

CEDS Department

A stylized graphic of a blue fruit, possibly a grape or berry, with several leaves, rendered in various shades of blue. It is positioned in the center of the slide, behind the main title text.

Worksession Helitour Regulations

December 19, 2017



Presentation Outline

- Background
- Regulations
- Permitting
- Technology
- Operations and Enforcement
- Next Steps



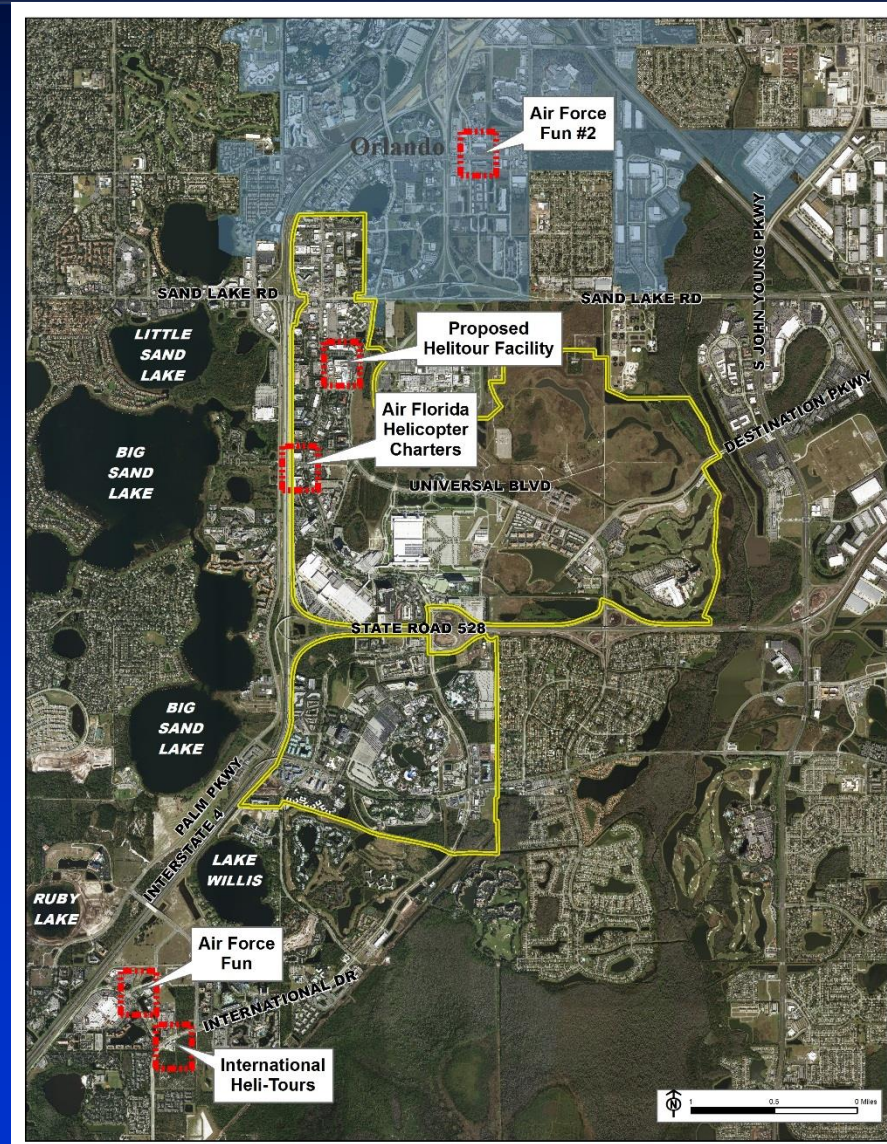
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Background

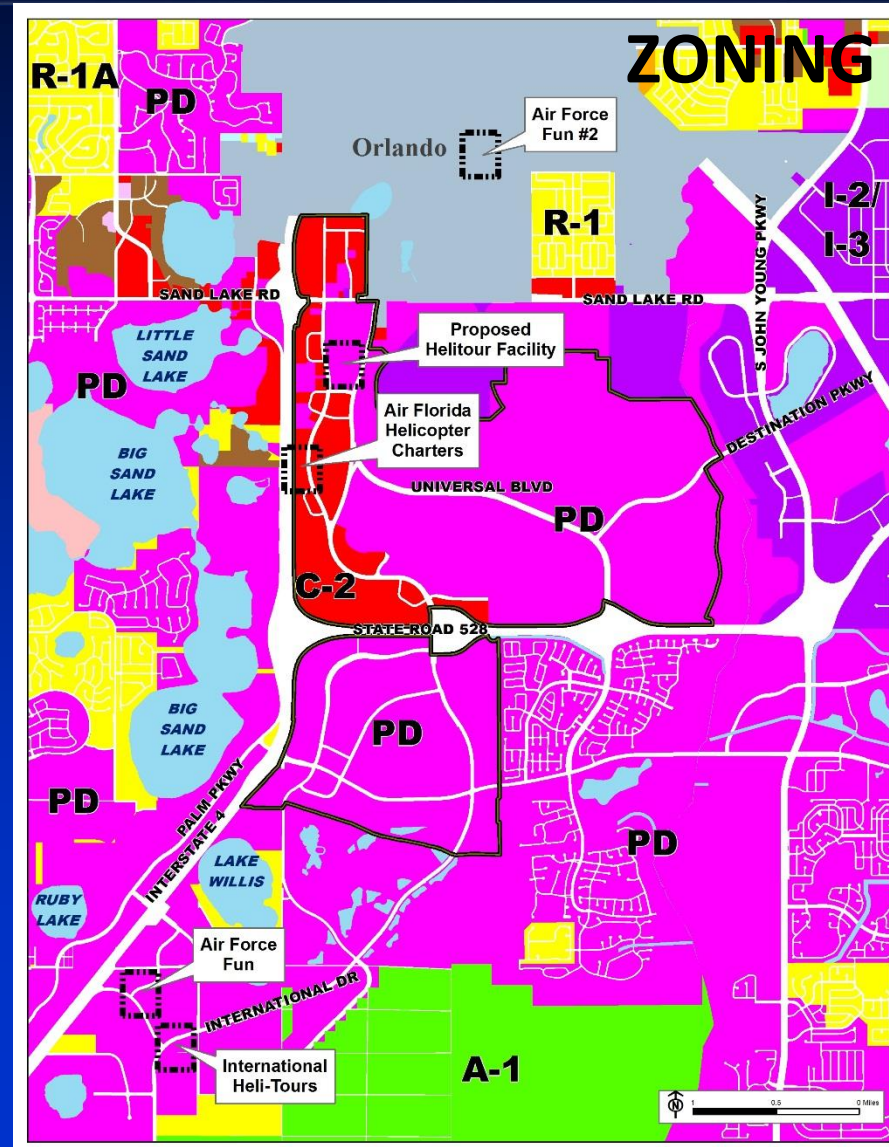
- September 13, 2016 - BCC hearing on proposal for helitour operation on top of the I-Drive 360 parking structure





Background

- Issues raised:
 - Safety
 - Compatibility
 - Regulations
 - Enforcement – Code Enforcement and flight paths





Background

- November 29, 2016 - BCC work session on helitour use
- February 7, 2017 – Use prohibited in I-Drive Overlay
- Current work session





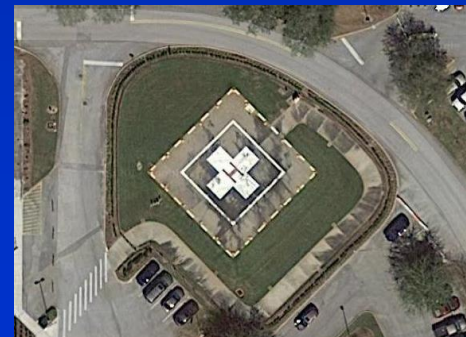
Background

- **May 2017 – AVCON selected as vendor**
- **Stakeholder Outreach**
 - **GOAA**
 - **FAA**
 - **Air Force Fun**
 - **International Heli-Tours**
 - **Orange County Code Enforcement**



Background

- **Helitours v. Ancillary Helipads**
 - **Helitours**: Private operations that are open to the general public for a fee.
 - **Ancillary Helipads**: Private operations that are ancillary to principal uses and not used by the general public (hospitals, news stations, etc.)





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Orange County Regulations

- Use is permitted by Special Exception in agricultural (A-1, A-2, A-R); rural residential (R-CE, R-CE-2, R-CE-5) and commercial zoning districts (C-1, C-2, C-3)
- Use is permitted by right in industrial zoning districts (I-1A, I-1/I-5, I-2/I-3, I-4)
- 3 operators in the I-Drive Corridor; 2 permitted through PDs, one through Special Exception



Orange County Regulations

- Orange County has typically permitted the use through the Development Review Committee (DRC) under the PD (Planned Development) process.
- At the recommendation of DRC, the BCC has imposed conditions regarding:
 - Helicopter size / type
 - Occupancy
 - Operating hours
- Inconsistent application of conditions



Orange County Regulations

- Fuel storage regulated by Ch. 62-761 and 762 F.A.C.
- Above-ground tanks less than 550 gallons not regulated by Orange County EPD; still have to meet Fire Code





Regulations in Other Jurisdictions





City of Orlando Regulations

- **Allowed by Conditional Use in activity center and industrial zoning districts**
- **Requires Conditional Use Permit (CUP)**
 - **Use FAA “Heliport Design Guide”**
 - **Reviewed for need, proximity to other uses**
 - **GOAA reviews**
 - **Annual fee required**



City of Kissimmee Regulations

- **Kissimmee, FL**
 - Takeoff and landings occur at Kissimmee Gateway Municipal Airport or heliports approved by City
 - Each has heliport protection zone established during approval process





Other Municipal Regulations

- **Clark County, NV (Las Vegas)**
 - **Special Use (SU) in all districts**
 - **Requires report to analyze noise, traffic generation, compatibility, number of daily operations, flight corridor, intent of facility, potential adverse impacts**
 - **Information in report is made part of conditions if SU is approved**



Other Municipal Regulations

- Clark County, NV (Las Vegas)





Other Municipal Regulations

- **New York City**
 - **Flight paths restricted to over rivers**
 - **No flights on Sundays**
 - **Prohibited short tours (less than 8 minutes)**
 - **Operators provide monthly figures on flights**
 - **NYCEDC has authority to mandate further reductions in operations if operators are in violation**



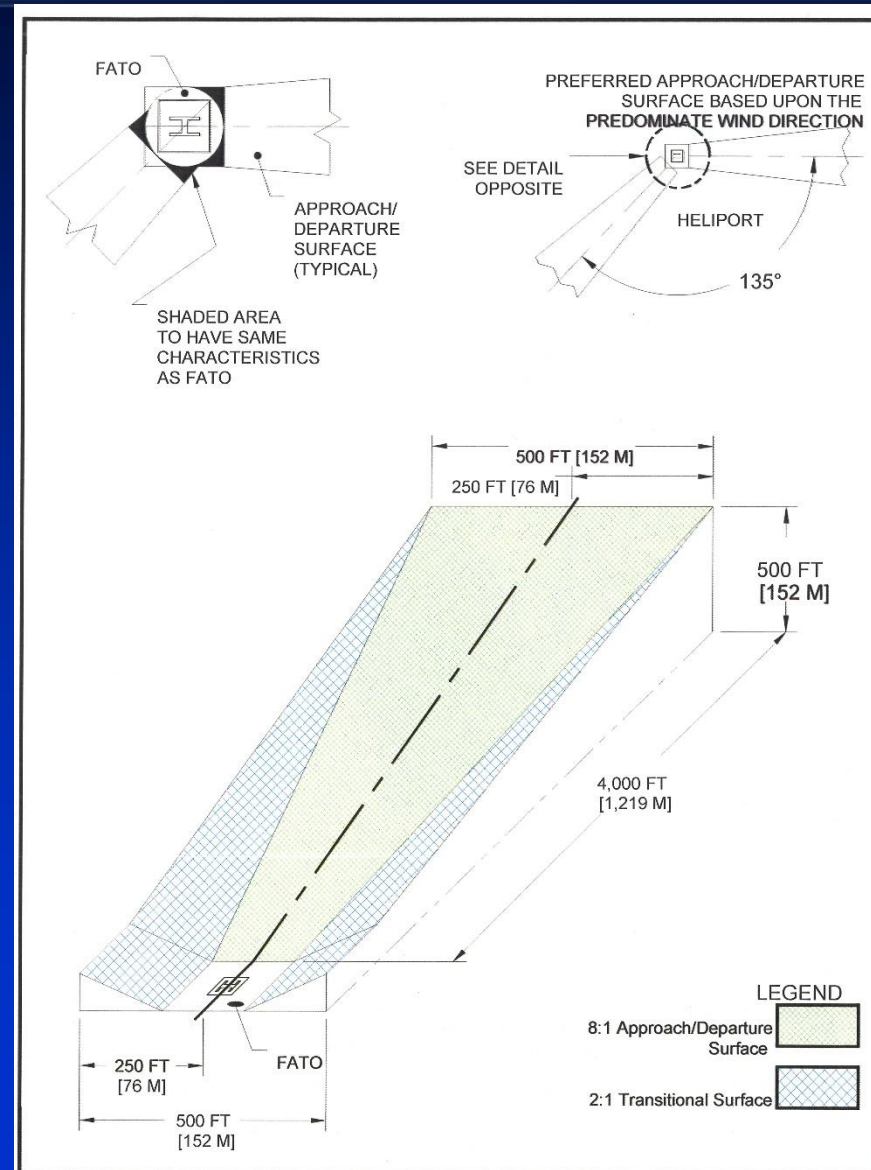
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Other Agency Permitting

- **Federal Aviation Authority (FAA)**
 - Pilots / operators
 - Safety recommendations for heliports
 - Ingress / egress
 - FAA does not approve helipads, they only decide if the proposed airspace is safe and efficient





Other Agency Permitting

- **Title 14 CFR specifically prohibits low flying aircraft**
 - **Except when necessary for takeoff or landing**
 - **Over any congested area**
 - **Closer than 500 feet to any person, vessel, or structure**
 - **Helicopters are largely exempt from this restriction, if they are operated safely**



Other Agency Permitting

- **FDOT grants site approval for helipads that comply with Florida Statute Section 330.30 subject to reasonable conditions for public health safety and welfare.**
 - **For Private Heliports, Accepts Application for Registration**
 - **Operators complete internet-based registration application and certify that the information is true**
 - **FAA / FDOT – No ability to restrict flight path once in the air**



Other Agency Permitting

- Not required to submit hard copy documentation
- FDOT recommends operators to keep documentation on file
- FDOT conducts a review and audit of information as necessary



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Technology

- **FAA mandates that Automatic Dependent Surveillance Broadcast System (ADS-B) installed in U.S. helicopters by Jan 1, 2020**
- **Several flight tracking systems on the market**
- **Spidertracks has been or is currently being used by all helitour operators currently operating on I-Drive**
- **Orange County Sheriff has Spidertracks account**



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Enforcement

- **Orange County**
 - Consistency with zoning (PD conditions)
 - Code Enforcement
- **FAA**
 - Flight Standards regulates operators
- **FDOT**
 - Ability to revoke registration for heliport



Enforcement

- **Air Rights**
 - **FAA cannot prevent construction of structures near the heliport**
 - **Only local zoning, agreements, acquisitions in fee, or easements can preserve air rights in perpetuity**

Enforcement

- Orange County
 - Difficult for Code Enforcement to identify flight paths of moving helicopters
 - Difficult to identify specific operators





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Next Steps

- **BCC Direction**
- **Options**
 1. **Retain the prohibition on the helitour use within the I-Drive Overlay**
 2. **Amend the I-Drive Overlay to permit helitour operations through the Special Exception process or PD process**
 3. **Countywide ordinance update**



Next Steps

Option #1: Retain the prohibition on the helitour use within the I-Drive Overlay

- **Uses may move to areas outside of the I-Drive Overlay, including surrounding jurisdictions**
- **Still receive impacts from helitour traffic**
- **Eliminates conflicts with unlimited height within the I-Drive Overlay**



Next Steps

Option #2: Amend the I-Drive Overlay to permit helitour operations through the Special Exception or PD process

- **Develop code criteria and standards**
- **Potential conflict with unlimited height restrictions in I-Drive Overlay**
- **County responsible for enforcement**
 - **Flight tracking standards**
 - **Code enforcement**



Next Steps

Option #3: Amend Code to incorporate County-wide standards for the use.

- **Develop code criteria and standards**
- **Level playing field for all operators**
- **County responsible for enforcement**
 - **Flight tracking standards**
 - **Code enforcement**

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