

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO AIRPORT ZONING REGULATIONS; REPEALING SECTIONS 2-144 THROUGH 2-144.8 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”); REPEALING SECTIONS 39-359 THROUGH 39-359.10 OF THE CODE; AMENDING SECTION 5-181 OF THE CODE, PROVIDING FOR DEVELOPMENT REVIEW REQUIREMENTS; AMENDING SECTION 5-182.10 OF THE CODE, REQUIRING REVIEW OF PLAT-RELATED APPLICATIONS FOR HAZARDS TO AIR NAVIGATION AND ADOPTING AIRPORT IMAGINARY SURFACES; AMENDING SECTION 5-201 OF THE CODE, ADDING DEFINITIONS; AMENDING SECTION 27-66 OF THE CODE, PROVIDING FOR COMPLIANCE WITH AIRPORT ZONING REGULATIONS PRIOR TO ENVIRONMENTAL REVIEW APPROVAL; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 333 of the Florida Statutes requires every political subdivision having an airport hazard area within its territorial limits to adopt, administer, and enforce, under the police power, airport protection zoning regulations for such airport hazard area;

WHEREAS, the Board of County Commissioners of Broward County, Florida (“Board”), desires to amend the Broward County Code of Ordinances to comply with certain statutory amendments;

WHEREAS, the Board finds that the airport zoning regulations adopted hereunder are reasonable, do not impose any requirement or restriction that is not reasonably necessary to effectuate the purposes of Chapter 333, Florida Statutes, and are independently justified in order to promote the public interest in public health, public safety, and general welfare; and

1 WHEREAS, the Board finds that the implementation of this Ordinance, as set forth
2 herein, promotes, protects, and improves the public health, public safety, and general
3 welfare of the residents of Broward County, Florida,
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5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
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8 Section 1. Sections 2-144 through 2-144.8 of the Broward County Code of
9 Ordinances are hereby repealed in their entirety.
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11 Section 2. Sections 39-359 through 39-359.10 of the Broward County Code of
12 Ordinances are hereby repealed in their entirety.
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14 Section 3. Section 5-181 of the Broward County Code of Ordinances is hereby
15 amended to read as follows:

16 **Sec. 5-181. Development review procedures.**

17 . . .

18 (f) *Required response to Development Review Report.*

19 (1) No later than sixty (60) days after issuance of the Development Review
20 Report, the applicant shall respond, in writing, to the Planning and
21 Development Management Division Director specifying any objections to
22 the Development Review Report, including, but not limited to, BCAD's
23 determination on whether to grant an Obstruction Approval. Any objection
24 to BCAD's determination on whether to grant an Obstruction Approval shall
be treated as a notice to appeal and be heard by the County Commission

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1 pursuant to this Section 5-181. If no response is received from the applicant
2 during the sixty (60) day time period, ~~no later than five (5) days after~~
3 ~~expiration of the sixty (60) day time period~~, the Planning and Development
4 Management Division Director shall, no later than five (5) days after
5 expiration of the sixty (60) day time period, provide notification to the
6 applicant that the application will be presented to the County Commission
7 or the County Administrator, as applicable, pursuant to ~~Sub~~section (2)
8 below.

9 . . .

10
11 Section 4. Section 5-182.10 of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 5-182.10. Airports.**

- 14 (a) ~~Protection of air navigation~~ Runway Protection Zones.
- 15 (1) Runway Protection Zone Establishment for Airports. There is hereby
16 created and established a Runway Protection Zone at each end of every
17 active Runway at the Airports. The Runway Protection Zones of the Airports
18 are illustrated in the County's Airport Layout Plan ("ALP"), as amended,
19 which is hereby adopted by reference. Ongoing updates to the ALP are
20 anticipated as conditions change at the Airports. A copy of the ALP is on
21 file and available for inspection at BCAD.
- 22 (2) Acquisition of Runway Protection Zone Property by Governmental Entity.
- 23 It is recognized that development within ~~airport~~ Runway ~~Protection~~
24 zZones creates a safety risk to air navigation, to the development within
 the ~~Runway~~ Protection ~~z~~Zones, and to persons using the facilities

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1 constructed within the ~~Runway~~ ~~Protection~~ ~~Zones~~. Therefore, if the
2 application includes any property that has been designated within a
3 ~~Runway~~ ~~Protection~~ ~~Zone~~ of a governmentally operated airport,
4 including the Runway Protection Zones established for the Airports, the
5 County Commission may defer the application for no more than sixty (60)
6 days (“Deferral Period”) to allow the governmental ~~agency~~ entity operating
7 the airport to decide whether to purchase the property within the ~~Runway~~
8 ~~Protection~~ ~~Zone~~. If the governmental ~~with jurisdiction over~~ entity
9 operating the airport fails to provide the County Commission with a
10 resolution during the Deferral Period indicating its intent to acquire the
11 ~~Runway~~ ~~Protection~~ ~~Zone~~ property ~~within sixty (60) days~~, or where the
12 County Commission is the governmental entity operating the airport, if the
13 County Commission fails to make a decision during the Deferral Period to
14 purchase the ~~Runway~~ ~~Protection~~ ~~Zone~~ ~~parcel within sixty (60) days~~
15 property, then the County Commission shall take action on the plat on the
16 next available plat agenda following the expiration of ~~sixty (60) days~~ the
17 Deferral Period. If the governmental ~~with jurisdiction over~~ entity operating
18 the airport decides by resolution to purchase the property, then the County
19 Commission may seek the applicant’s agreement to defer the plat for up
20 to an additional nine (9) months to allow for acquisition (“Additional
21 Deferral Period”);^{7.1} provided that the County Commission may require the
22 governmental entity operating the airport to provide indemnification in the
23 event that the governmental entity does not acquire the property within
24 ~~nine (9) months~~ the Additional Deferral Period. At any time during this
process, the applicant may modify the application to exclude the

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1 designated ~~Runway Protection Zone~~ or, upon acquisition, the
2 governmental entity ~~with jurisdiction over~~ operating the airport may remove
3 the ~~Runway Protection Zone~~ property from the plat application. Such a
4 revised application shall be processed as determined necessary
5 consistent with this article by the Planning and Development Management
6 Division Director, and in no event shall such a revision result in the need
7 for the application to requalify for roadway capacity previously allocated at
8 the time the plat was submitted. Any plat that includes a ~~Runway~~
9 ~~Protection Zone~~ shall be required to delineate the ~~Runway Protection~~
10 ~~Zone~~ on the plat, and the plat may include language stating that a
11 delineation of the ~~Runway Protection Zone~~ is provided for informational
12 purposes only.

13 (3) Land Use Compatibility Regulations for Runway Protection Zones of the
14 Airports. The intent of the Runway Protection Zone is to protect people and
15 property on the ground by eliminating incompatible land uses and providing
16 an area that is cleared, graded, and free of surface variations. The following
17 land use compatibility regulations are intended to meet this intent:

18 a. Allowable uses. The following land uses are permissible within the
19 Runway Protection Zones of the Airports, following review and
20 approval by BCAD to assure compatibility with airport operations,
21 and receipt of a favorable determination from the FAA:

- 22 1. Agricultural uses that meet airport design standards;
- 23 2. Irrigation channels that meet the requirements of FAA
24 Advisory Circular 150/5200-33B, "Hazardous Wildlife
Attractants on or Near Airports," as amended, and the

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1 FAA/USDA manual, "Wildlife Hazard Management at
2 Airports," as amended:

3 3. Airport service roads, as long as they are secured to prevent
4 access by the general public and are directly controlled by the
5 County;

6 4. Underground facilities, as long as they meet other applicable
7 design criteria, such as the runway safety area (RSA)
8 requirements described in FAA Advisory Circular 150/5300-
9 13A, "Airport Design," as amended;

10 5. Unstaffed electronic and visual air navigation aids and
11 facilities, such as equipment for airport facilities, that are
12 considered fixed-by-function in regard to the Runway
13 Protection Zone; and

14 6. All County uses on County-owned property.

15 b. Prohibited uses. The following land uses are identified as
16 incompatible land uses in the FAA Memorandum, "Interim Guidance
17 on Land Uses Within a Runway Protection Zone" (dated
18 September 2, 2012), as amended, and are therefore prohibited
19 within the Runway Protection Zones of the Airports. The prohibited
20 uses may be permitted, however, provided the FAA issues a
21 Determination Letter stating that the proposed use has minimized all
22 potential risks and liabilities and, upon review and approval by
23 BCAD, assures compatibility with airport operations:

24 1. Buildings and Structures, unless otherwise expressly allowed
by Section 5-182.10(a)(3)a, above:

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1 2. Recreational land uses (examples include, but are not limited
2 to: golf courses, sports fields, amusement parks, other places
3 of public assembly, etc.):

4 3. Transportation facilities (examples include, but are not limited
5 to: rail facilities—light or heavy, passenger or freight; public
6 roads/highways; vehicular parking facilities; etc.):

7 4. Fuel storage facilities (above and below ground);

8 5. Hazardous material storage (above and below ground);

9 6. Wastewater treatment facilities; and

10 7. Above-ground utility infrastructure (i.e., electrical substations),
11 including any type of solar panel installations.

12 (b) *Notice of potential airport noise impacts.*

13 ~~(1) If the development includes property subject to the notice requirements of~~
14 ~~Federal Aviation Regulations (FAR) Part 77, Subpart B, the development~~
15 ~~must receive a Federal Aviation Administration (FAA) determination that it~~
16 ~~does not constitute a hazard to air navigation or require operational~~
17 ~~modifications to the airport to avoid such a hazard. If the application is for~~
18 ~~plat approval and the Broward County Aviation Department indicates that~~
19 ~~the development is subject to or may be subject to FAR Part 77, Subpart B,~~
20 ~~a note shall be placed on the plat, prior to recordation, stating that the~~
21 ~~development shall comply with Section IV D.1.f. of the Broward County~~
22 ~~Land Use Plan, Chapter 333, Florida Statutes, and, if the plat is in the~~
23 ~~unincorporated area, with the Broward County Airport Zoning Ordinance~~
24 ~~relating to hazards to air navigation.~~

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1 (2) If an application for a residential development permit includes land lying within an
2 area that extends five (5) miles in a direct line along the centerline of an existing or
3 proposed runway of any ~~County-owned a~~Airports ~~and that has a width measuring~~
4 ~~one-half (1/2) the length of such runway~~, then approval of the application shall be
5 conditioned upon the applicant recording a separate document against all the property
6 within the development, as follows:

7 This serves as notice of potential aircraft overflight and noise impacts on this
8 property, due to its close proximity to ~~a County-owned a~~Airports, which is being disclosed
9 to all prospective purchasers considering the use of this property for residential purposes.
10 Further information regarding the current and potential impacts of airport operations on
11 the subject property may be obtained from the Broward County Aviation Department,
12 Planning & Environment Division. In addition to the foregoing, consistent with the FAA's
13 "Change in FAA's Noise Mitigation Policy," effective October 1, 1998, the County will only
14 provide noise mitigation for existing "incompatible development" and not for new
15 incompatible development. The determination of "compatible" and "incompatible
16 development" will be based on the County's most current noise compatibility program
17 that has been reviewed and approved by the FAA for the Fort Lauderdale-Hollywood
18 International Airport (Airport). The determination of compatible and incompatible uses is
19 based on the most current FAA-approved Noise Exposure Map and the land use
20 compatibility information contained in the "Land Use Compatibility With Yearly Day-Night
21 Average Sound Levels" Table found in 14 C.F.R. Appendix A to Part 150.

22 (c) Hazards to air navigation.

23 (1) Purpose and Declaration of Legislative Intent.

24 a. It is hereby found that certain land uses and Obstructions into
airspace near the Airports have the potential to be Airport Hazards.

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1 endangering the lives and property of users of the Airports and of
2 the occupants of land in the vicinity of the Airports. Airport Hazards
3 can also reduce the size of the area available for the taking off,
4 maneuvering, or landing of aircraft, thus tending to destroy or impair
5 the utility of the Airports and the public investment therein. It is further
6 found that certain activities and uses of land in the immediate vicinity
7 of the Airports, as enumerated in this Section 5-182.10(c) and in
8 Section 333.03(2), Florida Statutes, are not compatible with normal
9 airport operations and may, if not regulated, endanger the lives of
10 the residents of Broward County, adversely affect their health, or
11 otherwise limit the accomplishment of normal activities. Accordingly,
12 it is hereby declared:

13 1. That the creation or establishment of an Airport Hazard and
14 the incompatible use of land in the vicinity of the Airports are
15 public nuisances and injure the community served by the
16 airport in question;

17 2. That it is necessary in the interest of the public health, public
18 safety, and general welfare that the creation or establishment
19 of Airport Hazards and incompatible land uses be prevented;

20 3. That the prevention of Airport Hazards and incompatible land
21 uses should be accomplished, to the extent legally possible,
22 by the exercise of the police power, without compensation;
23 and

24 4. That the limitation of land uses incompatible with normal
airport operations; the prevention of the creation or

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1 establishment of Airport Hazards; and the elimination,
2 removal, alteration, mitigation, or marking and lighting of
3 existing Airport Hazards are public purposes for which the
4 County may raise and expend public funds and acquire land
5 or property interests therein, or air rights thereover.

6 b. It is the intention of the Board of County Commissioners of Broward
7 County, Florida, as the owner and operator of the Airports, that each
8 local government that has land underlying the Airspace Imaginary
9 Surfaces, by interlocal agreement in accordance with Chapter 333,
10 Florida Statutes, adopt, administer, and enforce the regulations in
11 this Section 5-182.10(c).

12 c. The regulations contained in this Section 5-182.10(c) shall be
13 interpreted to be consistent with the standards of 14 C.F.R. Part 77,
14 Subpart C, Federal Aviation Administration policies and guidance,
15 and Chapter 333, Florida Statutes.

16 (2) Obstruction Approvals.

17 a. Applicability.

18 1. No development permit shall be issued for the development,
19 construction, establishment, enlargement, substantial
20 alteration, or repair of a Structure that would exceed the
21 maximum height for the Airspace Imaginary Surface in which
22 it is located, or is proposed to be located, unless Obstruction
23 Approval has been issued by BCAD. The height limitations
24 are established in Section 5-182.10(d), as may be amended.

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1 2. No Object of Natural Growth that would exceed the maximum
2 height for the Airspace Imaginary Surface in which it is
3 located, or is proposed to be located, may be planted, allowed
4 to grow, or be replanted unless Obstruction Approval has
5 been issued by BCAD. The height limitations are established
6 in Section 5-182.10(d), as may be amended.

7 b. Application.

8 1. An application for a development permit that contains a
9 Structure or Object of Natural Growth exceeding the
10 maximum height for the Airspace Imaginary Surface must
11 contain all of the following:

12 a) Copies of site plans, building plans, and other
13 documentation submitted to the FAA in conjunction
14 with the Notice of Proposed Construction or Alteration;

15 b) A narrative addressing each of the review criteria listed
16 in Section 5-182.10(c)(2)c; and

17 c) Additional information that may be required at the
18 request of the Planning and Development
19 Management Division or BCAD, including site plans,
20 elevation drawings, and other data as may be
21 necessary to enable the Planning and Development
22 Management Division or BCAD to determine whether
23 the proposal complies with the regulations of this
24 Section 5-182.10(c).

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2. Upon receipt of a complete application, the Planning and Development Management Division shall provide a copy of the application to BCAD. BCAD shall then provide a copy of the application to the Florida Department of Transportation's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. Cranes, construction equipment, and other temporary Structures in use or in place for a period not to exceed eighteen (18) consecutive months are exempt from the Florida Department of Transportation's review, unless such review is requested by the Florida Department of Transportation.

c. Review criteria. BCAD must not grant Obstruction Approval for any Structure or Object of Natural Growth for which the FAA has issued a Determination of Hazard. In addition, BCAD must not grant Obstruction Approval based solely on the determination by the FAA that the proposed Structure or Object of Natural Growth is not an Airport Hazard. A copy of the FAA's Determination of No Hazard to Air Navigation must be provided to BCAD before BCAD may grant Obstruction Approval. BCAD may only grant Obstruction Approval after finding that the Obstruction would not establish or create an Airport Hazard based on the following criteria, to the extent applicable:

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1. Comments received from the Florida Department of Transportation regarding the technical consistency with Section 333.025, Florida Statutes, if any.
2. A review of the following:
 - a) The safety of persons on the ground and in the air;
 - b) The safe and efficient use of navigable airspace, and any other aeronautical impacts;
 - c) The nature of the terrain and height of existing Structures;
 - d) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
 - e) The cumulative effects on navigable airspace of all existing Structures and all other known proposed Structures in the area;
 - f) The Obstruction Approval, if granted, would not permit a Nonconforming Use or Structure to become a greater hazard to air navigation than it was when the applicable regulation was adopted that allowed the establishment or creation of the Obstruction, or than it is when the application for an Obstruction Approval is made; and
 - g) The following impacts to the Airports:
 - 1) The potential to destroy or impair the utility of the Airports and the public investment therein;

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1 thereto. This lighting may include flashing red beacons, steady
2 burning red obstruction lights, or high-intensity obstruction lights.

3 b. Use Restrictions within three (3) statute miles of any usable Runway
4 of the Airports. In order to prevent the establishment of Airport
5 Hazards, the following land use restrictions shall apply within
6 three (3) statute miles of any usable Runway of the Airports:

7 1. No lights or illumination used in conjunction with streets,
8 parking, signs, or for any other purpose shall be arranged
9 and/or operated in a manner that is misleading or dangerous
10 to aircraft operating in the vicinity of the Airports.

11 2. No use of land shall be permitted to be operated in a manner
12 that is misleading or dangerous to aircraft operating in the
13 vicinity of the Airports.

14 3. No Structure shall be arranged and/or operated in such a
15 manner that it is misleading or dangerous to aircraft operating
16 in the vicinity of the Airports.

17 4. The following lighting systems, when designed to cast light
18 upward above the horizon toward the runway approach path,
19 are prohibited:

20 a) Searchlights;

21 b) Laser lights;

22 c) Sequenced flashing lights;

23 d) Stroboscopic lights; and

24 e) Any other lighting that produces effects mimicking
airport identification lighting, runway end identification

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1 lighting, or runway approach lighting, or that would
2 interfere with the vision of pilots or air traffic controllers .

3 5. Uses or operations that would produce smoke, dust, thermal
4 plumes, or water vapor dense enough to interfere with pilot or
5 air traffic controller vision are prohibited. An exemption from
6 this prohibition may be permitted after review by BCAD to
7 assure compatibility with airport operations, following receipt
8 of a favorable opinion from the FAA.

9 6. Uses or operations of any type that produce electronic
10 interference with navigation signals or radio communications
11 between air traffic control and aircraft and vehicles operating
12 within the airport operations area are prohibited.

13 7. Uses, operations, or structures that would utilize highly
14 reflective materials creating the potential for glare or visual
15 after-images or more severe effects for pilots and air traffic
16 controllers are prohibited. An exemption from this prohibition
17 may be permitted after review by BCAD to assure
18 compatibility with airport operations, following receipt of a
19 favorable opinion from the FAA.

20 c. *Landfills or other Solid Waste Disposal Facilities.* Landfills or other
21 solid waste disposal facilities are prohibited in the following locations:

22 1. Within ten thousand (10,000) feet of any active Runway,
23 taxiway, or aircraft parking apron of the Airports;

24 2. Where location of the landfill or solid waste disposal facility
would place the active Runways and/or approach and

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1 departure patterns of an airport between the landfill or solid
2 waste disposal facility and bird feeding, water, or roosting
3 areas; or

4 3. Locations outside the above locations, but within the limits of
5 any Airspace Imaginary Surface, if determined by the FAA to
6 be an Airport Hazard.

7 (4) Nonconforming Uses and Structures.

8 a. Except as provided in Section b. below, no provision of this
9 Section 5-182.10(c) shall be construed to require the removal,
10 lowering, or other change or alteration of any Nonconforming Use
11 or Structure, or otherwise interfere with the continuation of such
12 Nonconforming Use or Structure.

13 b. Whenever BCAD determines that a Nonconforming Use or Structure
14 has been abandoned, or is more than eighty percent (80%) torn
15 down, destroyed, deteriorated, or decayed: (i) no Obstruction
16 Approval shall be granted that would allow said Nonconforming Use
17 or Structure to become an Airport Hazard or otherwise deviate from
18 the regulations adopted hereunder; and (ii) whether or not
19 application is made for an Obstruction Approval under this
20 Section 5-182.10(c), the County may, by appropriate action, compel
21 the owner of the Nonconforming Use or Structure, at the owner's
22 expense, to lower, remove, reconstruct, or equip such
23 Nonconforming Use or Structure as may be necessary to conform to
24 the regulations. If the owner of the Nonconforming Use or Structure
shall neglect or refuse to comply with such order for ten (10) calendar

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1 days after notice thereof, then, in accordance with Section 333.07,
2 Florida Statutes, as may be amended, the County may, in addition
3 to any other action deemed appropriate, proceed to have the
4 Nonconforming Use or Structure so lowered, removed,
5 reconstructed, or equipped, and assess the cost and expense
6 thereof upon the object or the land on which it is or was located.

7 (5) Administration and Enforcement.

8 a. It shall be the duty of the County to administer and to enforce the
9 regulations prescribed herein within the Airspace Imaginary Surfaces
10 established pursuant to Section 5-182.10(d).

11 b. Each violation of Chapter 333, Florida Statutes, or of any regulations,
12 orders, or rulings adopted under this Section 5-182.10(c) shall
13 constitute a misdemeanor of the second degree, punishable as
14 provided in Section 775.082 or Section 775.083, Florida Statutes,
15 and each day a violation continues to exist shall constitute a separate
16 offense.

17 c. The County may institute in any court of competent jurisdiction an
18 action to prevent, restrain, correct, or abate any violation of
19 Chapter 333, Florida Statutes, or of regulations adopted under this
20 Section 5-182.10(c) or of any order or ruling made in connection with
21 their administration or enforcement, and the court shall adjudge to
22 the plaintiff such relief, by way of injunction, which may be
23 mandatory, or otherwise, as may be proper under all the facts and
24 circumstances of the case in order to fully effectuate the purposes of

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1 Chapter 333, Florida Statutes, and of the regulations adopted and
2 orders and rulings made pursuant thereto and hereto.

3 (6) Judicial Review.

4 Any Person, political subdivision, or joint airport zoning board affected by a
5 decision of the County, the Planning and Development Management
6 Division, or BCAD hereunder may apply for judicial relief pursuant to
7 Section 333.11, Florida Statutes, or Section 5-203 of the Broward County
8 Code of Ordinances, as such may be amended.

9 (7) Conflicting Regulations.

10 In the event of conflict between any of the regulations or limitations
11 prescribed in this Section 5-182.10(c) and any other regulations applicable
12 to the same area, whether the conflict be with respect to the height of
13 Structures or Objects of Natural Growth, the use of land, or any other
14 matter, the more stringent limitation or requirement shall govern and
15 prevail.

16 (d) Airspace Imaginary Surfaces and height limitations.

17 (1) In order to carry out the provisions of Section 5-182.10(c), as may be
18 amended, there are hereby created and established certain Airspace
19 Imaginary Surfaces, which include all of the airspace lying beneath the
20 surfaces and intended to be protected from Airport Hazards. The Airspace
21 Imaginary Surfaces are separately established for each of the Airports.

22 a. The regulations established in Section 5-182.10(c) shall be
23 construed to regulate the use of Airport Hazard Areas in the manner
24 necessary to protect the associated airspace from Airport Hazards.

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1 **b.** To determine the height limits set forth in this Section 5-182.10(d),
2 the datum shall be the mean sea level (“MSL”) elevation, unless
3 otherwise specified.

4 **c.** Fort Lauderdale-Hollywood International Airport and North Perry
5 Airport Airspace Imaginary Surfaces Composite Map. The Airspace
6 Imaginary Surfaces for FLL and HWO, defined in accordance with
7 14 C.F.R. § 77.19, are illustrated in the Fort Lauderdale-Hollywood
8 International Airport and North Perry Airport Airspace Imaginary
9 Surfaces Composite Map, as amended, which is hereby adopted by
10 reference. The map, which is intended for informational and
11 conceptual planning purposes, demonstrates the maximum height
12 permitted within the Airspace Imaginary Surfaces based on existing
13 conditions at FLL and HWO. Ongoing updates to the map are
14 anticipated as conditions change at FLL and HWO. A copy of the
15 map is on file and available for inspection at BCAD.

17 Section 5. Section 5-201 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

19 **Sec. 5-201. Definitions.**

20 . . .

21 *Affordable housing.* Housing for which monthly rents or monthly mortgage
22 payments (including taxes and insurance) do not exceed 30 percent of an amount
23 representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the
24 median income limits, as published by the U.S. Department of Housing and Urban

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1 Development, adjusted for family size for the households. (See definitions below for very
2 low income, low income, and moderate income persons.)

3 Airport Hazard Area(s). Any area of land or water upon which an Airport Hazard
4 might be established.

5 Airport Hazard(s). An obstruction or obstructions to air navigation that have an
6 adverse effect on any of the following: (i) the safe and efficient use of navigable air
7 space; (ii) the operation of planned or existing air navigation and communication
8 facilities; (iii) a significant volume of air traffic activity; (iv) the public investment in the
9 applicable airport; or (v) the use of such airport by aircraft operators deemed to provide
10 critical air services.

11 Airports. Fort Lauderdale-Hollywood International Airport (“FLL”) and North Perry
12 Airport (“HWO”), and all of their facilities, including, but not limited to, passenger
13 terminals, parking structures and associated revenue facilities, aircraft gates, Runways,
14 taxiways, and ancillary airport support development.

15 Airspace Imaginary Surface(s). The navigable airspace that is intended to be
16 protected from Airport Hazards, adopted under Section 5-182.10(d) of the Broward
17 County Code of Ordinances, and that includes:

18 (1) Five (5) airspace imaginary surfaces for civil airports established by
19 14 C.F.R. § 77.19: primary surface, horizontal surface, conical surface,
20 approach surface, and transitional surface; and

21 (2) One-engine inoperative (“OEI”) surfaces established by BCAD, designed
22 to provide safe obstacle clearance for aircraft departing the applicable
23 airport after the loss of one (1) engine.

24 . . .

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 *Arterial*. A street having that meaning given in §Section 334.03(1), F.S. Florida
2 Statutes (Arterials in Broward County are designated on the Broward County Trafficways
3 Plan.)

4 *Aviation Department; BCAD*. The Broward County Aviation Department, or its
5 successor agency.

6 . . .

7 *Existing urban service area*. Built-up areas where public facilities and services
8 such as sewage treatment systems, roads, schools, and recreation areas are already in
9 place.

10 *FAA*. Federal Aviation Administration, or its successor agency.

11 . . .

12 *Major driveway*. A driveway ~~which~~ that provides for a maximum average daily trip
13 volume of five thousand (5,000) vehicles and/or a maximum average peak hour volume
14 of five hundred (500) vehicles.

15 *Minimum Altitude*. This term includes the minimum descent altitude, minimum en
16 route altitude, minimum obstacle clearance altitude, and minimum vectoring altitude, as
17 such terms are defined in FAA Handbook 8083-16B (Instrument Procedures Handbook),
18 as amended.

19 . . .

20 *New construction*. Site preparation for, and construction of, entirely new
21 structures, whether or not the site was previously occupied, or full or extensive
22 (fifty percent (50%) or more) replacement of structures and their components.

23 *Nonconforming Uses or Structures*. Any Structure, Object of Natural Growth, or
24 use of land existing as of October 19, 2021, that is inconsistent with the regulations of
Section 5-182.10(c).

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

1 . . .

2 *Non-water management area.* Any portion of a development that is not a
3 functional part of the “surface water management system” and is not designed for the
4 normal impoundment, storage, or conveyance of surface water or stormwater.

5 *Object of Natural Growth.* Any organism of the plant kingdom, including a tree.

6 *Obstruction Approval(s).* An Approval or Approvals issued by BCAD and required
7 in order to develop, construct, plant, replant, establish, enlarge, substantially alter, or
8 repair an Obstruction.

9 *Obstruction(s).* Any existing or proposed object, terrain, or Structure construction
10 or alteration if it is of greater height than the height allowed in the applicable Airspace

11 Imaginary Surface. The term includes:

12 (1) Any Object of Natural Growth or terrain;

13 (2) Permanent or temporary construction or alteration, including equipment or
14 materials used and any permanent or temporary apparatus; or

15 (3) Alteration of any permanent or temporary existing Structure by a change in
16 the Structure’s height, including appurtenances, lateral dimensions, and
17 equipment or materials used in the Structure.

18 *OE/AAA Process.* FAA’s Obstruction Evaluation/Airport Airspace Analysis
19 process undertaken in accordance with 14 C.F.R. § 77.25 *et seq.*

20 . . .

21 *Roof.* The exterior surface and its supporting structures on the top of a building. A
22 roof protects the building and its contents from the effects of weather. In order to receive
23 impact or concurrency fee credit, buildings with damaged roofs must be considered safe
24 and occupiable by local building officials.

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underscored type are additions.

1 Runway Protection Zone(s). Areas at ground level beyond the Runway end
2 intended to enhance the safety and protection of people and property on the ground. The
3 Runway Protection Zones of the Airports are illustrated in the Airport Layout Plan, as
4 amended.

5 Runway(s). Defined rectangular surfaces on an airport prepared or suitable for
6 landing and takeoff of aircraft.

7 . . .

8
9 Section 6. Section 27-66 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 27-66. Environmental review approvals required prior to issuance of a county**
12 **or municipal building permit.**

13 . . .

14 (n) Environmental review approval shall not be issued without evidence that
15 the proposed development is in compliance with Section 5-182.10, Broward County Code
16 of Ordinances, which addresses development near Fort Lauderdale-Hollywood
17 International Airport and North Perry Airport.

18
19 Section 7. Severability.

20 If any portion of this Ordinance is determined by any court to be invalid, the invalid
21 portion will be stricken, and such striking will not affect the validity of the remainder of this
22 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
23 legally applied to any individual, group, entity, property, or circumstance, such
24 determination will not affect the applicability of this Ordinance to any other individual,
group, entity, property, or circumstance.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

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Section 8. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 9. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED January 25, 2022.

FILED WITH THE DEPARTMENT OF STATE January 28, 2022

EFFECTIVE January 28, 2022

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Alexander J. Williams 11/16/2021
Alexander J. Williams (date)
Assistant County Attorney

By /s/ Maite Azcoitia 11/16/2021
Maite Azcoitia (date)
Deputy County Attorney

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Airport Zoning Ord.doc
01/25/2022

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

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