



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0220

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 16, 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 District, or Airport Industrial Park 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 between first and second reading and are indicated in Exhibit 4 with double strike through and double underline:

- 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 in order 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.

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 land use and zoning regulations to address land use restrictions, noise, height limitations, locational requirements, permit requirements, administration, and enforcement of airport protection zone requirements. 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. In addition, the State requirements are consistent with land uses and specific noise contours in Title 14, CFR Part 150, Airport Noise Compatibility Planning regulations. It is important to note that the proposed amendment does not change aircraft flight paths.

Staff prepared amendments to Section 47-14, General Aviation Districts of the ULDR in order 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 a school in the Inter-Miami 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. After further review of the proposed language, staff has determined that the amendment would not preclude the use of the Inter-Miami Stadium complex for associated educational purposes, ancillary to the principal use of the site.

Post PZB, the proposed ordinance was revised to refer to the existing definition in the ULDR for helistop and heliport. References were also added to the proposed ordinance to clarify that hazard regulations also pertain to helistop and heliport.

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

Prepared by: Karlanne Grant, Urban Planner III, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development