

ORDINANCE NO. 77-2

(BLOUNTSTOWN AIRPORT ZONING ORDINANCE)

An Ordinance to be entitled

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF LAND IN THE VICINITY OF THE BLOUNTSTOWN AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred by Section 333.03, Florida Statutes. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as the persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in the vicinity of the obstruction, and in effect reduces the size of areas available for the landing, taking off and maneuvering of aircraft, thus, tending to destroy or impair the utility of Blountstown Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an airport obstruction is a public nuisance and an injury to the region served by the Blountstown Airport; and
- (2) That it is necessary in the interest of the public health, public safety and general welfare that the creation of airport obstruction and structures be prevented; and
- (3) That it is necessary in the interest of the public health and general welfare that the establishment of incompatible land uses be prevented in the areas defined as the CNR 100 contour (ASDS 85 dBA) noise area and/or the accident potential hazard area; and
- (4) That the prevention of these obstructions, structures and incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention and the creation or

establishment of airport obstructions, structures and incompatible land uses and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land.

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

Section 1 - Short Title. This Ordinance shall be known and may be cited as "Blountstown Airport Zoning Ordinance."

Section II - Definitions. As used in this Ordinance, unless the context otherwise requires:

- (1) AIRPORT - Blountstown Airport.
- (2) AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.
- (3) AIRPORT OBSTRUCTION - Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR ss. 77.21, 77.23, 77.25 and 77.28 or which obstructs the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing or take-off of aircraft.
- (4) AIRSPACE HEIGHT - To determine the height limits in all zones set forth in this Ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.
- (5) RUNWAY - A defined area on the airport prepared for landing and take-off of aircraft along its length.
- (6) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (7) UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500

pounds maximum gross weight and less.

- (8) STRUCTURE - Any object, constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles and overhead transmission lines.
- (9) ZONING ADMINISTRATOR - The administrative office or agency responsible for administering zoning within each of the political subdivisions that adopt this Blountstown Airport Land Use Ordinance.
- (10) NONCONFORMING USE - Any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this Ordinance, or amendments thereto.
- (11) ACCIDENT POTENTIAL HAZARD AREA - An area within 5,000 feet of the approach or departure end of a runway or in proximity to an airport which aircraft may maneuver after take-off or before landing and are subject to the greatest potential to crash into a structure or the ground.

Section III - AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Blountstown Airport Zoning Map which is attached to this Ordinance and made a part hereof.

Zoning Map A

Blountstown Airport

An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Public Civil Airport Height Zones and Limitations

- A. Primary Zone - An area longitudinally centered on a runway extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure

or obstruction will be permitted within the primary zone that is not part of the landing and take-off area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

Runway 13/31 - 250 feet for utility runways having only visual approaches.

The width of the primary zone of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

- B. Horizontal Zone - The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

5,000 feet for all runways designated as utility or visual.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

- C. Conical Zone - The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport height at the boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at

the outer boundary.

D. Approach Zone - An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

1,250 feet for that end of a utility runway with only visual approaches.

(2) The approach surface extends for a horizontal distance of:

5,000 feet for all utility and visual runways.

(3) The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(4) Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways.

E. Transitional Zone - The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally,

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 or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

- F. Other areas - In addition to the height limitations imposed in paragraph A through E above, no structure or obstruction will be permitted within Calhoun County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

Section IV - Airport Land Use Restrictions.

(1) Use Restrictions

NOTWITHSTANDING any other provision of this Ordinance, no use may be made of land or water within any zones established by this Ordinance in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.
- B. No operations from any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
- C. No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
- D. Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could pro-

duce a major catastrophe as a result of an aircraft crash.

(2) Lighting

NOTWITHSTANDING the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-ID and Amendments thereto on such structure. Additionally, high density white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-ID and Amendments.

(3) Variances

Any person desiring to erect or increase the height of any structures, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the appropriate zoning administrator.

(4) Hazard Marking and Lighting

Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-ID or subsequent revisions. The permit may be conditioned to permit Calhoun County or the City of Blountstown at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(5) Airport Noise Zones

No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85dBA contour) unless the prospective buyer or lessee has been given the

following notice in writing:

"Noise Warning - this land lies beneath the aircraft approach and departure routes for Blountstown Airport and is subject to noise that may be objectionable."

Section V - Administration and Enforcement. It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein within the territorial limits over which the political subdivision has zoning authority. In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by the zoning administrator. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the appropriate Board of Adjustment. An administrative official shall order discontinuance of use of land or building; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alterations, or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

Section VI - Board of Adjustment.

- (1) The Calhoun County Zoning Board of Adjustment and the Blountstown Zoning Board of Adjustment shall have and will exercise the following power on matters relating to areas within the territorial limit of authority: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment may be required to pass; and (3) to hear and decide specific variances.
- (2) The Board of Adjustment shall adopt rules for its governance in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of

the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the appropriate County or City Clerk.

- (3) The Board of Adjustment shall make written findings of facts and conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.
- (4) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation of this Ordinance.

Section VII - Appeals.

- (1) Any person aggrieved, or any taxpayer affected, by any decision of the zoning administrator made in the administration of this Ordinance, may appeal to the Board of Adjustment.
- (2) All appeals hereunder must be made within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed was taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed unless the zoning administrator certifies to the Board of Adjustment, after the notice of appeal has

has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings would not be stayed except by order of the Board of Adjustment on notice to the zoning administrator and after due cause is shown.

- (4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the interested parties and render a decision within a reasonable time. During the hearing, any party may appear in person, by agent or by attorney.
- (5) The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination, as may be appropriate under the circumstances.

Section VIII - Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Circuit Court as provided in Section 333.11, Florida Statutes.

Section IX - Penalties. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein shall constitute a misdemeanor of the second degree and shall be punishable by a fine of not more than 500 dollars or imprisonment for not more than 60 days or both; and each day a violation continues to exist shall constitute a separate offense.

Section X - Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section XI - Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the Ordinance which can be given

effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.


Section SII - Effective Date. This Ordinance shall take effect upon adoption by the Board of County Commissioners and the Blountstown City Council.

PASSED AND ADOPTED this 27th day of July, 1977.

BOARD OF COUNTY COMMISSIONERS,
CALHOUN COUNTY, FLORIDA

ATTEST:

BY:


WILLIE D. WISE, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners


JAMES M. DILLARD, Chairman

STATE OF FLORIDA

COUNTY OF CALHOUN

I, WILLIE D. WISE, Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance as the same was duly adopted and passed at a regular meeting of the Board on the 27th day of July, 1977, and as the same appears on record in my office.

IN WITNESS I hereby set my hand and official seal this 27th day of July, 1977.



WILLIE D. WISE, Clerk
Board of County Commissioners
Calhoun County, Florida