

BCC Mtg. Date: September 18, 2018

Effective Date: September 25, 2018

ORDINANCE NO. 2018-20

**AN ORDINANCE REGARDING CHAPTER 7, AVIATION,
OF THE ORANGE COUNTY CODE; REPEALING IT IN
ITS ENTIRETY AND CREATING NEW LANGUAGE IN
ITS PLACE TO BE KNOWN AS THE ORANGE COUNTY
AIRPORT ZONING REGULATIONS; AND PROVIDING
AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY, FLORIDA:**

Section 1. Repeal and Replacement of Chapter 7, Aviation, of the Orange County

Code. Chapter 7, Aviation, of the Orange County Code is repealed in its entirety and replaced with the following language:

CHAPTER 7 – AIRPORT ZONING REGULATIONS

ARTICLE I - IN GENERAL

DIVISION 1. GENERAL

Sec. 7-1. Title.

These regulations will be known and cited as the Orange County, Florida “Airport Zoning Regulations” (collectively, the “Regulations”).

Sec. 7-2. Authority.

Orange County, Florida is a charter county and political subdivision of the State of Florida and has jurisdiction over all public airports within the unincorporated areas of Orange County, Florida. The board of county commissioners has the power to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended. These regulations apply to all land within the unincorporated areas of Orange County, with the exception of the property owned by the Greater Orlando Aviation Authority and operated as a public use general aviation or commercial service airport. The Greater Orlando Aviation Authority is required by Federal Aviation Administration regulations to protect the airspace surfaces being regulated herein and therefore there is not a need for Orange County review or oversight.

Sec. 7-3. Findings.

The board of county commissioners hereby finds that:

A. The creation or establishment of an airport obstruction hazardous to the operation of aircraft reduces the navigable airspace available to the region served by the Airport;

B. It is necessary, in the interest of the public health, public safety, and general welfare, to prevent the creation of airspace hazards and the use of land incompatible with Airport operations;

C. The prevention of these hazards and incompatible land uses should be accomplished, to the extent legally possible, without compensation;

D. Preventing the creation or establishment of hazards and incompatible land uses, as well as the elimination, removal, alteration or mitigation of hazards and incompatible land uses are public purposes for which the board of county commissioners may decide, in its sole discretion, to raise and expend public funds; and

E. These Regulations are:

1. Intended to meet the requirement set forth in Section 333.03, Florida Statutes, that every political subdivision that has an airport hazard area within its territorial limits shall adopt, administer, and enforce a set of airport protection zoning regulations, and
2. Consistent with the intent of that certain Interlocal Agreement Regarding Airport Zoning Ordinance by and among the County and various central Florida jurisdictions, including the City of Orlando and the Greater Orlando Aviation Authority, effective for the County as of July 11, 2017, (the "Interlocal Agreement") to have a uniform set of regulations among the various jurisdictions to, among other things, prevent airport hazards.

Sec. 7-4. Purpose.

Based on the findings set forth in Section 7-3, the purposes of these regulations are as follows:

A. To promote the maximum safety of aircraft using the Airport;

B. To promote the maximum safety of persons and property located near the Airport;

C. To promote the full utility of each Airport to ensure the welfare and convenience of the citizens and visitors of Orange County;

D. To provide limits on the height of structures and objects of natural growth within the 14 CFR Part 77 surface primary, horizontal, conical, approach and transitional, Terminal Instrument Procedures ("TERPS") surfaces, and other imaginary airport airspace surfaces (One Engine Inoperative-Obstacle Identification Surfaces as defined in AC 120-91 and ICAO Annex 6 ["OEI"], Threshold Siting Surface ["TSS"]), as defined herein, to ensure proper and sound development of the areas within these surfaces;

E. To discourage new land uses, activities or construction incompatible with existing and planned Airport operations or public health, safety and welfare; and

F. To provide administrative procedures for the efficient and uniform review of land development proposals in the areas surrounding an Airport.

Sec. 7-5. Reserved.

DIVISION 2. DEFINITIONS AND RULES OF INTERPRETATION

Sec. 7-6. Definitions.

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

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

Aircraft. Any fixed wing, blimp, airship or rotorcraft device capable of atmospheric flight and requiring a paved or turf landing or take-off area.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose which, for the purposes of these Regulations, means Orlando International Airport and Orlando Executive Airport and any other applicable airport that is open to the general public.

Airport Board of Adjustment. The Orange County Board of Zoning Adjustment, or such other board appointed by the Board of County Commissioners, acting pursuant to the terms and provisions of Chapter 333, Florida Statutes, created to carry out the responsibilities set forth in Article II, Division 1, below.

Airport hazard. An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

Airport hazard area. Any area of land or water upon which an Airport Hazard might be established.

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

Airport height zoning map. A map prepared by the Authority depicting the Airport Height Zones, attached hereto and incorporated herein as Exhibit "A".

Airport layout plan or ALP. A set of scaled drawings that provides a graphic representation of the existing and future development plan for the Airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the Airport.

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

Airport surveillance radar or ASR. A radar used for FAA air traffic management.

Airport Zoning Director. The Orange County Zoning Manager, or a designee of the Orange County Zoning Manager, who shall be responsible for administering and enforcing these Regulations.

Airspace hazard Any structure, object of natural growth, or use of land which would exceed federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23, TERPS, OEI, TSS, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering or landing or is otherwise hazardous to such taking off, maneuvering or landing of aircraft and for which no person has previously obtained a permit pursuant to these regulations.

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

Authority Greater Orlando Aviation Authority.

Authority Planning Director. The Director of Planning of the Authority, or a designee of the Authority's Director of Planning, who shall be an ex-officio member of the Airport Board of Adjustment, shall review all applications submitted to Orange County under this Ordinance and provide an analysis of same with recommendations for use by the Airport Zoning Director.

County. Orange County, Florida.

Educational facility. Any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multitenant building.

Nonconforming use. Any structure, object of natural growth, or use of land that does not conform to the provisions of these regulations or any amendments hereto as of September 25, 2018.

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

Object of natural growth. Any organism of the plant kingdom, including a tree.

Person. Any individual, firm, co-partnership, corporation, company, association, joint-stock association or body politic, including any trustee, receiver, assignee or other similar representative thereof.

Real property. A lot, parcel, tract of land, or water together with any structure, object of natural growth, or natural feature located thereon.

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

Structure. Any permanent or temporary object, including but not limited to buildings, antenna, towers, cellular towers, smoke stacks, utility or light poles, overhead transmission lines, advertising signs, billboards, poster panels, fences, construction cranes, derricks, draglines, boom-equipped machinery, balloons, kites, watercraft, retaining walls, and navigation aids including but not limited to VORTAC, LLWAS, ASOS, approach lighting systems and radar facilities, as FAA Navigation Aids are defined in Section 7.13(c).

Terminal instrument procedures or TERPS. Criteria for terminal instrument procedures for arriving and departing aircraft as established in FAA Order 8260.3C and Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures, OEI, TSS.

Sec. 7-7. - Abbreviations.

For the purpose of these regulations, certain abbreviations will have the following meanings:

- A. *AGL.* Above ground level.
- B. *ALP.* Airport layout plan.
- C. *AMSL.* Above mean sea level.
- D. *CFR.* Code of Federal Regulations.
- E. *FAA.* Federal Aviation Administration.
- F. *FCC.* Federal Communications Commission.
- G. *FDOT.* Florida Department of Transportation.
- H. *MCO.* Orlando International Airport
- I. *ORL.* Orlando Executive Airport

Secs. 7-8 - 7-10. Reserved.

DIVISION 3. ZONING AND HEIGHTS REQUIRING PERMIT, AIRPORT SURFACES, AND PERMIT PROCEDURES

Sec. 7-11. Zones and Heights Requiring Airport Height Zoning Permit.

In order to regulate the height of permanent and temporary structures and objects of natural growth, this section establishes

permitting requirements in certain zones based on height. These zones, and the heights established for each zone, provide for the independent review by the County of the height of land development proposals over which the County may have jurisdiction to regulate, as well as objects of natural growth. No structure or object of natural growth that would exceed two hundred (200) feet AGL, any federal obstruction standards or the height for the zone in which it is located or proposes to be located may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, issued a natural resources permit or building permit, or planted, allowed to grow or be replanted, unless the Airport Zoning Director has issued an airport height zoning permit in accordance with these regulations. The zones and heights are depicted on the Airport Height Zoning Map, attached hereto and incorporated herein as **Exhibit "A"**.

Sec. 7-12. Airport Height Zoning Permit Application Procedure.

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

Sec. 7-13. Pre-Application Conference Procedure.

Prior to submittal of any application for an airport height zoning permit, a prospective applicant shall request a pre-

application conference with the Airport Zoning Director and may include the Authority Planning Director. The pre-application conference is to advise the applicant of the information needed for submittal and the standards and other requirements so that issues can be identified and costly modifications avoided. Information provided as a result of the conference is for conceptual purposes only, is given solely as a means to assist the applicant, and does not take the place of the formal application review process.

Sec. 7-14. Review of Airport Height Zoning Permit Application.

Before an application for an airport height zoning permit will be considered, the applicant must submit to the Airport Zoning Director a copy of the final airspace review determination by the FAA of the applicant's notice of proposed construction or alteration. Upon receipt of a completed application and copy of the final determination, the Airport Zoning Director shall forward same to the Authority Planning Director and to the FDOT Aviation Office, via certified mail return receipt requested or via a delivery service that provides evidence of delivery. FDOT shall have fifteen (15) days to review the application for technical consistency with Chapter 333, Florida Statutes, with such review period running concurrently with the review by the County and the Authority Planning Director. The Authority Planning Director shall produce an analysis and recommendation as to consistency with these regulations to the Airport Zoning Director. The Airport Zoning Director upon receipt of the application and analysis from the Authority Planning Director will review the application for consistency with the height limits for the airspace surfaces as set forth in this Division 3 and the guidelines, procedures and criteria set forth in chapter 6, section 3, part 2 of FAA Order 7400.2k, entitled Procedures for Handling Airspace Matters, as provided in Section 7-16 herein. Within a period of twenty-one (21) calendar days from receipt of a completed application, the Authority Planning Director's analysis, and final determination by the FAA, the Airport Zoning Director will either approve or disapprove the application. The Airport Zoning Director may consider an application for an airport height zoning permit concurrently with a development plan approval. An incomplete application will be deemed abandoned one hundred eighty (180) calendar days after filing, unless pursued in good faith. The Airport Zoning Director may grant one extension of one hundred eighty (180) days. The extension must be requested in writing and justifiable cause demonstrated.

Sec. 7-15. Airspace Surfaces.

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

Sec. 7-16. Objects Affecting Navigable Airspace.

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

Sec. 7-17. Supportive Screening Criteria.

A. *Antenna Installations.* Antenna installations used to transmit over navigable airspace may produce a harmful electromagnetic interference (EMI) with navigation aids or radio communications or aircraft, airport, or air traffic control facility. An antenna installation must comply with the permitting requirements of this section unless the antenna is to be co-located on an existing structure and:

1. The antenna does not increase the height of the existing structure;
2. The structure has a current no hazard determination on file with the FAA; and
3. The transmission of the antenna has been coordinated and approved by the Federal Communications Commission (FCC).

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

Sec. 7-18. Criteria for Approval or Disapproval of Airport Height Zoning Permit Application.

A. *Criteria.* In determining whether to issue or deny an Airport Height Zoning Permit, the County must consider:

1. The safety of persons on the ground and in aircraft;
2. The safe and efficient use of navigable airspace;
3. The nature of the terrain and height of existing structures;
4. The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use

airport contained in Chapter 330, Florida Statutes, and rules adopted thereunder;

5. The character of existing and planned flight operations and developments at public-use airports;

6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;

7. The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected Airport; and

8. The cumulative effect on navigable airspace of all existing obstructions and all known proposed obstructions in the area.

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

C. *Disapproval.* The Airport Zoning Director will not approve an application for an airport height zoning permit if the FAA has issued a determination that the proposed structure would constitute an airspace hazard or the Airport Zoning Director has determined that the proposed structure or object of natural growth would exceed the height limits established for the airspace surfaces or standards as set forth herein or otherwise would constitute an airspace hazard. Any decision of the Airport Zoning Director disapproving an airport height zoning permit application may be appealed as prescribed in Section 7-44 herein.

Sec. 7-19. Hazard Marking and Lighting.

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

Sec. 7-20. Permit Required in Addition to Those Issued by Other Agencies.

A. A permit required by these regulations is in addition to any other building, zoning, environmental, or occupancy permits required by any other governmental agency or jurisdiction.

B. Pursuant to Section 125.022, Florida Statutes, issuance of an airport height zoning permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

C. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Sec. 7-21. - Rules of Interpretation.

An area located in more than one of the described Airport height zones or airspace surfaces must comply with the most

restrictive height limit or surface. In the event a conflict arises between an Airspace Surface and the regulations as set forth in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in FAA Order 8260.3c and Order 8260.58A entitled United States Standards for Terminal Instrument Procedures; federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189; and any other FAA Advisory Circulars or guidelines relating to airspace, the most restrictive regulation will prevail.

Secs. 7-22 – 7-25. Reserved.

DIVISION 4. NONCONFORMING USE

Sec. 7-26. Nonconforming Use.

Any structure, object of natural growth, or use of land existing on the effective date of these regulations, which exceeds any height limit established herein or otherwise fails to comply with any provision of these regulations, is hereby declared to be a nonconforming use and in violation of these regulations.

Sec. 7-27. Change of Nonconforming Use.

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

Sec. 7-28. Continuance of Nonconforming Uses.

A. *Nonconforming Uses.* Except as provided in Sections 7.27 or 7.29 herein, nothing in these regulations will be construed to require removal, lowering, alteration, sound conditioning or other change to or interference with a nonconforming use in existence before September 25, 2018. That continuation of any existing nonconforming use will be governed by the County airport zoning regulations in effect on the date of the creation of the existing nonconforming use, except as provided in Sections 7-27 or 7-29 herein.

B. *Nonconforming Educational Facilities.* Except as provided herein, nothing in these Regulations will be construed to require removal, alteration, sound conditioning, or other change to or interference with the continued use, modification, or adjacent

expansion of any educational facility in existence on or before July 1, 1993.

Sec. 7-29. Abandoned or Deteriorated Nonconforming Use.

A. *Declaration of Abandoned or Deteriorated Nonconforming Use.* In the event the Airport Zoning Director determines a nonconforming use is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, no permit will be issued that would allow such nonconforming use to exceed the applicable height limit or otherwise deviate from these regulations; and regardless of whether an application is made for a permit under these regulations, the Airport Zoning Director may petition the Airport Board of Adjustment, upon due notice to the owner of the nonconforming use or the owner of the real property on which it is located, to compel the owner to lower, remove, reconstruct, equip, or otherwise alter the abandoned, destroyed, deteriorated, or decayed nonconforming use as may be necessary to conform to these regulations. Upon receipt of such petition, the Airport Board of Adjustment will conduct a public hearing pursuant to these regulations after due notice to the owner. If, after a public hearing, the Airport Board of Adjustment determines the nonconforming use to be abandoned, or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment may compel the owner, at the owner's own expense to lower, remove, reconstruct, equip, or otherwise alter the nonconforming use as may be necessary to conform to these regulations.

B. *Failure to Remove Abandoned or Deteriorated Nonconforming Use.* If the owner neglects or refuses to comply with such order within thirty (30) calendar days after notice thereof, the County may proceed to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess the cost and expense thereof on the structure or the real property whereon it is or was located.

Sec. 7-30. Sanitary Landfills. New sanitary landfills shall be prohibited within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft, and within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft. All other sanitary landfill sites proposed outside the above limits, but within the boundaries of the Airport Height Zoning map, will be reviewed on a case by case basis. Such review shall be consistent with all applicable rules, regulations, and statutes.

Secs. 7-31 – 7-35. Reserved.

DIVISION 5. ADMINISTRATION, ENFORCEMENT, AND REMEDIES

Sec. 7-36. Administration.

The provisions of these regulations will be interpreted, administered, and enforced by the Airport Zoning Director, with input provided, as needed, by the Authority Planning Director or other experts from the Authority. The duties of the Airport Zoning Director shall include that of hearing and deciding all applications for permits and all other matters under these regulations, except any of the duties or powers herein delegated to the Airport Board of Adjustment. The Airport Zoning Director shall coordinate the administration of these regulations, as needed, with the Authority Planning Director and appropriate departments of the Authority, the FAA, the County and the FDOT.

Sec. 7-37. Enforcement.

In the event of a violation of these regulations or an order, ruling, or permit issued hereunder, the Airport Zoning Director shall request that the Code Enforcement Manager provide a citation in writing to the owner of the real property on which the violation is located. Such notice will indicate the nature of the violation and order the owner to lower, remove, reconstruct, equip, or otherwise alter the structure or object of natural growth in order to correct or abate the violation within a period of time set forth in the citation.

Sec. 7-38. Remedies.

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

B. *Judicial Relief.* In addition to the provisions of Section 7-38A, the County may institute in any court of competent jurisdiction an action to enjoin, prevent, restrain, correct, or abate any violation of these regulations, or of any order or ruling made in connection with the administration or enforcement of these

regulations, and request that the court adjudge to the County such relief, by way of injunction or otherwise, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of these Regulations and any order or ruling made pursuant thereto.

C. *Cumulative Penalties.* The remedies provided in this Section 7-38 are cumulative in nature such that seeking one remedy does not preclude the County from seeking alternative relief in the same or a separate action.

Secs. 7-39 – 7-40. Reserved.

ARTICLE II

DIVISION 1. AIRPORT BOARD OF ADJUSTMENT

Sec. 7-41. General.

Pursuant to Section 502,A,4. Of the Orange County Charter, the Board of Zoning Adjustment will serve as the Airport Board of Adjustment within the jurisdictional limits of the County. The Authority Planning Director, or his designee, shall serve as an ex-officio, non-voting member and shall provide an analysis of each appeal along with a recommendation on behalf of the Authority. The Airport Board of Adjustment will have and exercise all the powers permitted by the provisions of Chapter 333, Florida Statutes, this section and all other laws governing its activities and procedures. The Board of County Commissioners may establish such rules of procedure or other processes to assist the Airport Board of Adjustment in carrying out its obligation hereunder, including but not limited to the creation of an appropriately qualified Hearing Officer or Hearing Master to receive and analyze the submission of evidence and to provide a report on same to the Airport Board of Adjustment. Such Hearing Officer or Hearing Master may be appropriately compensated, if permitted by applicable law. If used, the Hearing Officer or Hearing Master process shall have a full and open public hearing during which evidence and testimony may be taken to be used in determining its recommendations to the Airport Board of Adjustment.

Sec. 7-42. Administrative Assistance.

The Airport Zoning Director and the Authority Planning Director will provide such technical, administrative, and clerical assistance as is required by the Airport Board of Adjustment to carry out its function under these regulations.

Sec. 7-43. Powers and Duties.

The Airport Board of Adjustment will have the following powers and duties:

A. *Appeals.* To hear and render a final decision on any appeal from any order, requirement, decision, or determination made by the Airport Zoning Director in the application or enforcement of these Regulations.

B. *Abandoned or Deteriorated Uses.* To hear and render a final decision on any petition to declare a nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed.

Sec. 7-44. Appeals.

Any applicant, landowner, or other lawful participant in such proceeding, who is affected by any decision of the Airport Zoning Director made in the administration of these regulations, or any governing body of a political subdivision, which is of the opinion that a decision of the Airport Zoning Director is an improper application of these Regulations, may appeal to the Airport Board of Adjustment. Such appeals must be filed no later than ten (10) calendar days after the date of notification of the decision appealed from by filing with the Airport Zoning Director a notice of appeal specifying the grounds therefor. The Airport Zoning Director will transmit to the Airport Board of Adjustment copies of the record of the action appealed. An appeal stays all proceedings in furtherance of the action appealed from, unless the Airport Zoning Director certifies to the Airport Board of Adjustment after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would result in imminent peril to life and property. In such case, proceedings will not be stayed other than by order by the Airport Board of Adjustment or by a court of competent jurisdiction, or notice to the Airport Zoning Director, and on due cause shown.

Sec. 7-45. Abandoned or Deteriorated Uses.

Upon petition by the Airport Zoning Director, or upon its own motion, the Airport Board of Adjustment may review any nonconforming use to determine if it is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated or decayed. Upon declaring a nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment will proceed in accordance with the provisions set forth in Section 7-29 of these Regulations.

Sec. 7-46. Forms.

Appeals and petitions will be made on forms provided by the County therefor, and all information required on said forms must be provided by the appellant or petitioner. Forms will be filed with the Airport Zoning Director, and the appellant or petitioner must pay any applicable fee for the appeal or petition. No form will be accepted unless it contains all pertinent information and is accompanied by any required fee.

Sec. 7-47. Calendar of Appeals.

Appeals and petitions filed in proper form will be numbered serially, docketed and placed upon the calendar of the Airport Board of Adjustment. The calendar of appeals or petitions to be heard will be posted conspicuously on the County's notice board at 201 S. Rosalind Avenue, Orlando, FL 32801, at least fifteen (15) calendar days before such hearing date.

Sec. 7-48. Judicial Review.

An aggrieved party, including the county, may seek judicial relief from a final decision of the Airport Board of Adjustment by filing a petition for writ of certiorari in the manner provided by Section 333.11, Florida Statutes and the Florida Rules of Appellate Procedure.

Secs. 7-48 – 7-50. Reserved.

DIVISION 2. AMENDMENT, CONFLICTS, AMENDMENT OF LAWS.

Sec. 7-51. Amendment.

These regulations, including the Airport Height Zoning Map, may be amended by the Board of County Commissioners so long as such amendment is in conformance with the Interlocal Agreement and Chapter 333, Florida Statutes. Before adopting an amendment to these regulations, the Board will give public notice and hold a public hearing as provided by Section 333.05, Florida Statutes.

Sec. 7-52. Conflict with Other Laws or Regulations.

In the event of a conflict between these regulations and any other laws and regulations applicable to the same area, whether the conflict be with respect to the height of the structures or objects of

natural growth, the use of land or any other matter, and whether such laws or regulations were adopted by the Board or by some other political subdivision that is a party to the Interlocal Agreement, the more stringent limitation or requirement will govern and prevail.

Sec. 7-53. Amendment of Laws.

All laws, ordinances, rules, regulations, advisory circulars or orders referenced in these regulations will include any applicable amendments thereto.

Secs. 7-54 – 7-61. Reserved.

Section 2. Repeal of Conflicting Provisions. All previous ordinances, resolutions or motions of the County which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except as provided herein.

Section 3. Effective Date. This ordinance shall become effective on September 25, 2018.

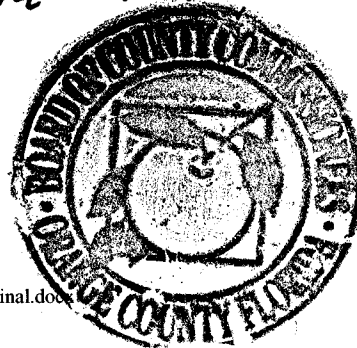
ADOPTED THIS 18th DAY OF September, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
County Mayor

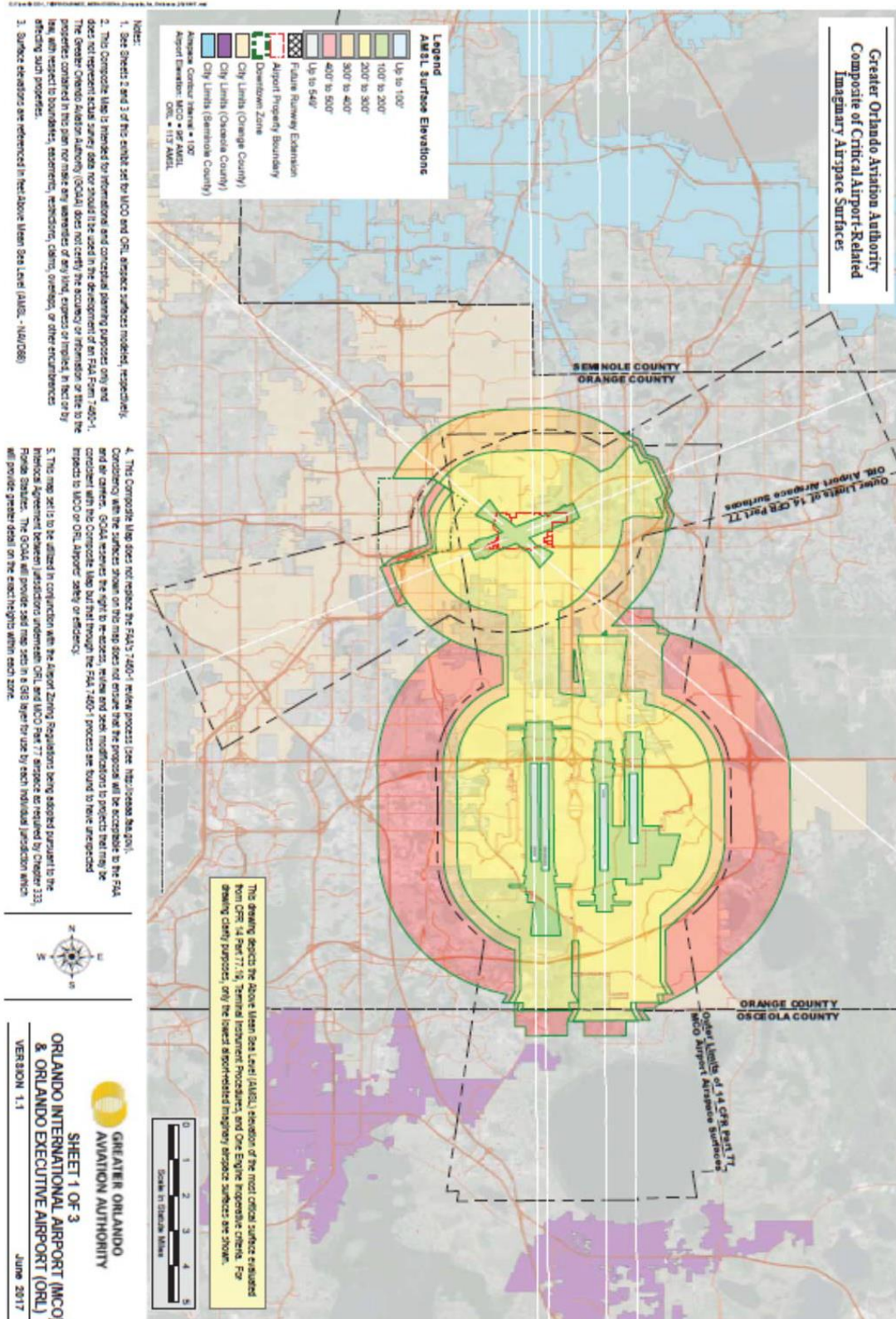
ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Craig A. Stopyska*
for Deputy Clerk

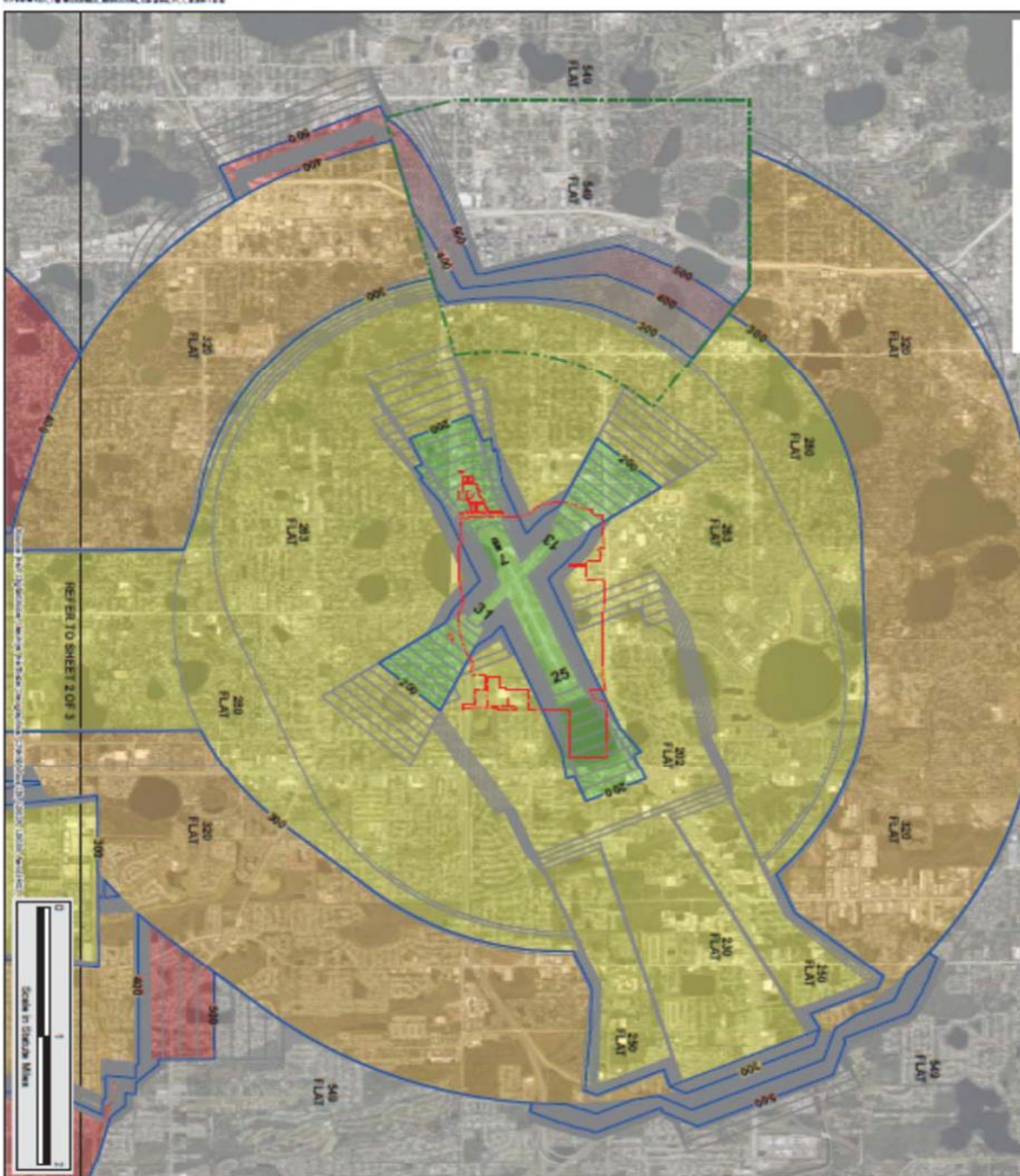


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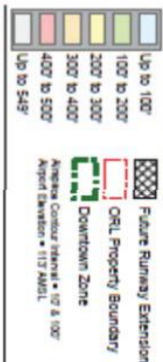
A-1



This drawing depicts the Above Water Sea Level (AWSL) elevation of the most critical surface evaluated from CRR 14 Part 7.19, Technical Instrument Procedures, and One Engine Inoperative criteria. For drawing clarity purposes, only the lowest approved-mandatory structure surfaces are shown.



AMSL Surface Elevations



1. The COCOPOL unit is intended for informational and conceptual planning purposes only and does not represent actual survey data nor should be used in the development of a FSA Form 7400-1. The Greater Orlando Economic Authority (GOEA) does not certify the accuracy or information in the properties contained in this plan nor make any warranties of any kind, express or implied, in fact or by law, with respect to boundaries, structures, restrictions, zoning, ownership, or other encumbrances affecting said properties.

2. The Composite Map does not address the FIA's 1400+ review process (see <http://www.fia.org>). Consistency with the subject's claim on this issue does not ensure that the proposal will be acceptable to the FIA and its members. GOAA reserves the right to re-assess, refine and seek modifications to projects that may be inconsistent with the Composite Map but that through the FIA 1400+ process are found to have unexpected impacts to MCO or ORL Airport safety or efficiency.

2. Surface elevations are referenced in feet above Mean Sea Level (AMSL - NAVD83)

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4. This map is to be utilized in conjunction with the Airport Zoning Regulations being adopted pursuant to the Intergovernmental Agreement between jurisdictions underwritten ORL and WFO Part 77, alongside as required by Chapter 333, Florida Statutes. The GOA will provide and map sets in a GIS format for use by each individual jurisdiction which will provide greater detail on the exact heights within each zone.

COMPOSITE MAP PARAMETERS

SURFACE TYPES	RUNWAYS
CIRCLE-TO-LAND	
#7 SINO DEINTERLUNE*	ALL RUNWAYS
8 APPROACH**	7-20
LOCALIZER APPROACH**	7-20
LNAV APPROACH**	7-20
LPR APPROACH**	7-20
MCA (1500)	ALL RUNWAYS
PART 77	ALL RUNWAYS
VARIABLE STRONG-WAY*	ALL RUNWAYS
NVA APPROACH**	7-20

* FINAL, MIXED AND GO

* FUTURE PLACEMENTS BASED ON BOAT EXTENSION TO RUNWAY 7
END WITH BOAT DISPLACED THRESHOLD.



SHEET 3 OF 3

ORLANDO EXECUTIVE AIRPORT (ORL)

VERSION 1.1

June 2011