



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0258

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 2, 2021

TITLE: Second Reading - Ordinance Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts to Adopt Airport and Heliport/Helistop Zoning Regulations and Creating Section 47-3.12 to Add Regulations for Nonconforming Obstructions Located Within the Airport Hazard Area, General Aviation Airport District, or Airport Industrial Park District - **(Commission Districts 1 and 4)**

Recommendation

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts, to comply with Chapter 333, Florida Statutes to adopt regulations for obstructions to airspace such as structures around airports and heliports, and create Section 47-3.12 entitled "Nonconforming Obstructions" to add regulations for nonconforming obstructions located within the Airport Hazard Area, General Aviation Airport (GAA) District, or Airport Industrial Park (AIP) District.

Background

The proposed ordinance was passed on first reading by the City Commission on January 21, 2021. The item was scheduled for second reading on February 2, 2021 but was deferred to February 16, 2021 to provide staff additional time to address the review process, review criteria, and amendment process for clarification purposes. The following changes have been made to address raised issues. Please refer to Exhibit 4 to review changes:

- Exhibit 4, page 30 – The additional requirements for developments located within an airport hazard area, that are outside the GAA and AIP districts were modified to clarify that Adequacy Requirements must be evaluated.
- Exhibit 4, page 47 - The review process for an airport obstruction permit was modified to require a Site Plan Level I (department) approval.
- Exhibit 4, page 48 - The criteria for the airport obstruction permits were modified to remove Neighborhood Compatibility Requirements to be consistent with statutory regulations related to airport hazards.

- Exhibit 4, page 49 - The language was modified to require that any changes to an airport obstruction permit must be evaluated and approved by the last approving body which gave final approval of the original development permit instead of requiring all amendments to be reviewed and approved by the Planning and Zoning Board (PZB). Modification is consistent with existing regulations in the ULDR for all other development permit approval amendments.
- Exhibit 4, page 52 - Neighborhood Compatibility Requirements were removed from the letter of no objection criteria to be consistent with statutory regulations related to airport hazards.

The item was deferred at the February 16, 2021 City Commission meeting to provide staff additional time to clarify specific items discussed at the meeting.

Educational Facilities as an Accessory Use:

The proposed ordinance uses the same definition of educational facility as provided in Chapter 333, which states:

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.

Further, the Aircraft Noise Control Zones were established and proposed in the amendment in accordance with Title 14, Code of Federal Regulations (CFR), Part 150 which prohibits certain uses within Aircraft Noise Control Zones. Properties within noise contours greater than or equal to 65 Day Night Sound Level (DNL) shall be considered as part of the Aircraft Noise Control Zone. As shown in Table 2 on page 44 of Exhibit 4, educational facilities, with the exception of aviation schools having to meet this requirement, are not allowed to be developed in noise contours greater than or equal to 65 DNL. As indicated on the map found on page 43 of Exhibit 4, the area developed for the Lockhart Stadium, where accessory educational facilities are proposed, are outside of the DNL. Therefore, a multitenant facility that provides a use for educational purposes that is not exposed to 65 DNL or greater will be permitted by this proposed amendment.

2,500 Square Foot Accessory Use Limitation:

Staff has researched the requirements of Chapter 333 and has found that a limitation on accessory use square footage is not required. The language that limits the maximum square footage and the requirement to request approval through the Aviation Advisory Board is existing language from the current ordinance. To address this, staff has removed the limitation for the 2,500 square feet and will rely on the existing definition of Accessory Use in the current ordinance, which states:

Accessory uses: Uses customarily incidental and subordinate to the principal uses as permitted and located on the same development site as the principal use.

Active and Passive Park Use:

Staff has researched the active and passive park use in relation to the proposed park on the south side of Lockhart Stadium. As with the educational facilities discussed above, the described area is outside of the DNL (please refer to the map on page 43 of Exhibit 4), which would not restrict the use from being located on the proposed site.

In 2016, the Florida Legislature adopted amendments to Chapter 333, Florida Statutes, to require all local governments that have an airport hazard area, identified as any areas where an airport hazard or obstruction might be established as well as to adopt an ordinance to administer and enforce airport zoning and land-use compatibility regulations. The regulations are intended to minimize the exposure of adjacent properties to airport hazards and noise while prohibiting incompatible land uses and structures around airports. The City of Fort Lauderdale owns and operates two public-use facilities; the Fort Lauderdale Executive Airport (FXE), located at 6000 NW 21st Avenue, and the John Fuhrer Downtown Helistop (DT1), located at 201 SE 2nd Street, to which the described statutory requirements apply.

Chapter 333, Florida Statutes, mandates the City amend its local zoning regulations to address land use restrictions, noise, height limitations, locational requirements, permit requirements, administration, and enforcement of airport protection zones. The State requirements for airport protection zones are consistent with Federal requirements found in Title 14, Code of Federal Regulations (CFR), Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. Additionally, the State requirements are consistent with land uses and specific noise contours in Title 14, CFR Part 150, Airport Noise Compatibility Planning regulations. The proposed amendment does not change aircraft flight paths.

Staff prepared amendments to Section 47-14, General Aviation Districts of the ULDR to comply with the requirements in Chapter 333, Florida Statutes, as Section 333.13, Florida Statutes, provides that the Florida Department of Transportation may institute a civil action for injunctive relief to prevent any violation of Chapter 333, Florida Statutes.

In accordance with Chapter 333, Florida Statutes, the regulations in the proposed ordinance minimize the exposure of adjacent properties to airport hazards and noise, and prohibit incompatible land uses and structures. The proposed regulations include land use restrictions, noise requirements, height limitations, locational requirements, permit requirements, administration, and enforcement of airport protection zones. Additionally, the proposed ordinance includes Section 47-3.12 entitled "Nonconforming Obstructions" which adds regulations for nonconforming obstructions located within the Airport Hazard Area, General Aviation Airport District, or Airport Industrial Park District.

The PZB reviewed the application on September 16, 2020, and recommended denial by a vote of 2-7. Denial was recommended based on public input that objected to any regulations that would prohibit the construction of a school in the Lockhart Stadium

complex. The September 16, 2020 PZB Staff Report is attached as Exhibit 1. The September 16, 2020 PZB meeting minutes are attached as Exhibit 2. In addition, the exhibits presented to the PZB are attached and include the March 28, 2019 Aviation Advisory Board Meeting Minutes attached as Exhibit 3. As indicated above, the proposed language of proposed amendment would not preclude the use of the Lockhart Stadium complex for associated educational purposes, ancillary to the principal use of the site.

To review the proposed ordinance amendment, please refer to Exhibit 4.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Provide best-in-class regional general aviation airport amenities and services

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Connected.

Attachments

Exhibit 1 – September 16, 2020 PZB Staff Report
Exhibit 2 – September 16, 2020 PZB Meeting Minutes
Exhibit 3 – March 28, 2019 AAB Meeting Minutes
Exhibit 4 – Ordinance

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