CHAPTER 58, CHAPTER 65, AND CHAPTER 66,
8 ORLANDO CITY CODE, TO PROVIDE REGULATIONS
9 FOR AIRPORT HEIGHT ZONING PERMITS, THE
10 AIRPORT BOARD OF ADJUSTMENT, THE PROXIMITY
11 OF SANITARY LANDFILLS TO THE AIRPORTS AND;
12 ENFORCEMENT AND PENALTIES; FURTHER
13 PROVIDING LEGISLATIVE FINDINGS, DEFINITIONS,
14 AND FOR CODIFICATION, AMENDMENT,
15 SEVERABILITY, CORRECTION OF SCRIVENER'S
16 ERRORS, CONFLICT, AND AN EFFECTIVE DATE.
17

18 **WHEREAS**, the City of Orlando (hereinafter the "City") has jurisdiction over all public
19 airports within the City of Orlando; and
20

21 **WHEREAS**, Chapter 333, Florida Statutes requires every political subdivision that
22 contains an airport hazard area within its boundaries to adopt, administer, and enforce
23 airport zoning regulations for such airport hazard areas; and
24

25 **WHEREAS**, section 333.03, Florida Statutes, further requires that when an airport is
26 owned or controlled by a political subdivision and if any other political subdivision has land
27 upon which an obstruction may be constructed or altered which underlies any surface of
28 the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions adopt,
29 administer, and enforce a set of airport protection zoning regulations; and
30

31 **WHEREAS**, Chapter 333, Florida Statutes, requires the City to amend any airport
32 zoning regulations that do not conform with its requirements, and
33

34 **WHEREAS**, the Orlando City Council ("City Council"). hereby finds and determines that
35 this ordinance is consistent with the applicable provisions of the city's adopted Growth
36 Management Plan, is in the best interest of the public health, safety, and welfare, is in
37 harmony with the purpose and intent of the city's Land Development Code, will not result
38 in disorderly and illogical development patterns, and will not result in incompatible land
39 uses; and
40

41 **WHEREAS**, the City Council hereby finds that this ordinance advances the interest of
42 preventing the creation or establishment of an airport obstruction which is hazardous to
43 the operation of aircraft; and
44

45 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the best
46 interest of the public health, safety, and welfare because it ensures compatibility between
47 land uses and aircraft operations; and
48

49 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**
50 **ORLANDO, FLORIDA, AS FOLLOWS:**
51

52 **SECTION 1. RECITALS.** The above recitals are incorporated herein by reference and
53 form an integral part of this Ordinance.

54
55 **SECTION 2. SHORT TITLE.** These regulations will be known and cited as the “Airport
56 Zoning Regulations.”

57
58 **SECTION 3. SEC. 58.204, AMENDED.** Section 58.204, Code of the City of Orlando,
59 Florida, is hereby amended as follows:

60
61 **Sec. 58.204. Airport Zoning Height Regulations.**

62
63 ~~The regulations of the Orlando-Orange County Airport Zoning Board shall apply~~
64 ~~throughout the City (see Chapter 65, Part 1F) Airport Zoning Regulations apply to all land~~
65 ~~within the City of Orlando, with the exception of the property owned by the Greater Orlando~~
66 ~~Aviation Authority and operated as a public use general aviation or commercial service~~
67 ~~airport. The Authority is required by Federal Aviation Administration regulations to protect~~
68 ~~the airspace surfaces being regulated herein and therefore City review is not necessary.~~

69
70 **SECTION 4. SEC. 58.843, AMENDED.** Section 58.843, Code of the City of Orlando,
71 Florida, is hereby amended as follows:

72
73 **Sec. 58.843. Height Limit Exceptions.**

74
75 Building-mounted communication towers shall be considered a part of the principal
76 structure. As provided in Part 2A of this chapter, building-mounted and ground-mounted
77 communication towers and antennas shall not exceed the height limitations prescribed by
78 ~~the Orlando-Orange County Airport Zoning Board~~ Airport Zoning Regulations described in
79 Part 9, Chapter 58, Orlando City Code.

80
81 **SECTION 5. Part 9, Chapter 58, Orlando City Code, Added.** Part 9, Chapter 58,
82 Code of the City of Orlando, Florida is hereby added as follows:

83
84 ****

85 **9 AIRPORT ZONING REGULATIONS**

86
87 **Sec. 58.1210.-Purpose of Regulations**

88
89 The purpose of these Airport Zoning Regulations (hereinafter “Regulations”), is as
90 follows:

- 91
92 a) To promote the maximum safety of aircraft using the Airport;
93
94 b) To promote the maximum safety of persons and property located near the Airport;
95
96 c) To promote the full utility of the Airport to ensure the welfare and convenience of
97 the citizens and visitors of the City;
98
99 d) To provide limits on the height of structures and objects of natural growth within
100 the 14 CFR Part 77 surface primary, horizontal, conical, approach and transitional,
101 Terminal Instrument Procedures (“TERPS”) surfaces, and other imaginary airport airspace
102 surfaces (One Engine Inoperative-Obstacle Identification Surfaces as defined in AC 120-

103 91 and ICAO Annex 6 ["OEI"], Threshold Siting Surface ["TSS"]), as defined herein, to
104 ensure proper and sound development of the areas within these surfaces;
105

106 e) To discourage new land uses, activities or construction incompatible with existing
107 and planned airport operations or public health, safety and welfare; and
108

109 f) To provide administrative procedures for the efficient and uniform review of land
110 development proposals in the areas surrounding the Airport.
111

112 **Sec. 58.1211. Abbreviations.** For the purpose of these Regulations, these
113 abbreviations have the following meanings:
114

115 a) AGL. Above ground level.

116 b) ALP. Airport Layout Plan.

117 c) AMSL. Above mean sea level.

118 d) CFR. Code of Federal Regulations.

119 e) FAA. Federal Aviation Administration.

120 f) FCC. Federal Communications Commission.

121 g) FDOT. Florida Department of Transportation.

122 h) GOAA. Greater Orlando Aviation Authority.
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131 **Sec. 58.1212. Rules of Interpretation.**
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133 Unless the natural construction of the wording indicates otherwise, all words used in
134 the present tense include the future tense; all words in the plural number include the
135 singular number; all words in the singular number include the plural number and all words
136 of the masculine gender include correlative words of the feminine and neuter genders.
137 Any reference herein to a rule, statute, regulation or other legal requirement or form shall
138 also include any modification, amendment, alteration or replacement thereof subsequent
139 to the effective date hereof.
140

141 **Sec. 58.1213. Zones and Heights Requiring Airport Height Zoning Permit**
142

143 In order to regulate the height of permanent and temporary structures and objects of
144 natural growth, this section establishes permitting requirements in certain zones based on
145 height. These zones, and the heights established for each zone, provide for the
146 independent review by the City of the height of land development proposals over which
147 the City may have jurisdiction to regulate, as well as objects of natural growth. No structure
148 or object of natural growth that would exceed two hundred (200) feet AGL, any federal
149 obstruction standards or the height for the zone in which it is located or proposed to be
150 located may be developed, constructed, established, enlarged, substantially altered or
151 repaired, approved for construction, issued a natural resources permit or building permit,
152 or planted, allowed to grow or be replanted, unless either the Airport Zoning Director has

153 issued an airport height zoning permit in accordance with these Regulations. The zones
154 and heights are depicted on Figure 10-Airport Height Zoning Map.

155
156
157 **Sec. 58.1214. Airport Height Zoning Permit Application Procedure**
158

159 A request for an airport height zoning permit may be initiated by filing with the Airport
160 Zoning Director a completed application for an airport height zoning permit on a form
161 prescribed by the City including a copy of the Form 7460-1 and/or FAA's online OE/AAA
162 website tool, Notice of Proposed Construction or Alteration filed with the FAA, as required
163 pursuant to 14 CFR §§ 77.5, 77.7, 77.9 and 77.11. An FAA airspace review determination
164 resulting from the submittal of a Notice of Proposed Construction or Alteration does not
165 preclude the requirement to obtain an airport height zoning permit from the City. An
166 application for an airport height zoning permit must contain a site survey, with an FAA
167 accuracy code of 1A, which certifies the site coordinates and elevations with an accuracy
168 of +/- 20-foot horizontal and +/- 3-foot vertical (all site coordinates must be based on North
169 American Datum of 1983 and National Geodetic Vertical Datum of 1988); site plans;
170 drawings and other data as may be necessary to enable the Airport Zoning Director to
171 determine whether or not the proposal will comply with these Regulations. A separate
172 application for an airport height zoning permit must be submitted for permanent or
173 temporary derricks, draglines, cranes and other boom-equipped machinery to be used
174 during construction or installation at heights greater than the height of proposed structure.
175 Applications for an airport height zoning permit must be signed by the owner or an
176 authorized agent of the owner.

177
178 **Sec. 58.1215. Pre-Application Conference**
179

180 Prior to submittal of any application for an airport height zoning permit, a prospective
181 applicant must request a pre-application conference with the Airport Zoning Director and
182 may include the Authority Planning Director. The pre-application conference is to advise
183 the applicant of the information needed for submittal and the standards and other
184 requirements so that issues can be identified and costly modifications avoided. Information
185 provided as a result of the conference is for conceptual purposes only, is given solely as
186 a means to assist the applicant, and does not take the place of the formal application
187 review process.

188
189 **Sec. 58.1216. Review of Airport Height Zoning Permit Application**
190

191 Before an application for an airport height zoning permit will be considered, the
192 applicant must submit to the Airport Zoning Director a copy of the final airspace review
193 determination by the FAA of the applicant's Notice of Proposed Construction or Alteration.
194 Upon receipt of a completed application and copy of the final determination, the Airport
195 Zoning Director shall forward same to the Authority Planning Director and to the FDOT
196 Aviation Office, via certified mail return receipt requested or via a delivery service that
197 provides a receipt evidencing delivery. FDOT will review the application within fifteen (15)
198 days for technical consistency with Chapter 333, Florida Statutes, with said review period
199 running concurrently with the review by the City and the GOAA Planning Director. The
200 GOAA Planning Director will produce an analysis and recommendation as to consistency
201 with these Regulations to the Airport Zoning Director. The Airport Zoning Director upon
202 receipt of the application and analysis from the GOAA Planning Director will review the
203 application for consistency with the height limits for the airspace surfaces and the

204 guidelines, procedures and criteria set forth in chapter 6, section 3, part 2 of FAA Order
 205 7400.2k, entitled Procedures for Handling Airspace Matters. Within twenty-one (21)
 206 calendar days from receipt of a completed application, the GOAA Planning Director's
 207 analysis, and final determination by the FAA, the Airport Zoning Director will either approve
 208 or disapprove the application. The Airport Zoning Director may consider an application
 209 for an airport height zoning permit concurrently with the development plan approval. An
 210 incomplete application will be deemed abandoned one hundred eighty (180) calendar
 211 days after filing, unless pursued in good faith. The Airport Zoning Director may grant one
 212 extension of one hundred eighty (180) days. The extension must be requested in writing
 213 and justifiable cause demonstrated.

214
 215 **Sec. 58.1217. Airspace Surfaces**

216
 217 There are hereby created and established certain airspace imaginary surfaces in order
 218 to evaluate whether any existing or proposed structure or object of natural growth complies
 219 with federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19,
 220 77.21, and 77.23 terminal instrument procedures as contained in FAA Order 8260.3C and
 221 Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures and
 222 federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189. The
 223 airspace surfaces are hereby specified for the most restrictive approach existing or
 224 planned for each runway and any planned extension of existing runways and include all
 225 of the land lying beneath the airspace surface, as applied to each airport. Except as
 226 otherwise provided in these Regulations, no application for an airport height zoning permit
 227 may be approved; no structure may be developed, constructed, established, enlarged,
 228 substantially altered or repaired, approved for construction, or issued a natural resources
 229 permit or building permit; and no object of natural growth may be planted, allowed to grow
 230 or be replanted, in any airspace surface at a height above the height limit established
 231 herein for the airspace surface in which the structure or object of natural growth is located
 232 or proposed to be located. Such height limits will be computed from mean sea level
 233 elevation, unless otherwise specified. The 14 CFR part 77C (primary, horizontal, conical
 234 approach and transitional) airspace surfaces have been analyzed by GOAA, and are
 235 illustrated in Figure 10, and are further defined as illustrated in FAA Order 7400.2k, entitled
 236 Procedures for Handling Airspace Matters.

237
 238 **Sec. 58.1218. Objects Affecting Navigable Airspace**

239
 240 Any existing or proposed structure or object of natural growth that exceeds the
 241 standards for identifying and evaluating aeronautical effect as defined in section 3, chapter
 242 6, part 2 of FAA Order 7400.2, entitled Procedures for Handling Airspace Matters, is
 243 presumed to be a hazard to air navigation unless an obstruction evaluation study
 244 determines otherwise. Any structure or object of natural growth in violation of the
 245 aforementioned standard will be evaluated by the FAA and the Airport Zoning Director to
 246 determine if the structure has a substantial adverse effect on navigable airspace effecting
 247 airport operations. The Airport Zoning Director shall take into account the above
 248 presumption in approving or denying an application for an airport height zoning permit.

249
 250 **Sec. 58.1219. Supportive Screening Criteria**

251
 252 a) Antenna Installations. Antenna installations used to transmit over navigable
 253 airspace may produce a harmful electromagnetic interference with navigation aids or
 254 radio communications or aircraft, airport or air traffic control facility. An antenna

255 installation must comply with the permitting requirements of this section unless the
256 antenna is to be co-located on an existing structure and:

- 257
258 1. The antenna does not increase the height of the existing structure;
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260 2. The structure has a current no hazard determination on file with the FAA;
261 and
262
263 3. The transmission of the antenna has been coordinated and approved by
264 the FCC.
265

266 b) FAA Navigation Aids. The FAA owns and operates navigation aids at MCO, ORL,
267 and off airport property. These include, but are not limited to, Airport Surveillance Radar
268 (ASR), Terminal Doppler Radar (TDR), Low Level Wind Shear Alert System (LLWAS),
269 Omnidirectional Range Beacon/Tactical Air Navigation System (VORTAC), and
270 Automated Surface Observation System (ASOS). The FAA provides guidance on the
271 required clear areas around navigational aids (“navaid”). Any structure or object of
272 natural growth within the vicinity of an FAA navaid must be evaluated by the FAA for
273 interference with the navaid. If the FAA determines that such proposed structure or
274 object of natural growth will adversely affect the utilization of the navaid, the Airport
275 Zoning Director must take the determination into account when reviewing the
276 application.
277

278 **Sec. 58.1220. Approval or Disapproval of Airport Height Zoning Permit**
279 **Application.**
280

281 a) **Criteria.** In determining whether to issue or deny an Airport Height Zoning Permit,
282 the City must consider:
283

- 284 1. The safety of persons on the ground and in the air;
285
286 2. The safe and efficient use of navigable airspace;
287
288 3. The nature of the terrain and height of existing structures;
289
290 4. The effect of the construction or alteration of an obstruction on the state
291 licensing standards for a public-use airport contained in Chapter 330,
292 Florida Statutes, and rules adopted thereunder;
293
294 5. The character of existing and planned flight operations and developments
295 at public-use airports;
296
297 6. Federal airways, visual flight rules, flyways and corridors, and instrument
298 approaches as designated by the FAA;
299
300 7. The effect of the construction or alteration of an obstruction on the minimum
301 descent altitude or the decision height at the affected airport; and
302
303 8. The cumulative effect on navigable airspace of all existing obstructions and
304 all known proposed obstructions in the area.
305

306 b) **Approval.** A permit application for the construction or alteration of an obstruction
 307 may not be approved unless the applicant submits documentation showing both
 308 compliance with the federal requirement for notification of proposed construction or
 309 alteration and a valid aeronautical study, as defined in 14 CFR Part 77. A permit may not
 310 be approved solely on the basis that the FAA determined that such proposed structure or
 311 object of natural growth will not exceed federal obstruction standards and was not an
 312 airport hazard, as contained in 14 CFR Part 77, or any other federal aviation regulation(s).
 313 Upon consideration of the above requirements and if the FAA has issued a determination
 314 that the proposed structure will not constitute an airspace hazard and the applicant has
 315 established by clear and convincing evidence provided to the Airport Zoning Director that
 316 the proposed structure or object of natural growth will not exceed the height limits
 317 established for the airspace surfaces or standards set forth herein and will not otherwise
 318 constitute an airspace hazard, the Airport Zoning Director may approve an application for
 319 an airport height zoning permit. In the event of approval, the permit will be issued within
 320 fourteen (14) business days. No airport zoning height permit will be issued after the
 321 expiration date indicated on the FAA's final determination. Each airport height zoning
 322 permit will specify an expiration date as a condition. Development authorized by the permit
 323 must commence prior to the permit's expiration date and must continue without
 324 interruption in good faith until development is complete; otherwise it will lapse. After a
 325 permit has been issued, no change, modification, alteration or deviation may be made
 326 from the terms or conditions of the permit without first obtaining a modification of the
 327 permit. A modification may be applied for in the same manner as the original permit.

328
 329 c) **Disapproval.** The Airport Zoning Director will not approve an application for an
 330 airport height zoning permit if the FAA has issued a determination that the proposed
 331 structure would constitute an airspace hazard or the Airport Zoning Director has
 332 determined that the proposed structure or object of natural growth would exceed the height
 333 limits established for the airspace surfaces or standards herein, or otherwise would
 334 constitute an airspace hazard.

335
 336 **Sec 58.1221. Hazard Marking and Lighting**

337
 338 If a structure or object of natural growth meets the specifications set forth in Advisory
 339 Circular 70-7460-1L, Change 1, or otherwise as recommended by the FAA, the Airport
 340 Zoning Director must require, as a condition of approval of an application for an airport
 341 height zoning permit, the applicant to install prior to the issuance of a certificate of
 342 occupancy, and to operate and maintain, at the applicant's own expense, such marking
 343 and/or lighting on the permitted structure as may be necessary to indicate to aircraft pilots
 344 the presence of the structure or object of natural growth. Such marking and lighting must
 345 conform to the specific standards in FAA Advisory Circular 70-7460-1L, Change 1, entitled
 346 Obstruction Marking and Lighting and Section 14-60.009, Florida Administrative Code.

347
 348 **Sec. 58.1222. Permit Required in Addition to Those Issued by Other Agencies**

349
 350 A permit required by these Regulations is in addition to any other building, zoning,
 351 environmental or occupancy permits required by any other governmental agency or
 352 jurisdiction. Pursuant to Section 166.033 Florida Statutes, issuance of an airport height
 353 zoning permit by the City does not in any way create any rights on the part of the applicant
 354 to obtain a permit from a state or federal agency and does not create any liability on the
 355 part of the City for issuance of the permit if the applicant fails to obtain requisite approvals
 356 or fulfill the obligations imposed by a state or federal agency or undertakes actions that

357 result in a violation of state or federal law. Pursuant to Section 166.033, the applicant must
358 obtain all other applicable state or federal permits before commencement of development.

359
360 **Sec. 58.1223. Rules of Interpretation**

361
362 An area located in more than one of the described airport height zones or airspace
363 surfaces must comply with the most restrictive height limit or surface. In the event a conflict
364 arises between an Airspace Surface and the regulations as set forth in 14 CFR §§ 77.13,
365 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in FAA
366 Order 8260.3c and Order 8260.58A entitled United States Standards for Terminal
367 Instrument Procedures and federal regulations for turbine powered aircraft as contained
368 in 14 CFR § 121.189, the most restrictive regulation will prevail, and any other FAA
369 Advisory Circulars or guidelines relating to airspace.

370
371 **Sec. 58.1224. Continuance of Existing Nonconforming Use.**

372
373 a) No existing nonconforming use may be enlarged, increased in height, expanded,
374 replaced, substantially altered or repaired at a cost which exceeds fifty percent (50%) of
375 the value of the existing nonconforming use, rebuilt, or allowed to grow higher or to be
376 replanted, unless the Airport Zoning Director has issued an airport height zoning permit in
377 conformance with these Regulations.

378
379 b) Existing Nonconforming Use. Any structure, object of natural growth, or use of land
380 existing on the effective date of these Regulations, which exceeds any height limit
381 established herein or otherwise fails to comply with any provision of these Regulations, is
382 hereby declared to be an existing nonconforming use and in violation of these Regulations.

383
384 c) Existing Nonconforming Educational Facilities. Except as provided herein, nothing
385 in these Regulations will be construed to require removal, alteration, sound conditioning,
386 or other change to or interference with the continued use, modification, or adjacent
387 expansion of any educational facility or site in existence on or before July 1, 1993, or
388 subsequently approved by the Orlando City Council for public policy reasons, because
389 allowing construction outweighed health and safety concerns.

390
391 d) Declaration of Abandoned or Deteriorated Existing Nonconforming Use. In the event
392 the Airport Zoning Director determines an existing nonconforming use is abandoned or
393 more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, no permit
394 will be issued that would allow such existing nonconforming use to exceed the applicable
395 height limit or otherwise deviate from these Regulations; and whether application is made
396 for a permit under these Regulations or not, the Airport Zoning Director may petition the
397 Airport Board of Adjustment, upon due notice to the owner of the existing nonconforming
398 use or the owner of the real property on which it is located, to compel the owner to lower,
399 remove, reconstruct, equip, or otherwise alter the abandoned, destroyed, deteriorated, or
400 decayed nonconforming use as may be necessary to conform to these Regulations. Upon
401 receipt of such petition, the Airport Board of Adjustment will conduct a public hearing
402 pursuant to these Regulations after due notice to the owner. If, after a public hearing, the
403 Airport Board of Adjustment determines the existing nonconforming use to be abandoned,
404 or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the
405 Airport Board of Adjustment may compel the owner, at the owner's own expense to lower,
406 remove, reconstruct, equip, or otherwise alter the existing nonconforming use as may be
407 necessary to conform to these Regulations. If the owner neglects or refuses to comply

408 with such order within thirty (30) calendar days after notice thereof, the City may proceed
409 to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess
410 the cost and expense thereof on the structure or the real property whereon it is or was
411 located.

412
413 **Sec. 58.1225. Prohibition of Sanitary Landfills**

- 414
415 a) New landfills are prohibited within the areas shown on Figure 11-Airport Hazards:
416 Proximity to Landfills.
417
418 b) Any landfills proposed in the areas shown on Figure 10-Airport Height Zoning Map,
419 will be reviewed on a case-by-case basis.

420
421 **Sec. 58.1226. Enforcement.**

422
423 a) Any person who violates any provision of these Regulations or an order, ruling, or
424 permit issued hereunder is subject to enforcement under Chapter 5, Articles I and II of this
425 code.

426
427 b) Each violation of a regulation, order, ruling, or permit issued hereunder cited by the
428 Airport Zoning Director constitutes a misdemeanor of the second degree punishable as
429 provided in Florida Statutes. Each day a violation continues to exist will constitute a
430 separate offense. Any person who violates; disobeys; omits; neglects; or refuses to
431 comply with; or who resists the enforcement of any of the provisions of these Regulations,
432 an order, ruling, or permit issued hereunder, upon conviction in the county court, will be
433 fined not more than five hundred dollars (\$500.00) for each offense, or by imprisonment
434 in the county jail for not more than sixty (60) days, or by both fine and imprisonment.

435
436 c) In addition to the enforcement provisions provided, the city attorney is hereby
437 authorized to institute in any court of competent jurisdiction an action to prevent; restrain;
438 correct; or abate any violation of these Regulations; or of airport zoning regulations
439 adopted under Chapter 333, Florida Statutes, or of any order or ruling made in connection
440 with their administration or enforcement, and the court shall adjudge to the plaintiff such
441 relief, by way of injunction, which may be mandatory, or otherwise, as may be proper
442 under all the facts and circumstances of the case in order to fully effectuate the purpose
443 Chapter 333, Florida Statutes, these Regulations, and any order or ruling made pursuant
444 thereto.

445
446 d) The remedies provided in this section are cumulative in nature such that seeking
447 one remedy does not preclude the City from seeking alternative relief in the same or
448 separate action.

449
450 **Sec. 58.1227. Airport Board of Adjustment**

451
452 a) The City of Orlando Municipal Planning Board will serve as the Airport Board of
453 Adjustment within the jurisdictional limits of the City of Orlando. The Airport Board of
454 Adjustment will have and exercise all the powers permitted by Chapter 333, Florida
455 Statutes, this section, and all other laws governing its activities and procedures. City
456 Council may establish such rules of procedure or other processes to assist the Airport
457 Board of Adjustment in carrying out its obligation hereunder.

458

459 b) The Airport Zoning Director and the Airport Planning Director will provide such
460 technical, administrative and clerical assistance as is required by the Airport Board of
461 Adjustment to carry out its function under these Regulations.

462
463 c) The Airport Board of Adjustment will have the following powers and duties:

- 464
465 1) Appeals. To hear and decide appeals from any order, requirement, decision or
466 determination made by the Airport Zoning Director in the application or
467 enforcement of these Regulations.
468 2) Abandoned or Deteriorated Uses. To hear and decide petitions to declare an
469 existing nonconforming use abandoned or more than eighty percent (80%) torn
470 down, destroyed, deteriorated or decayed.

471
472 d) Any applicant, land owner, or other lawful participant in such proceeding, who is
473 affected by any decision of the Airport Zoning Director made in the administration of these
474 Regulations, or any governing body of a political subdivision, which is of the opinion that
475 a decision of the Airport Zoning Director is an improper application of these Regulations,
476 may appeal to the Airport Board of Adjustment. Such appeals must be filed no later than
477 ten (10) calendar days after the date of notification of the decision appealed from by filing
478 with the Airport Zoning Director a notice of appeal specifying the grounds therefor. The
479 Airport Zoning Director will transmit to the Airport Board of Adjustment copies of the record
480 of the action appealed. An appeal stays all proceedings in furtherance of the action
481 appealed from, unless the Airport Zoning Director certifies to the Airport Board of
482 Adjustment after the notice of appeal has been filed that, by reason of facts stated in the
483 certificate, a stay would result in imminent peril to life and property. In such case,
484 proceedings will not be stayed other than by order by the Airport Board of Adjustment or
485 by a court of competent jurisdiction, or notice to the Airport Zoning Director, and on due
486 cause shown. Appeals and petitions will be made on forms provided by the City, and all
487 information required on said forms must be provided by the appellant or petitioner. Forms
488 will be filed with the Airport Zoning Director, and the appellant or petitioner must pay for
489 expenses incidental to the appeal or petition. No form will be accepted unless it contains
490 all pertinent information and is accompanied by any required fee.

491
492 **SECTION 6. Part 1F, Chapter 65, Orlando City Code, Amended.** Part 1F, Chapter
493 65, Code of the City of Orlando, Florida is hereby amended as follows:

494
495 **Sec. 65.150.—Created; Composition; Appointment of Members.**

496
497 ~~There shall be an Orlando Orange County Airports Zoning Board, hereinafter referred~~
498 ~~to as the "Airports Zoning Board," to consist of five members all of whom shall be Orange~~
499 ~~County residents.~~

500
501 ~~Two members shall be appointed by the Mayor of the City, and approved by the City~~
502 ~~Council and the Board of County Commissioners; and two members shall be appointed~~
503 ~~by the Board of County Commissioners of Orange County; and a Chairman shall be~~
504 ~~appointed as provided for in the following section. If either or both of the two persons~~
505 ~~appointed by the Mayor are not approved by the City Council or the Board of County~~
506 ~~Commissioners then the Mayor shall continue to appoint persons until two are approved.~~
507 ~~The Airports Zoning Board shall not sit as a Board until the appointments are confirmed.~~
508 ~~Nothing in this section shall affect the power or terms of the existing members of the~~
509 ~~Airports Zoning Board. Reserved.~~

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Sec. 65.151.-- Election of Chairman.

~~A Chairman of the Airports Zoning Board shall be selected by a majority of the voting members of the Airports Zoning Board and approved by the City Council and the Board of County Commissioners. If the person selected by the members is not approved by either the City Council or the Board of County Commissioners then the members shall continue to submit names until a Chairman is approved by both Boards. The Airports Zoning Board shall not sit as a Board until a Chairman is selected and approved.~~
Reserved.

Sec. 65.152.-- Compensation and Terms of Members.

~~The Chairman and all other members of the Airports Zoning Board shall serve without compensation and shall be appointed for a term of three years, or until their successor takes office. At the expiration of the terms of the Chairman and the other persons who are members of the Airports Zoning Board on the date hereof, which terms all expire on June 30, 1978, the County and City shall appoint one member each for a term to end on December 31, 1981, and the Chairman shall be appointed by the four members so appointed for a term to end on December 31, 1979. At the termination of the above-staggered terms, all subsequent members shall be appointed for full three-year terms commencing on January 1st and ending on December 31 of the appropriate years.~~
Reserved.

Sec. 65.153.-- Filling of Vacancies; Removal of Members.

~~Vacancies on the Airports Zoning Board shall be filled in the same manner as the original members are appointed for the unexpired term of any member whose position becomes vacant. The members of the Airports Zoning Board shall be removable for any cause by the appointing authority, upon written charges and after a public hearing.~~
Reserved.

Sec. 65.154.-- Non-Voting Members.

~~The manager of each airport owned or controlled by the City, the County, the Greater Orlando Aviation Authority and any other political subdivision as defined herein shall serve on the Airports Zoning Board in a non-voting capacity.~~
Reserved.

Sec. 65.155.-- Adoption of Rules; Meetings; Administering Oaths; and Compelling Attendance of Witnesses.

~~The Airports Zoning Board shall adopt rules for the conduct of its business, and meetings of the Airports Zoning Board shall be held at the call of the Chairman and at such other times as a majority of the Airports Zoning Board members may determine. All meetings of the Airports Zoning Board shall be open to the public. The Chairman, or in his absence, the Vice-Chairman, may compel the attendance of witnesses and may administer oaths and preside at all meetings of the Board.~~
Reserved.

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~~Sec. 65.156. -- Minutes and Records to be kept.~~

~~The Airports Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon each matter before the Airports Zoning Board for determination, or, if absent or abstaining from voting, indicating such fact, and in the case of abstention, the reason thereof, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Airports Zoning Board and shall be a public record. Reserved.~~

~~Sec. 65.157. -- Power and Authority.~~

~~Subject to the applicable rules, restrictions, guides and standards established by this Chapter, all of the power and authority conferred upon the City, the County, and all other political subdivisions by Florida Statutes ch. 333, as from time to time amended, to adopt, revise, administer and enforce airport zoning regulations to protect the aerial approaches of any airport as defined herein located, in whole or in part, within Orange County is hereby delegated to the Airports Zoning Board. The Airports Zoning Board, in exercising any or all of the power and authority hereby delegated to it, shall at all times and in all respects comply with all of the terms, conditions and provisions contained in Florida Statutes ch. 333, as from time to time amended.~~

~~Before making its decision on any appeal, petition for special exception or variance or any other matter within its purview, the Airport Board of Adjustment will hold a public hearing thereon. Reserved.~~

~~Sec. 65.158. - Appointment of Executive Secretary; Office Space to be Provided.~~

~~The Airports Zoning Board is hereby authorized to appoint an executive secretary of the Airports Zoning Board who shall serve at the pleasure of the Airports Zoning Board and who shall perform such functions as from time to time directed by the Airports Zoning Board. Reserved.~~

~~Sec. 65.159. - Orlando-Orange County Airports Zoning Commission—Appointment.~~

~~In accordance with the provisions of Florida Statutes ch. 333, as from time to time amended, prior to the initial airport zoning of any airport hazard area, the Airports Zoning Board shall appoint an ad hoc commission to be known as the Orlando-Orange County Airports Zoning Commission, hereinafter referred to as the "Airports Zoning Commission." Such appointment shall only be made when the Airports Zoning Board is adopting any initial airport zoning regulations or is setting the initial boundaries for any airport hazard area. Each commission shall consist of no more than nine or less than five members, and the term of the members of each Airports Zoning Commission shall expire upon the adoption or rejection by the Airports Zoning Board of the initial airport zoning for which that particular commission was created. Reserved.~~

~~Sec. 65.160. - Airports Zoning Commission—Subject to Chapter 333 of Florida Statutes; Report to Airports Zoning Board.~~

~~Each Airports Zoning Commission shall be subject to all of the terms and conditions contained in Florida Statutes ch. 333, as from time to time amended, and in this Chapter and shall make reports, hold public hearings and recommend to the Airports Zoning Board~~

612 the original boundaries of the various airport hazard areas to be established and the
613 original airport zoning regulations to be adopted therefor. No such initial regulations or
614 original boundaries shall be passed or set by the Airports Zoning Board until the final report
615 of the Airports Zoning Commission is submitted to it. After the final report is filed, and after
616 waiting the prescribed period of time, the Airports Zoning Board shall hold a public hearing
617 at which time the final report may be accepted, rejected or amended by the Airports Zoning
618 Board. Reserved.

619
620 **Sec. 65.161. - Airports Zoning Commission—Filling Vacancies; Removal of**
621 **Members.**
622

623 Vacancies on each Airports Zoning Commission shall be filled in the same manner as
624 original members are appointed for the unexpired term of the Commission. The members
625 of the Airports Zoning Commission shall be removable for cause by the appointing
626 authority, upon written charges, and after a public hearing. Reserved.
627

628 **Sec. 65.162. - Airports Zoning Commission—Adoption of Rules; Meetings;**
629 **Administering Oaths.**
630

631 Each Airports Zoning Commission shall adopt rules for the conduct of its business, and
632 the meetings of such Commission shall be held at the call of the Chairman thereof or at
633 the call of the Chairman of the Airports Zoning Board, and such other times as a majority
634 of such Commission may determine. All meetings of the Airports Zoning Commission
635 shall be open to the public. The Chairman, or in his absence, the Vice-Chairman, may
636 administer oaths and preside at all meetings of the Commission. Reserved.
637

638 **Sec. 65.163. - Airports Zoning Commission—Minutes and Records to be Kept.**
639

640 The Airports Zoning Commission shall keep minutes of its proceedings, showing the
641 vote of each member upon each matter before such Commission for determination, or if
642 absent or abstaining from voting, indicating such fact, and in the case of abstentions,
643 stating the reason therefor, and shall keep records of its examinations and other official
644 actions, all of which shall be immediately filed in the office of the Airports Zoning Board
645 and shall be a public record. Reserved.
646

647 **Sec. 65.164. - Considerations in Establishing Boundaries of Districts, Amending,**
648 **Revising, Modifying, etc., Zoning Regulations or Restrictions.**
649

650 In determining, adopting, amending, revising, modifying, supplementing or changing
651 any airport zoning regulations or restrictions, the Airports Zoning Board for its guidance,
652 among other things, shall give consideration to the following:
653

654 *Flying Operation.* The character of the flying operations conducted or expected to
655 be conducted at the particular airport.

656 *Terrain.* The nature and topography of the terrain in the airport hazard areas.

657 *Existing Structures and Trees.* The height of existing structures and trees on and in
658 the vicinity of the particular airport.

659 *Mitigation.* The possibility of lowering or removing existing structures or trees in the
660 vicinity of the particular airport.

661 ~~Agency Views. The views of the federal, state and other governmental agencies~~
662 ~~charged with the fostering of civil aeronautics as to the aerial approaches necessary to~~
663 ~~safe flying operations at the particular airport.~~

664 ~~Hazards. The hazards, risks and dangers of aerial traffic at the particular airport.~~

665 ~~Aircraft Use. The types, size, weight and load capacity of aircraft using or which~~
666 ~~may use the particular airport.~~

667 ~~Weather Conditions. The weather conditions generally prevailing in the vicinity of~~
668 ~~the particular airport.~~

669 ~~Landing Area. The size and layout of the landing area of the particular airport.~~

670 ~~Projected Use. The present and future needs of the inhabitants of the City and~~
671 ~~County and other political subdivisions with reference to the use of the particular airport~~
672 ~~for transportation purposes.~~

673 ~~Neighborhood Character. The character of the neighborhood and the uses to which~~
674 ~~the property to be zoned is put and adaptable. Reserved.~~

675
676 **~~Sec. 65.165. - Airports Zoning Commission—Determining District Boundaries~~**
677 **~~and Regulations.~~**

678
679 ~~The Airports Zoning Commission, in determining the various original boundaries of~~
680 ~~airport hazard areas and in determining the original airport zoning regulations to be~~
681 ~~enforced in such original airport hazard areas, for recommendation to the Airports~~
682 ~~Zoning Board for their guidance, shall give consideration, among other things, to all of~~
683 ~~the guides and standards contained in Section 65.164 of this Part and other restrictions~~
684 ~~contained in this Chapter. Reserved.~~

685
686 **~~Sec. 65.166. - Approval of District Boundaries and Regulations by City Council~~**
687 **~~and County Commissioners.~~**

688
689 ~~No boundaries of any original airport hazard areas nor any original airport zoning~~
690 ~~regulations to be enforced therein, established by the Airports Zoning Board shall be~~
691 ~~effective until and after the boundaries of any such original airport hazard area and the~~
692 ~~original airport zoning regulations to be enforced therein have been approved in the~~
693 ~~following manner:~~

694
695 ~~—Within the City of Orlando. When said original boundaries or original regulations affect~~
696 ~~airports owned or controlled by the City of Orlando or when the hazard areas affect~~
697 ~~property inside the corporate limits of the City of Orlando, or affect property owned by~~
698 ~~the City of Orlando, then the boundaries and regulations must be approved by~~
699 ~~ordinances of the City of Orlando and Orange County.~~

700 ~~Other Areas. In all other cases the boundaries and regulations must be approved by an~~
701 ~~ordinance of Orange County. Reserved.~~

702
703 **~~Sec. 65.167. - Airport Zoning Regulations to be Reasonable.~~**

704
705 ~~Any and all airport zoning regulations adopted or promulgated under the power and~~
706 ~~authority contained in Florida Statutes ch. 333, as from time to time amended, or in this~~
707 ~~Part, shall be reasonable and shall have full force of law, and none shall require the~~
708 ~~removal, lowering or other change or alteration of any structure or tree, not conforming~~
709 ~~to airport zoning regulations, when adopted or revised, or otherwise interfere with the~~
710 ~~continuance of any nonconforming use. Reserved.~~

711

712 **Sec. 65.168. - Availability of Airport Zoning Regulations.**
713

714 The airport zoning regulations adopted pursuant to the power and authority contained
715 in Florida Statutes ch. 333 and in this Part shall be so arranged under one cover to the
716 end that all of the laws and regulations applicable to airport zoning may be found in one
717 place. A true and accurate copy of any and all such laws, rules and regulations pertaining
718 to airport zoning shall be kept on file at all times in the office of the Airports Zoning Board,
719 with the City Clerk of the City of Orlando and in the office of the Clerk of the Board of
720 County Commissioners of Orange County, which shall be open to inspection by the
721 public at all times during regular office hours. Reserved.
722

723 **Sec. 65.169. - Administrative Agency.**
724

725 The Airports Zoning Board executive secretary shall be the administrative agency of
726 the Airports Zoning Board. The administrative agency shall have all power conferred on
727 it by Florida Statutes ch. 333, as from time to time amended, and by this Chapter. The
728 administrative agency of the Airports Zoning Board is hereby authorized and empowered
729 to administer and enforce all of the airport zoning regulations and rules adopted by the
730 Airports Zoning Board. Additionally, the administrative agency shall be responsible for
731 the issuance or denial of Airport Zoning Permits as prescribed by this Chapter and to
732 determine if hazard marking or lighting should be required as provided by Florida
733 Statutes ch. 333, as from time to time amended. The administrative agency in exercising
734 any or all of the power and authority hereby delegated to it shall at all times and in all
735 respects comply with all the terms, conditions and provisions contained in this Chapter,
736 Florida Statutes ch. 333, as from time to time amended, and the airport zoning rules and
737 regulations. Reserved.
738

739 **Sec. 65.170. - Construction, Repair, etc., of Buildings and Use of Land to Comply**
740 **with District Regulations.**
741

742 No person shall establish or construct any new structure to make any new use of any
743 land or replace any existing structure or make any new use of any land or structure or
744 make any substantial change therein or thereon or substantial repairs thereto, located
745 in any particular airport hazard area, in violation of any airport zoning regulation or rule
746 applicable to such particular airport hazard area. Reserved.
747

748 **Sec. 65.171. - Correction, Abatement, etc., of Unlawful Action or Condition.**
749

750 In case any person violates any applicable airport zoning regulation or rule, or any
751 Airport Zoning Permit issued thereunder, the administrative agency in addition to other
752 remedies, may institute or cause to be instituted, any appropriate action or proceeding
753 to prevent, restrain, correct or abate such unlawful condition or action. Reserved.
754

755 **Sec. 65.172. - Regulations not to be Changed Without Consent of County**
756 **Authority.**
757

758 The appropriate legislative authority of Orange County having passed legislation
759 substantially similar to this Part, Part 1F of this Chapter and Part 4A of Chapter 65, and
760 such legislation and such Parts being intended to be in the nature of joint and concurrent
761 action, such Parts shall not be changed without the consent of the appropriate legislative
762 authority of Orange County. Reserved.

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Sec. 65.173. - Ratification of Existing Regulations.

~~By passing this Part, Part 1F of this Chapter and Part 4A of Chapter 65, the City Council of the City of Orlando hereby specifically ratifies and confirms all existing airport zoning regulations which have been promulgated by the existing Orlando-Orange County Airports Zoning Board and which regulate and protect airport hazard areas pertaining to the Orlando International Airport (formerly known as Orlando Jetport at McCoy), Orlando Executive Airport (formerly known as Herndon Airport), Maguire Airport, Bob White Field (formerly known as Eure Brothers Airport) and Orlando North Airport (formerly known as McDonald Airport). Reserved.~~

SECTION 7. Part 1G, Chapter 65, Orlando City Code, Amended. Part 1G, Chapter 65, Code of the City of Orlando, Florida is hereby amended as follows:

1G. - ORLANDO-ORANGE COUNTY AIRPORTS ZONING BOARD OF ADJUSTMENT
Sec. 65.180. - Created; Powers Generally.

~~There shall be an Orlando-Orange County Airports Zoning Board of Adjustment (hereinafter sometimes referred to as the "Board of Adjustment" or "Board"), which shall have and exercise all of the powers permitted by Florida Statutes ch. 333, as from time to time amended, and this Chapter. Reserved.~~

Sec. 65.181. - Composition; Compliance with Chapter 333 of Florida Statutes and this Chapter.

~~The Airports Zoning Board of Adjustment shall consist of five members who shall be appointed by the Airports Zoning Board and approved by the City Council and the Board of County Commissioners. If any member is not approved by the City or the County, then the Airports Zoning Board shall continue to appoint persons until five members are approved. The Board shall not sit as a Board until five members are approved. The Board of Adjustment shall be subject to and shall comply with, all of the applicable terms and provisions contained in Chapter 333, Florida Statutes ch. 333, as from time to time amended, and in this Chapter. The term of the members of the Airports Zoning Board of Adjustment shall be three years but the Airports Zoning Board may stagger the terms of the members of the Airports Zoning Board of Adjustment in any manner as long as the unexpired term of any member is not affected. At the expiration of the terms of the existing members of the Board of Adjustment, the terms of the next succeeding members shall be extended so that all members will have terms that will expire on December 31 of the third calendar year after their appointment. From and after that time, each member shall be appointed for a three-year term commencing on January 1st and ending December 31 three years later. The requirement that all members be first approved by the City and County shall not affect any existing member of the Board of Adjustment. Reserved.~~

Sec. 65.182. - Qualifications and Appointment of Members; Designation of Chairman; Filling Vacancies.

~~All members of the Board of Adjustment shall be residents of Orange County. The Chairman of the Board of Adjustment shall be designated by the Airports Zoning Board. Vacancies on the Board of Adjustment shall be filled in the same manner as original members are appointed for the unexpired term of any member whose position becomes~~

814 vacant and any member of the Board of Adjustment shall serve until his successor takes
815 office. Reserved.

816
817 **Sec. 65.183. ~~Appointment of Secretary and Assistant; Office Space to be~~**
818 **~~Provided.~~**

819
820 The Airports Zoning Board of Adjustment is hereby authorized to appoint a secretary
821 of the Board and such other assistants as may be necessary for the purpose of proper
822 performance of the duties and business of the Board. The City and the County, as they
823 mutually agree, shall furnish adequate office space, staff and funding for the proper
824 functioning of the Board of Adjustment. Reserved.

825
826 **Sec. 65.184. - ~~Adoption of Rules; Meetings; Administering Oaths and Compelling~~**
827 **~~Attendance of Witnesses.~~**
828

829 The Board of Adjustment shall adopt rules in accordance with the provisions of Florida
830 Statutes ch. 333, as from time to time amended, and this Chapter. Meetings of the Board
831 shall be held at the call of the Chairman and at such other times as the Board may
832 determine. The Chairman, or in his absence the acting Chairman, may administer oaths
833 and compel the attendance of witnesses. All hearings of the Board shall be public. The
834 Board shall keep minutes of its proceedings, showing the vote of each member upon
835 each question, or, if absent or failing to vote, indicating such fact, and shall keep records
836 of its examinations and other official actions, all of which shall be filed in the office of the
837 Board and shall be public record. Reserved.

838
839 **Sec. 65.185. - ~~Powers—Airport Zoning Variances Commission.~~**
840

841 The Airports Zoning Board of Adjustment, created in accordance with the provisions
842 of Florida Statutes ch. 333, as from time to time amended, is hereby authorized and
843 empowered to hear, decide and grant specific variances from airport zoning regulations
844 in cases of practical difficulty or unnecessary hardship after public notice has been given
845 in connection therewith. Any person desiring to erect any structure or increase the height
846 of any structure, or permit the growth of any tree or otherwise use his property in violation
847 of any airport zoning regulations adopted under this Chapter may make application for
848 a variance from the airport zoning regulations in question. In all applications for airport
849 zoning variance permits arising under this Chapter, such variances shall be allowed
850 where a literal application or enforcement of the regulations would result in practical
851 difficulty or unnecessary hardship and the relief granted would not be contrary to the
852 public interest but do substantial justice and be in accordance with the spirit of the
853 regulations, Florida Statutes ch. 333, as from time to time amended, and this Chapter.
854 Provided that any airport zoning variance may be allowed subject to any reasonable
855 conditions that the Board of Adjustment may deem necessary to effectuate the purposes
856 of this airport zoning law. The Board of Adjustment shall act as a fact-finding body and
857 as a guide to its decision, it shall give consideration, among other things, to the rules,
858 regulations, restrictions, guides and standards set forth in Florida Statutes ch. 333, as
859 from time to time amended, in this Chapter, and in the airport zoning rules and
860 regulations and especially to the following:

861 Guidelines. The guides and standards set forth in Part 1F of this Chapter.

862 Height and Width. The height and width or proposed height and width and use or
863 proposed use of the particular structure or tree in connection with which a variance from
864 the airport zoning regulations is being requested.

865 ~~Hazard Potential. Whether or not the particular structure or tree will create or~~
866 ~~become an airport hazard.~~

867 ~~Public Health and Safety. Whether or not the issuance of such permit will result in~~
868 ~~endangering the public health, safety, security or order. Reserved.~~

869
870 **~~Sec. 65.186. - Powers—Hazard Marking and Lighting.~~**

871
872 ~~In granting any permit or variance under this Part, the Board of Adjustment may, if it~~
873 ~~deems such action advisable, to effectuate the purposes of this Chapter and reasonable~~
874 ~~in the circumstances, so condition such permit or variance as to require the owner of the~~
875 ~~structure or tree in question to permit the applicable political subdivision, at its own~~
876 ~~expense, to install, operate and maintain thereon, such markers and lights as may be~~
877 ~~necessary to indicate to flyers the presence of airport hazard. Reserved.~~

878
879 **~~Sec. 65.187. - Powers—Appeal of Decision of Administrative Agency.~~**

880
881 ~~Any person aggrieved, or taxpayer affected, by any decision of the administrative~~
882 ~~agency made in its administration of airport zoning regulations adopted under Part 1E~~
883 ~~of this Chapter or under Florida Statutes ch. 333, as from time to time amended, or any~~
884 ~~governing body of a political subdivision, or the Airport Zoning Board, which is of the~~
885 ~~opinion that a decision of the administrative agency is an improper application of airport~~
886 ~~zoning regulations of concern to such governing body or board or person or taxpayer,~~
887 ~~may appeal to the Airports Zoning Board of Adjustment in the same manner and~~
888 ~~pursuant to the terms of Florida Statutes ch. 333, as from time to time amended, and~~
889 ~~this Chapter. In particular any appeal shall be made pursuant to the following conditions:~~

890 ~~Filing of Appeal. All appeals taken under this Section must be taken within a~~
891 ~~reasonable time, as provided by the rules of the Board, by filing with the agency from~~
892 ~~which appeal is taken and with the Board, a notice of appeal specifying the grounds~~
893 ~~thereof. The Agency from which the appeal is taken shall forthwith transmit to the Board~~
894 ~~all the papers constituting the record upon which the action appealed from was taken,~~
895 ~~or properly certified copies thereof in lieu of originals, as the agency involved may elect.~~

896 ~~Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the~~
897 ~~action appealed from, unless the agency from which the appeal is taken certifies to the~~
898 ~~Board, after the notice of appeal has been filed with it, that by reason of the facts stated~~
899 ~~in the certificate a stay would, in its opinion, cause imminent peril to life or property. In~~
900 ~~such cases, proceedings shall not be stayed otherwise than by an order of the Board on~~
901 ~~notice to the agency from which the appeal is taken and on due cause shown.~~

902 ~~Hearing. The Board shall fix a reasonable time for the hearing of appeals, give~~
903 ~~public notice and due notice to the parties in interest, and decide the same within a~~
904 ~~reasonable time. Upon the hearing, any party may appear in person or by agent or by~~
905 ~~attorney.~~

906 ~~Decision. The Board may, in conformity with the provisions of Florida Statutes ch.~~
907 ~~333, as from time to time amended, or this Chapter, reverse or affirm wholly or partly, or~~
908 ~~modify, the order, requirement, decision, or determination as ought to be made, and to~~
909 ~~that end shall have all powers of the administrative agency from which the appeal is~~
910 ~~taken. Reserved.~~

911
912 **~~Sec. 65.188. - Powers—Special Exceptions.~~**

913
914 ~~The Board of Adjustment is hereby authorized and empowered to hear, decide and~~
915 ~~grant any request for a special exception to the terms of the Airport Zoning Regulations~~

916 promulgated hereunder when such special exceptions are provided for by any such
917 regulations. When deciding upon any request for a special exception, the Board of
918 Adjustment shall use as its guide the specific guidelines provided in said regulations.
919 Reserved.

920
921 **Sec. 65.189. - Judicial Review.**

922
923 Any person aggrieved, or taxpayer affected, by any decision of the Board of
924 Adjustment, or any governing body of a political subdivision or the Airports Zoning Board,
925 or the administrative agency thereunder, which is of the opinion that a decision of the
926 Board of Adjustment is illegal, may appeal such action to the circuit court pursuant to
927 the provisions of Florida Statutes ch. 333, as from time to time amended, and this
928 Chapter. Reserved.

929
930 **SECTION 8. Part 4A, Chapter 65, Orlando City Code, Amended.** Part 4A, Chapter
931 65, Code of the City of Orlando, Florida is hereby amended as follows:
932

933 **Sec. 65.460. - When an Airport Zoning Permit is Required.**

934
935 Before any person shall establish or construct any new structure or make any new
936 use of any land or replace any existing structure or make any new use of land or structure
937 located in any airport hazard area, or shall make any substantial change therein or
938 thereon or substantial repair thereto, and before any nonconforming structure or tree
939 may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or
940 replanted, the owner thereof shall secure from the administrative agency of the Airports
941 Zoning Board in the manner provided in this Ordinance, an Airport Zoning Permit
942 authorizing such establishment, construction, replacement, change, or repair.
943 Reserved.

944
945 **Sec. 65.461. - Application.**

946
947 The owner of such structure, tree, or land, as provided for above, shall file an
948 application with the administrative agency of the Airports Zoning Board for an Airport
949 Zoning Permit to do the operations or projects described above, and shall secure such
950 permit before commencing any work in connection therewith. Each application for an
951 Airport Zoning Permit shall contain such information and be accompanied by such plats,
952 drawings and other data as may be necessary to enable the administrative agency to
953 determine whether or not the proposed operation or project will comply with all applicable
954 airport zoning regulations. Reserved.

955
956 **Sec. 65.462. - Permits to be Granted as of Right.**

957
958 Except as provided herein, applications for Airport Zoning Permits shall be granted,
959 provided the matter applied for meets the provisions of this Part and this Chapter; of
960 Florida Statutes ch. 333, as from time to time amended; and the regulations and rules
961 adopted and in force thereunder. Reserved.

962
963 **Sec. 65.463. - When Permits Not to be Granted.**

964
965 No Airport Zoning Permit shall be granted that will allow a structure, tree or use of
966 land in question to be used, planted, constructed or erected if the same shall violate the

967 ~~terms of the applicable airport zoning regulations or if said application requests~~
968 ~~permission to allow the same to become higher or become a greater hazard to air~~
969 ~~navigation than it was when the applicable airport zoning regulation was adopted.~~
970 Reserved.

971
972 ~~**Sec. 65.464. - Compliance with Airport Zoning Regulations Required Prior to**~~
973 ~~**Issuance.**~~

974
975 ~~The administrative agency of the Airports Zoning Board shall not issue any Airport~~
976 ~~Zoning Permit unless all airport zoning regulations or rules applicable to the particular~~
977 ~~airport hazard area in which the structure, tree or land is located, shall be fully complied~~
978 ~~with.~~ Reserved.

979
980 ~~**Sec. 65.465. - Denial of Permit; Appeal Procedure.**~~

981
982 ~~If any proposed operation or project, for which an application for an Airport Zoning~~
983 ~~Permit is filed, does not conform with the provisions of any applicable airport zoning~~
984 ~~regulation or rule, the application shall be disapproved by the administrative agency,~~
985 ~~who shall notify the applicant in writing to that effect, with the reasons for the disapproval.~~
986 ~~Upon written request of the applicant in accordance with Chapter 65, Part 1G, any~~
987 ~~decision of the administrative agency denying an Airport Zoning Permit may be appealed~~
988 ~~to the Airports Zoning Board of Adjustment. After the hearing before the Airports Zoning~~
989 ~~Board of Adjustment on the appeal, the administrative agency of the Airports Zoning~~
990 ~~Board shall forthwith notify the applicant in writing of the decision of the Airports Zoning~~
991 ~~Board of Adjustment.~~ Reserved.

992
993 **SECTION 9. DEFINITIONS. Part 2, Chapter 66, section 66.200, Orlando City Code,**
994 **Amended.** Part 2, Chapter 66, section 66.200, Code of the City of Orlando, Florida is
995 hereby amended as follows:

996 ****

997 a) Aeronautical Study. A Federal Aviation Administration study, conducted in
998 accordance with the standards of 14 CFR 77, subpart C, and Federal Aviation
999 Administration policy and guidance, on the effect of proposed construction or alteration
1000 upon the operation of air navigation facilities and the safe and efficient use of navigable
1001 airspace.

1002
1003 b) Airport Board of Adjustment. The Municipal Planning Board, or such other board
1004 appointed by the City Council of the City of Orlando, to carry out the obligations set forth
1005 in section Chapter 333, Florida Statutes.

1006
1007 c) Airport Elevation. The highest point of an Airport's usable landing area measured
1008 in feet above mean sea level.

1009
1010 d) Airport Hazard. ~~Any structure or tree or use of lands which would exceed the~~
1011 ~~federal obstruction standards as contained in 14 CFR Sections 77.21, 77.23 and 77.25~~
1012 ~~(revised March 4, 1972), as from time to time amended, and which obstructs the airspace~~
1013 ~~required for the flight of aircraft in landing or taking off at an airport or is otherwise~~
1014 ~~hazardous to such landing or taking off of aircraft. An obstruction to air navigation which~~
1015 ~~affects the safe and efficient use of navigable airspace or the operation of planned or~~
1016 ~~existing air navigation and communication facilities.~~

1018 e) Airport Height Zone. Any area described herein or shown on the Airport Height
1019 Zoning Map indicating the height at which a proposal for development, construction,
1020 establishment, enlargement or substantial alteration of repair of a structure requires an
1021 airport height zoning permit.

1022
1023 f) Airport Height Zoning Map. The map of the area surrounding the Airport which
1024 depicts the Airport Height Zones, and which has been approved by the Orlando City
1025 Council for purposes of this code.

1026
1027 g) Airport Layout Plan or ALP. A set of scaled drawings that provides a graphic
1028 representation of the existing and future development plan for the Airport and
1029 demonstrates the preservation and continuity of safety, utility, and efficiency of the
1030 Airport.

1031
1032 h) Airport Obstruction. Any existing or proposed structure or object of natural
1033 growth that exceeds federal obstruction standards as contained in 14 CFR §§ 77.13,
1034 77.15, 77.17, 77.19, 77.21, 77.23 and any other Federal Airspace obstruction related
1035 standards such as OEI, TERPS and TSS.

1036
1037 i) Airport Surveillance Radar (or ASR). A radar used for FAA air traffic
1038 management.

1039
1040 j) Airport Zoning Commission. The Municipal Planning Board, or such other
1041 board appointed by the City Council of the City of Orlando, to carry out the obligation set
1042 forth in Chapter 333, Florida Statutes.

1043
1044 k) Airport Zoning Director. The City of Orlando's Director of Planning, or designee,
1045 who is responsible for administering and enforcing the Airport Zoning Regulations.

1046
1047 l) Airspace Hazard. Any structure, object of natural growth or use of land which
1048 would exceed federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15,
1049 77.17, 77.19, 77.21 and 77.23, TERPS, OEI, TSS, and which obstructs the airspace
1050 required for the flight of aircraft in taking off, maneuvering or landing or is otherwise
1051 hazardous to such taking off, maneuvering or landing of aircraft and for which no person
1052 has previously obtained a permit pursuant to the Airport Zoning Regulations.

1053
1054 m) Airspace Surface. Any surface established and described in the Airport Zoning
1055 Regulations used to evaluate whether an application for an airport height zoning permit
1056 or any existing or proposed structure or object of natural growth complies with federal
1057 obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and
1058 77.23; terminal instrument procedures as contained in Federal Aviation Administration
1059 Order 8260.3C and Order 8260.58A, TERPS, federal regulations for turbine powered
1060 aircraft as contained in 14 CFR § 121.189, OEI, and TSS.

1061
1062 n) Authority. The Greater Orlando Aviation Authority.

1063
1064 o) Authority Planning Director. The Director of Planning of the Authority, or a
1065 designee of the Authority's Director of Planning.

1066
1067 p) Avigation Easement. The right to use the airspace over real property.
1068

1069 q) Educational Facility. Any Structure, land, or use that includes a public or private
1070 kindergarten through 12th grade school, charter school, magnet school, college campus,
1071 or university campus. As it relates to Airport Zoning Regulations, the term does not
1072 include space used for educational purposes within a multitenant building.

1073
1074 r) Federal Aviation Administration (or FAA). A federal agency charged with
1075 regulating air commerce to promote its safety, encouraging and developing civil aviation,
1076 air traffic control and air navigation and promoting the development of a national system
1077 of airports.

1078
1079 s) GOAA Planning Director. The Director of Planning of the Greater Orlando
1080 Aviation Authority, or designee.

1081
1082 t) Non-Vertically Guided Instrument Runway. A runway having an existing,
1083 published, or planned instrument approach procedure utilizing air navigation facilities
1084 with only lateral [horizontal] guidance or area type navigation equipment, for which a
1085 straight-in non-vertically guided instrument approach procedure has been approved or
1086 planned on a FAA planning document or approved Airport Layout Plan.

1087
1088 u) Object of Natural Growth. Any organism of the plant kingdom, including a tree.

1089
1090 v) Runway. A defined area on an airport prepared for landing and takeoff of
1091 aircraft along its length.

1092
1093 w) Runway Protection Zone. Area at the end of a runway designed to enhance the
1094 protection of people and property on the ground; the dimensions of which are based on
1095 aircraft category and visibility minimums defined in FAA Advisory Circular 150/5300-
1096 13A, Change 1, entitled Airport Design and in accordance with 14 CFR § 151.9(b).

1097
1098 x) Structure. (For Airport Zoning Regulations-Part 9, Chapter 58) Anything
1099 constructed, erected or placed, the use of which requires more or less permanent location
1100 on or in the ground or attached to something having a permanent location on or in the
1101 ground. Among other things, this term includes buildings, swimming pools, mobile homes,
1102 walls, fences, and signs; but does not include paving and sidewalks. antenna, towers,
1103 cellular towers, smoke stacks, utility or light poles, overhead transmission lines,
1104 advertising signs, billboards, poster panels, fences, construction cranes, derricks,
1105 draglines, boom-equipped machinery, balloons, kites, watercraft, retaining walls, and
1106 navigation aids including but not limited to VORTAC, LLWAS, ASOS, approach lighting
1107 systems and radar facilities, as FAA Navigation Aids are defined in section 3.7(c). The
1108 term does not include paving and sidewalks.

1109
1110 y) Terminal Instrument Procedures (or TERPS). Criteria for terminal instrument
1111 procedures for arriving and departing aircraft as established in FAA Order 8260.3C and
1112 Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures,
1113 OEI, TSS.

1114
1115 z) Vertically Guided Instrument Runway. A runway having an existing, published,
1116 or planned instrument approach procedure utilizing air navigation facilities or an
1117 Instrument Landing System (“ILS”) with lateral and vertical guidance or area type
1118 navigation equipment, for which a straight-in vertically guided instrument approach

1119 procedure has been approved or planned, and for which a vertically guided approach is
1120 planned or indicated on an FAA planning document or approved Airport Layout Plan

1121
1122 **SECTION 10. CODE ENFORCEMENT CITATIONS.** Sec. 5.19. AMENDED. Section
1123 5.19, Code of the City of Orlando is hereby amended as follows:
1124

1125 **Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.**

1126 ****
1127 (2) Violations of City codes and ordinances which constitute civil infractions for
1128 which citations may be issued are as follows:
1129

1130 ****
1131 CH. 58, ZONING DISTRICTS AND USES
1132

1133 ****
1134 Part 9 (Sec. 58.1210 – Sec. 58.1225) Airport Zoning Regulations Class II
1135

1136 ****
1137 **SECTION 11. CODIFICATION.** The city clerk and the city attorney shall cause the Code
1138 of the City of Orlando, Florida, to be amended as provided by this ordinance and may
1139 renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to
1140 facilitate the finding of the law.
1141

1142 **SECTION 12. SCRIVENER'S ERROR.** The city attorney may correct scrivener's errors
1143 found in this ordinance by filing a corrected copy of this ordinance with the city clerk.
1144

1145 **SECTION 13. SEVERABILITY.** If any provision of this ordinance or its application to any
1146 person or circumstance is held invalid, the invalidity does not affect other provisions or
1147 applications of this ordinance which can be given effect without the invalid provision or
1148 application, and to this end the provisions of this ordinance are severable.
1149

1150 **SECTION 14. AMENDMENT.** These Regulations, including the Airport Height Zoning
1151 Map, may be amended by GOAA on its own motion. Before adopting an amendment to
1152 these Regulations, the City will give public notice and hold a public hearing as provided
1153 by Section 333.05, Florida Statutes.
1154

1155 **SECTION 15. CONFLICT WITH OTHER LAWS OR REGULATIONS.** In the event of
1156 any conflict between these Regulations and any other laws and regulations applicable to
1157 the same area, whether the conflict be with respect to the height of structures or
1158 vegetation, the use of land, or any other matter, and whether such regulations were
1159 adopted by the City or by some other political subdivision, the more stringent limitation or
1160 requirement will govern and prevail.
1161

1162 **SECTION 16. REPEAL OF CONFLICTING PROVISIONS.** All previous ordinances,
1163 resolutions or motions of the City of Orlando which conflict with these Regulations are
1164 hereby repealed to the extent of such conflict, except as provided herein.
1165

1166 **SECTION 17. EFFECTIVE DATE.** This ordinance is effective upon adoption.
1167

ORDINANCE NO. 2017-48

1168 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in the
1169 City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____
1170 day of _____, 2017.

1171
1172 **DONE THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in
1173 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the
1174 _____ day of _____, 2017.

1175
1176 **DONE, THE FIRST READING**, by the City Council of the City of Orlando, Florida,
1177 at a regular meeting, the _____ day of _____, 2017.

1178
1179 **DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON**
1180 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
1181 Council of the City of Orlando, Florida, at a regular meeting, the _____ day of
1182 _____, 2017.

1183
1184 BY THE MAYOR/MAYOR PRO TEMPORE
1185 OF THE CITY OF ORLANDO, FLORIDA:

1186
1187 _____
1188 Mayor/Mayor Pro Tempore

1189
1190 ATTEST, BY THE CLERK OF THE
1191 CITY COUNCIL OF THE CITY OF
1192 ORLANDO, FLORIDA:

1193
1194 _____
1195 City Clerk

1196
1197 _____
1198 Print Name

1199
1200 APPROVED AS TO FORM AND LEGALITY
1201 FOR THE USE AND RELIANCE OF THE
1202 CITY OF ORLANDO, FLORIDA:

1203
1204 _____
1205 Assistant City Attorney

1206
1207 _____
1208 Print Name