

Section 16.30.010 – Albert Whitted Airport Overlay

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16.30.010.1 Applicability

The owner of any proposed construction or alteration of a structure more than 200 feet in height above the ground level at its site, or any proposed construction or alteration which exceeds a slope of 100 to 1 extending outward and upward for a horizontal distance of 20,000 feet from the nearest point of each runway from the Albert Whitted Airport shall comply with the provision of 77 CFR Subpart B, by filing a Notice of Construction or Alteration with the Federal Aviation Administration. Prior to the issuance of any building permit or consideration of any request for a variance to this Chapter the applicant shall submit documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation.

16.30.010.2 Definitions. For the purposes of this Section, the following words shall have the following meanings.

Administrative Official means the POD.

Airport. See Matrix: Use Permissions and Parking Requirements.

Airport Elevation means the established elevation of the highest point on the usable landing area in feet above mean sea level (AMSL).

Airport Hazard means any structure, tree, or use of land that would exceed the federal obstruction standards contained in 14 CFR 77.21 (scope), 77.23 (standards for determining obstruction) and 77.25 (civil airport imaginary surface), and which obstructs the airspace required for the flight of aircraft in taking-off, maneuvering or landing at the airport, or is otherwise hazardous to such take-off maneuvering or landing.

Airport Noise Impact Zone means area around the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

Airport Reference Point means the point established as the approximate geographic center of the airport landing area and so designated.

Decision Height means the height at which a pilot must decide, during an instrument landing system (ILS) approach, to either continue the approach or to execute a missed approach.

Height means, for the purpose of determining height limits in this section, measured from the mean sea level elevation datum, unless otherwise specified.

Minimum Decent Altitude (MDA) means the lowest AMSL altitude to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

Minimum Enroute Altitude (MEA) means the lowest published altitude between radio fixes that assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum Obstruction Clearance Altitude (MOCA) means the lowest published altitude between radio fixes on federal VOR airways, off-airway routes or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within 22 miles of a VOR.

Minimum Vectoring Altitude (MVA) means the lowest AMSL altitude at which aircraft operating on instrument flight rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Obstruction means any existing or proposed manmade object or structure or object of natural growth or terrain that violates the standards contained in 14 CFR 77.21, 77.23 and 77.25.

Runway means the paved surface of an airport landing strip.

16.30.010.3 Airport Zones

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land and waters lying within the approach zones, transition zones, horizontal zone and conical zone. Such area and zones are shown on the Albert Whitted Airport Zoning Map which is incorporated by reference herein as part of this article and is on file in the Office of the City Clerk. The various zones are hereby established and defined as follows:

- A. Primary zone. An area longitudinally centered on each runway, extending 200 feet beyond each end of that runway with a width of 500 feet on Runway 18-36 and Runway 7-25.
- B. Approach zone. An area longitudinally centered on the extended runway centerline, extending outward from the end of the primary zone. The inner edge of the approach zone is the same width as the primary zone extending thereafter to a width of 2,000 feet for Runway 18-36 and Runway 7-25 at a distance of 5,000 feet from the edge of the primary zone.
- C. Transition zone. An area extending outward from the sides of each primary zone and approach zone which connects them to the horizontal zone.
- D. Horizontal zone. An area around the airport with an outer boundary the perimeter of which is constructed by swinging arcs of a radii of 5,000 feet from the center of each end of the primary zone of each runway and connecting the adjacent arcs by lines tangent to those arcs.
- E. Conical zone. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet. The conical zone does not include the approach zones and transition zones.

16.30.010.4 Height Limitations

Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or maintained in excess of the height limit herein established. The height limitations for each of the airport zones are:

1. Approach Zone. One foot in height for each 20 feet in horizontal distance from the end of the primary zone.
2. Transition Zone. One foot in height for each seven (7) feet in horizontal distance from the adjoining boundary of the primary or approach zone with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone.
3. Horizontal Zone. One hundred fifty feet above the airport elevation of a height of 5.8 feet above mean sea level.
4. Conical Zone. One foot in height for each 20 feet of horizontal distance from the periphery of the horizontal zone extending to a height of 350 feet above the airport elevation.
5. Other Restrictions. In addition to the height limitations imposed in subsections (A) through (D) above, no structure or obstruction will be permitted within the City that would cause an MDA, MOCA, MVA or a decision height to be raised or which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums, as determined by the Federal Aviation Administration in response to the filing of a notice of construction or alteration.
6. Where an area is covered by more than one (1) height limitation, the more restrictive limitation prevails.
7. Nothing in this section shall be construed as prohibiting the growth, construction or maintenance of any tree or structure below these height limitations.

16.30.010.5 Use Restrictions

Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

16.30.010.6 Nonconforming Uses

- A. Regulations Not Retroactive. These regulations shall not require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use..
- B. Nonconforming Uses, Abandoned or Destroyed. Whenever the POD determines that a nonconforming structure or tree has been abandoned, is more than 80 percent torn down, or is physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the provisions of this Section.
- C. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to install, operate and maintain thereof such markers and lights as shall be deemed necessary by the City to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

16.30.010.7 Obstruction Marking and Lighting

Any permit or variance granted shall, as a specific condition, require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate

to aircraft operators the presence of an airport obstruction. Such markings and lighting shall conform to the specific standards established by chapter 14-60.009(6) Fla. Administrative Code, Rules of the Department of Transportation and Federal Aviation Administration Advisory Circular H70/7460-1, G (10/85).

16.30.010.8 Restrictions in Airport Noise Impact Area

- A. Construction of any educational facility or residential construction shall not be permitted within the Airport Noise Impact Area until such time as the City conducts a noise study and amends this section.
- B. Construction of any educational facility of a public or private school within an area extending five miles along the runway centerline of the airport and which has a width measuring one-half the length of the runway are prohibited. Variances may be granted by the Development Review Commission following the procedures set forth in this section and only if findings are made setting forth how the public policy reasons outweigh the health and safety concerns which prohibit such construction. The continued use or adjacent expansion of existing structures or new structures that comply with state law requirements for educational facilities are exempt.

16.30.010.9 Variances

- A. Procedures. For procedures, see Application Filing and Procedures Section.
- B. Standards for Review. No variance shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 C.F.R.ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or other federal aviation regulations. In reviewing an application, the POD, DRC and City Council shall consider the following criteria:
 - 1. The nature of the terrain and the height of existing structures;
 - 2. Public and private interests and investments;
 - 3. The character of flying operations and planned developments of airports;
 - 4. Federal airways as designated by the Federal Aviation Administration that lie within the radii described in the Airport Zones;
 - 5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport;
 - 6. Technological advances;
 - 7. The safety of persons on the ground and in the air;
 - 8. Land use density;
 - 9. The safe and efficient use of navigable airspace;
 - 10. The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

16.30.010.10 Conflicting Regulations

In the event of conflict between these regulations and any other regulations applicable to the same property, the more stringent limitation or requirement shall govern and prevail.