

COMMENTS OF FLORIDA DEPARTMENT OF TRANSPORTATION PURSUANT TO
SECTION 333.025(4), FLORIDA STATUTES ON PETITION/ APPLICATION FOR
AIRPORT OBSTRUCTION ZONING PERMIT APPLICATION

Political Subdivision: City of Pompano Beach, Florida

Date of Receipt: February 1, 2023 (by email)

Date Comments sent: February 28, 2023 (by email)

Political Subdivision Representative: Pamela Stanton RLA

Applicant: Pillar Consultants Inc.

RE: PZ No. 22-12400001 Homewood Suites

FAA Determination(s): 2022-ASO-36103-PE (Submitted with application)

Gentlemen:

Summary: Based upon the following the Florida Department of Transportation (Department) finds that the above referenced airport obstruction zoning permit application is technically consistent with s. 333.025(4), Florida Statutes, as set forth below.

Review Requirement: Section 333.025(4), Florida Statutes (F.S.), provides the Department a 15-day review period, following receipt of a complete permit application from the local government by certified mail, for the construction or alteration of an obstruction which must run concurrently with the local government's permitting process, to evaluate technical consistency with s. 333.025(4), FS. The following Comments are intended to comply with this requirement

Review Standards: Subsection 333.025(4), F.S. requires the evaluate of airport obstruction zoning permit applications for technical consistency with the requirements of subsection 333.025(4), F.S. The department has received and reviewed the above referenced airport obstruction zoning permit application and attachments, if any, received from the Political Subdivision, for technical consistency in accordance with s.333.025(4), F.S., regarding the construction or alteration proposed by the Applicant. The Comments are not intended as legal advice and are non-binding evaluations solely for the consideration of the Political Subdivision with regard to the application.

EVALUATION

Section 333.025(4) provides, in part, that:

If political subdivisions have, in compliance with this chapter,
adopted adequate airport protection zoning regulations,

P&Z

PZ22-12400001
06/28/2023

placed such regulations on file with the department's aviation office, and
established a permitting process,

a permit for the construction or alteration of an obstruction is not required from the department.

COMMENTS

The Political Subdivision's submittal of the airport obstruction zoning permit application to the Department's Aviation Office (AO) is accepted as a representation by the Political Subdivision that:

1. the Political Subdivision is in compliance with Chapter 333.

[whether the Political Subdivision has complied with Chapter 333 requires a legal evaluation beyond the scope of this Comment and it is left to the determination of the Political Subdivision]; and

2. the Political Subdivision has adopted adequate airport protection zoning regulations

[whether the political subdivision has adopted adequate airport protection zoning regulations is a legal determination beyond the scope of this Comment and is left to compliance by the Political Subdivision]; and

3. the Political Subdivision has placed such regulations on file with the department's aviation office

[the department's records reflect that the Political Subdivision has placed airport protection zoning regulations on file with department's aviation office however it is undetermined if such regulations are in compliance with Chapter 333]; and

4. the Political Subdivision has established a permitting process

[submission of an airport obstruction zoning permit application reflects the existence of a permitting process – it is noted that the application required

appropriate information and documents for evaluation of a permit application including documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and valid aeronautical studies. Adequacy of the permitting process is beyond the scope of these Comments and is left to the determination of the Political Subdivision] The intent of these Comment is to evaluate the Political Subdivision's compliance with the requirements of s. 333.025(4)]

1. Section 333.025(4) also provides, in part, that:

Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery.

[the Department notes receipt of the permit application by **email** on February 1, 2023]

2. Section 333.025(4) provides, in part, that:

To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application by certified mail, which must run concurrently with the local government permitting process.

[The AO has received a permit application, evaluated technical consistency as set forth herein and provided its Comments more than 15 days after receipt of the permit application by **email**].

COMMENT: In view of the foregoing it is demonstrated that the Political Subdivision has substantially complied with the requirements of s. 333.025(4), Chapter 333, Florida Statutes and is entitled to proceed with the permitting process in accordance with its airport zoning regulations. The department accepts the filing of the Airport Obstruction Zoning Permit Application with the Aviation Office as a representation that the Political Subdivision has zoning authority in this matter, unless otherwise advised in writing. Since the foregoing requirements have been met a permit for the construction or alteration of an obstruction is not required from the Department and the City of Pompano Beach is the appropriate zoning authority subject to the foregoing.

These Comments do not constitute approval or disapproval of the permit application. The Comments are solely required to evaluate technical consistency with Section 333.025(4), F.S.

If there are any questions regarding the foregoing please contact:

Greg Jones
Airspace Protection and Security Manager
Aviation Office
Florida Department of Transportation
605 Suwannee Street, MS 46
Tallahassee, FL 32399-0450
Office 850-414-4502
Fax 850-414-4508
Greg.Jones@dot.state.fl.us
<http://www.dot.state.fl.us/aviation>

P&Z

PZ22-12400001
06/28/2023