




## ADMINISTRATIVE MEMORANDUM NO. 18 - 407

DATE: November 2, 2018

TO: Planning and Zoning Board

VIA: David L. Recor, Director of Development Services   
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Jean E. Dolan, AICP, Principal Planner 

RE: Amendments to Chapter 155 Related to Air Park Obstruction Permitting  
Procedures Within Fort Lauderdale Executive Airport (FXE) Airspace

P&Z November 28, 2018

### **Air Park Overlay Zone and Obstruction Permit Related Amendments to Add Fort Lauderdale Executive Airport Related Regulations**

On July 25, 2018, the P&Z Board recommended the City Commission approve amendments to the Airpark Zoning and Obstruction Permitting regulations to better address the requirements in Chapter 333 F.S. primarily related to comments received by FDOT. The City Attorney then proceeded to draft an ordinance with the recommended changes for consideration by the City Commission. Subsequent to the completion of that ordinance, Staff became aware of the fact that the restricted airspace associated with Fort Lauderdale Executive Airport (FXE) overlaps into the City of Pompano Beach as shown on the attached airspace exhibit. The staff, therefore, in coordination with FXE and City of Fort Lauderdale staff, has written a procedure for the review and approval of potential obstructions by Fort Lauderdale staff when those projects are within the jurisdiction of the City of Pompano Beach and also within the FXE airspace. The procedure will be triggered when the height of a proposed project exceeds 75% of the height limit shown on the FXE airspace plan. The City of Pompano Beach will not approve any permit for projects exceeding that height limit until the City of Fort Lauderdale provides a determination of no obstruction or issues an obstruction permit for the project. These requirements have been added to the ordinance previously prepared to adopt the changes approved in July, 2018 and is attached for review by the P&Z Board. The new changes since the July presentation are highlighted in yellow.

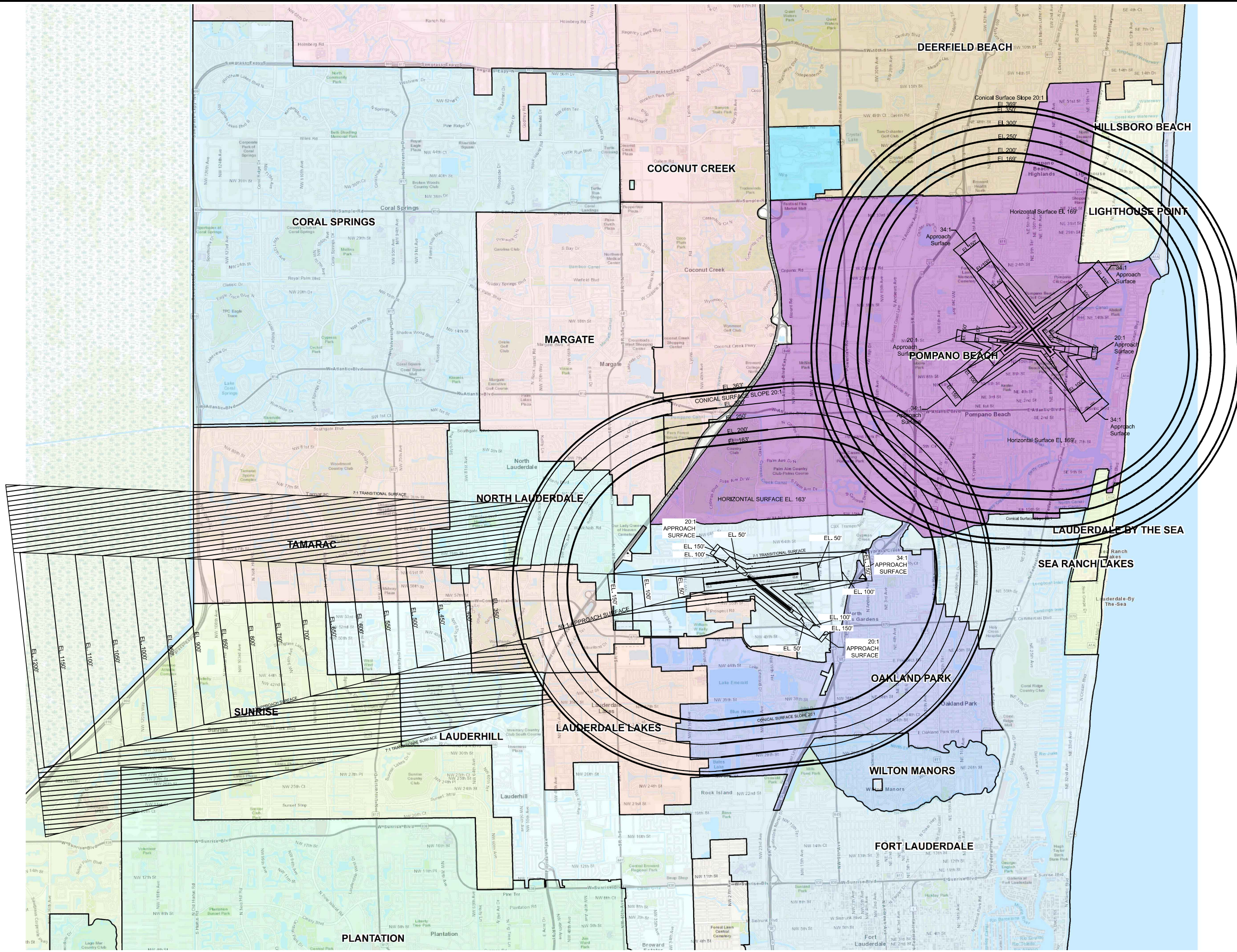
It is notable that an Interlocal Agreement is also being prepared for obstruction permitting, not only with Fort Lauderdale, but also with Deerfield Beach, Lighthouse Point, Hillsboro

Beach and Lauderdale-By-The-Sea to address interlocal obstruction permitting procedures, as required by 155.3707.D.1.a and Chapter 333 F.S.

**Recommendation:**

Staff requests the Board recommend approval for the proposed amendments to Chapter 155 to acknowledge and include procedures related to Fort Lauderdale Executive Airport's airspace in regard to airport related obstruction permitting procedures.

**MAP OF POMPANO BEACH AIR PARK AND FORT LAUDERDALE  
EXECUTIVE AIRPORT AIRSPACE**



\\AirPark\2018\FE Protection Zoning Maps\For Joining\Fort Lauderdale and Pompano.dwg, 11/2/2018 11:25:19 AM

**DRAFT ORDINANCE WITH CODE AMENDMENTS**

**FOR COMPLIANCE WITH CHAPTER 333 F.S. AIRPORT ZONING  
WITH THE ADDITION OF CONSIDERATION OF FORT LAUDERDALE  
EXECUTIVE AIRPORT AIRSPACE AND OBSTRUCTION PERMITTING  
PROCEDURES**

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO INCLUDE AIR PARK OBSTRUCTION PERMIT APPLICATIONS; BY AMENDING SECTION 155.2305, "PUBLIC HEARING SCHEDULING AND NOTICE," TO AMEND TABLES TO INCLUDE AIR PARK OBSTRUCTION PERMITS, COMPREHENSIVE PLAN NOTICE REQUIREMENTS FROM CHAPTER 154, AND TO MODIFY A FOOTNOTE REFERENCE; BY AMENDING SECTION 155.2422., "AIR PARK OBSTRUCTION," TO INCLUDE REFERENCE TO OBSTRUCTIONS IN FORT LAUDERDALE EXECUTIVE AIRPORT (FXE) AIRSPACE, MODIFY PURPOSE, APPLICABILITY AND PROCEDURES FOR AIR PARK OBSTRUCTION PERMITS, AND PROVIDE FOR APPEALS; BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE PROCEDURES FOR APPEAL OF AIR PARK OBSTRUCTION PERMIT DECISIONS; BY AMENDING SECTION 155.3707., "AIR PARK OVERLAY (APO) DISTRICT," TO MODIFY PURPOSE, DEFINITIONS, REQUIREMENTS, RESTRICTIONS AND PROCEDURES TO INCLUDE FXE AIRPORT ZONES AND HEIGHTS AND INCLUDE THE PROCESS FOR REVIEW OF OBSTRUCTIONS IN FXE AIRSPACE; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE - RELATED SERVICES USES," TO MODIFY A CROSS-REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, there are two airports in or near the City of Pompano Beach, Pompano Air Park and Fort Lauderdale Executive Airport (FXE), which must be protected from obstructions to air navigation; and

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 155.2304., "Staff Review and Action," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.2304. STAFF REVIEW AND ACTION**

...

**C. APPLICATIONS SUBJECT TO STAFF RECOMMENDATION**

**1. Staff Report**

...

TABLE 155.2304.C: APPLICATIONS SUBJECT TO STAFF RECOMMENDATION
Text Amendment
General Zoning Map Amendment (Rezoning)
Site -Specific Zoning Map Amendment (Rezoning)
Planned Development
Special Exception
Major Site Plan
Major Building Design
Major Certificate of Appropriateness
Plat

Major Temporary Use Permit
Interim Use Permit
Variance
Major Administrative Adjustment
Air Park Obstruction Permit
Development Agreement
Takings or Vested Rights Determination [placeholder]
Right-of-Way or Easement Dedication Acceptance
Right-of-Way or Easement Vacation or Abandonment

**SECTION 2.** That Section 155.2305., “Public Hearing Scheduling and Notice,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.2305. PUBLIC HEARING SCHEDULING AND NOTICE**

**A. REQUIRED PUBLIC HEARINGS**

Table 155.2305.A, Required Public Hearings, identifies the review bodies responsible for conducting public hearings on the different types of applications for a development permit reviewed under this Code, the types of applications that require a public hearing(s), and the type of required public hearing (standard or quasi-judicial).

TABLE 155.2305.A: REQUIRED PUBLIC HEARINGS S = STANDARD PUBLIC HEARING    Q = QUASI-JUDICIAL PUBLIC HEARING					
APPLICATION TYPE <sup>1</sup>	BODY CONDUCTING PUBLIC HEARING				
	HISTORIC PRESERVATION COMMITTEE	ARCHITECTURAL APPEARANCE COMMITTEE	PLANNING AND ZONING BOARD	ZONING BOARD OF APPEALS	CITY COMMISSION
Text Amendment proposing to revise Use Table			S		S, S <sup>2</sup>
...	...	...	...	...	...
Major Administrative Adjustment			Q		

TABLE 155.2305.A: REQUIRED PUBLIC HEARINGS						
S = STANDARD PUBLIC HEARING    Q = QUASI-JUDICIAL PUBLIC HEARING						
APPLICATION TYPE <sup>1</sup>		BODY CONDUCTING PUBLIC HEARING				
		HISTORIC PRESERVATION COMMITTEE	ARCHITECTURAL APPEARANCE COMMITTEE	PLANNING AND ZONING BOARD	ZONING BOARD OF APPEALS	CITY COMMISSION
Appeal of a decision on an application for:	Special Exception					Q
	Major Site Plan					Q
	Major Building Design					Q
	Major Certificate of Appropriateness					Q
	Minor Building Design		Q			
	Minor Certificate of Appropriateness	Q				
	Interim Use Permit					Q
	Variance					Q
	Interpretation				Q	
	<u>Air Park Obstruction Permit</u>			Q		
Placement on Local Register of Historic Places		Q				
Development Agreement				S		S
...		...	...	...	...	...

...

## C. PUBLIC HEARING NOTICE

### 1. General Notice Requirements

Public notice of the public hearing on an application shall be required as shown in Table 155.2305.C: Public Hearing Notice Requirements, for the type of application and the type of notice. In computing the time periods prescribed for notices, the day the notice is published or postmarked shall not be included, but the day of the hearing shall be included.

TABLE 155.2305.C: PUBLIC HEARING NOTICE REQUIREMENTS <sup>1</sup> CC = City Commission   ZBA = Zoning Board of Appeals   P&Z = Planning and Zoning Board AAC = Architectural Appearance Committee   HPC = Historic Preservation Committee			
Application Type	Notice Requirement		
	Timing of Published Notices	Mailed Notices	
		Timing	Recipients
Comprehensive Plan Map Amendment (large scale and small scale)	<ul style="list-style-type: none"> <li>• Publish newspaper notice at least 10 days before the P&amp;Z Board hearing date.</li> <li>• Publish newspaper notice at least 7 days before the City Commission <i>Transmittal</i> hearing date.</li> <li>• Publish newspaper notice at least 5 days before the <i>Adoption</i> hearing date.</li> </ul>	<ul style="list-style-type: none"> <li>• Mail notice of the P&amp;Z public hearing at least 10 calendar days before the hearing date (per City Code Ch. 154.08(C)(1))</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Owner(s) of land subject to the application</li> <li>• Owners of real property within 500 ft of the parcel(s) subject to the application <sup>4</sup></li> <li>• Local planning agency of the adjacent municipality, if its jurisdictional boundary lies within 500 ft of the parcel(s) subject to the application</li> </ul>
Residential and Nonresidential Flexibility Allocations	<ul style="list-style-type: none"> <li>• Publish newspaper notice at least 5 calendar days before the P&amp;Z hearing per Ch. 154.61(C)(3).</li> <li>• Publish newspaper notice at least 10 calendar days before the City Commission hearing per Ch. 154.61(C)(4).</li> </ul>	<ul style="list-style-type: none"> <li>• Mail notice of the P&amp;Z public hearing at least 6 business days before the hearing date (per City Code Ch. 154.61(C)(3).</li> <li>• Mail notice of the City Commission public hearing at least 10 calendar days before the hearing date (per City Code Ch. 154.61(C)(4).</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Owner(s) of land subject to the application</li> <li>• Owners of real property within 500 ft of the parcel(s) subject to the application <sup>4</sup></li> <li>• Local planning agency of the adjacent municipality, if its jurisdictional boundary lies within 500 ft of the parcel(s) subject to the application</li> </ul>
Text Amendment proposing to revise Use Table	<ul style="list-style-type: none"> <li>• Publish notice of the first CC public hearing at least 7 calendar days before the hearing date</li> <li>• Publish notice of the second CC public hearing at least 5 calendar days before the hearing date</li> </ul>		
...	...	...	...

TABLE 155.2305.C: PUBLIC HEARING NOTICE REQUIREMENTS <sup>1</sup> CC = City Commission   ZBA = Zoning Board of Appeals   P&Z = Planning and Zoning Board AAC = Architectural Appearance Committee   HPC = Historic Preservation Committee			
Application Type	Notice Requirement		
	Timing of Published Notices	Mailed Notices	
		Timing	Recipients
City-initiated General Zoning Map Amendment (Rezoning) proposing to reclassify parcel(s) involving less than 10 contiguous acres	<ul style="list-style-type: none"> <li>• Publish notice of the P&amp;Z public hearing at least 5 calendar days before the hearing date</li> <li>• Publish notice of the CC public hearing at least 10 calendar days before the hearing date</li> </ul>	<ul style="list-style-type: none"> <li>• Mail notice of the P&amp;Z public hearing at least 6 business days before the hearing date</li> <li>• Mail notice of the first CC public hearing at least 30 calendar days before the hearing date</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Owner(s) of land subject to the application</li> <li>• Owners of real property within 500 ft of the parcel(s) subject to the application <sup>5, 4</sup></li> <li>• Local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 ft of the parcel(s) subject to the application</li> </ul>
City-initiated Site -Specific Zoning Map Amendment (Rezoning) proposing to reclassify parcel(s) involving less than 10 contiguous acres			
General Zoning Map Amendment (Rezoning) initiated by other than the city		<ul style="list-style-type: none"> <li>• Mail notice of the P&amp;Z public hearing at least 6 business days before the hearing date</li> <li>• Mail notice of the first CC public hearing at least 10 calendar days before the hearing date</li> </ul>	
Site -Specific Zoning Map Amendment (Rezoning) initiated by other than the city			
Planned Development			
Special Exception	Publish notice of the public hearing at least 5 calendar days before the hearing date	Mail notice of the public hearing at least 6 business days before the hearing date	
Variance			
Major Administrative Adjustment			
Major Certificate of Appropriateness			<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Owner(s) of land subject to the application</li> <li>• Owners of real property within 500 ft of the parcel(s) subject to the application <sup>5, 4</sup></li> <li>• Local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 ft of the parcel(s) subject to the application</li> </ul>
Major Temporary Use Permit			
Interim Use Permit			
Appeal <sup>2</sup>		Mail notice of the public hearing at least 6 business days before the hearing date	
...	...	...	...

...

**SECTION 3.** That Section 155.2422., "Air Park Obstruction," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.2422. AIR PARK OBSTRUCTION PERMIT**

**A. PURPOSE**

The purpose of this section is to establish a standard process for reviewing and approving objects or structures that exceed the federal obstruction standards contained in 14 C.F.R. part 77, subpart C including any object of natural growth or terrain; permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure. Objects or structures that require notice under 14 C.F.R. Part 77.9 shall utilize the FAA Notice Criteria Tool and submit FAA form 7460-1 to the FAA in accordance with FAA requirements, if applicable.

**B. APPLICABILITY**

An Air Park Obstruction permit approved in accordance with the standards in this section is required before approval of a Zoning Compliance Permit for development of any Air Park obstruction. City staff may use an outside aviation/airport consultant to make a determination of applicability of this section to any development proposal within the designated Air Park Zones Map (aka airspace plan) provided as Figure 155.3707.B for Pompano Air Park when the proposed structure height is 75% or more of the allowable Air Park Zone height limit. If a structure is proposed within the Fort Lauderdale Executive (FXE) Airport airspace within Pompano Beach and is 75% or more of the allowable Airport Zone height limit for FXE shown in Figure 155.3707.D, the Applicant will be required to obtain an finding of no obstruction or an obstruction permit from the FXE Airport Manager, or the appropriate City of Fort Lauderdale designee, prior to issuance of a development order from the City of Pompano Beach.

**1. Abbreviated Process for Cranes and Temporary Construction Equipment**

Cranes and construction equipment in use or in place for a period not to exceed 18 consecutive months will be permitted with an abbreviated obstruction permit review process which requires the Applicant obtain a Determination of No Hazard to Air Navigation from the FAA for Temporary Crane and Construction Equipment Usage. This Determination of No Hazard will be in addition to the Determination assigned to the proposed structure. The Air Park Obstruction Permit Approval Review Standards in Section 155.2422.D will not apply. The cost recovery review and P&Z public hearing typically required for obstruction permits will not be necessary for these temporary obstructions. The applicant will comply with any applicable obstruction lighting and other potential restrictions associated with lowering during inclement weather, etc., which may be required by the FAA or the city as conditions of building permit approval. Cranes or construction equipment within FXE's airspace will be required to submit to the FXE Airport Manager for purposes of obstruction review and permitting. No permit for this equipment will be issued by the City of Pompano Beach until the Applicant provides the appropriate approval from the City of Fort Lauderdale.

**C. AIR PARK OBSTRUCTION PERMIT PROCEDURE**

Applications for Air Park Obstructions permits for new buildings shall be submitted concurrently with an application for Planned Development Rezoning or Site Plan, as applicable. All other applications for Air Park Obstructions permits may be submitted as a stand-alone applications. In accordance with the required review process in Ch. 333.025(4), upon receipt of the complete permit application and cost-recovery review fee, Development Services shall provide a copy of the application to the FDOT aviation office by certified mail, return receipt requested or by email with receipt to evidence delivery. The aviation office shall have 15 days to review the application following receipt. The FDOT review period shall run concurrently with the city's review period. Development Services will also provide the complete application to the city's aviation consultant to conduct a cost-recovery review of the application to determine compliance with the criteria contained in Section 155.2422.D. If the potential obstruction is within the FXE airspace, the applicant will be directed to the FXE Airport Manager for review and obstruction permitting. No development order for an

obstruction in FXE's airspace will be issued until a finding of no obstruction or an obstruction permit has been provided to the Applicant by the City of Fort Lauderdale.

**1. Step 1: Pre-Application Conference**

Optional (See Section 155.2301.).

**2. Step 2: Neighborhood Meeting**

Not applicable.

**3. Step 3: Application Submittal and Acceptance**

Applicable (See Section 155.2303.). The Application must include documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study. Approval of a permit is not based solely on the determination by the Federal Aviation Administration (FAA) that the proposed structure is not an Air Park hazard.

**4. Step 4: Staff Review and Action**

Applicable to a recommendation by the Development Services Director ~~following DRC review and comment (See Section 155.2304.) based on cost recovery consultant review and FDOT review.~~ The Development Services Director may waive the requirement for DRC review for applications that do not require Planned Development Rezoning or Site Plan approval.

...

**D. AIR PARK OBSTRUCTION PERMIT APPROVAL REVIEW STANDARDS**

Following the receipt of a determination by the Federal Aviation Administration (FAA) that the proposed development would not result in an airport Air Park hazard, the Planning and Zoning Board may approve an Air Park Obstruction permit ~~only on a finding that there is competent substantial evidence in the record that the issuance of the development order for Air Park Obstruction would not allow for the establishment or creation of an airport hazard based~~

on the following ~~criteria~~ considerations, as applicable, per Ch. 333.025(6) F.S.:

1. Any ~~C~~omments received from the Florida Department of Transportation regarding the technical consistency with F.S. 333.025, as amended.

...

9. The following impacts to the Pompano Air Park:

- 4i. The potential to destroy or impair the utility of the Pompano Air Park and the public investment therein.

...

10. The marking and lighting is in conformance with the specific standards established by the FAA.

#### **E. Appeal**

A party aggrieved by the final decision of the P&Z Board on an application for an Air Park Obstruction permit may appeal the decision to the City Commission in accordance with the procedures and standards in Section 155.2424., Appeal. A judicial appeal to any court may not be permitted in accordance with Chapter 333.11 F.S., "Judicial Review," until the appellant has exhausted all of its remedies through application for local government permits, exceptions and appeals.

...

#### **G. Expiration**

An Air Park Obstruction Permit shall automatically expire if a Site Plan or Zoning Compliance Permit, as appropriate, for the development incorporating the obstruction is not obtained within two years after the date of the permit or an extension of this time period as authorized in accordance with the procedures in Section 155.2308.B.2, Extension of Expiration Time Period.

**SECTION 4.** That Section 155.2424., "Appeal," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

## **§ 155.2424. APPEAL**

...

### **B. RIGHT TO APPEAL**

1. Parties Aggrieved by a Final Decision by the Development Services Director.

...

2. A party aggrieved by a final decision by the P&Z on a Major Site Plan application or Air Park Obstruction Permit, by the AAC on a Major Building Design application, or by the HPC on a Major Certificate of Appropriateness application may appeal the decision to the City Commission in accordance with this section, including the procedures as set forth in Section 155.2424.C.

...

### **C. APPEAL PROCEDURE**

#### **1. Step 1: Pre-Application Conference**

Optional (See Section 155.2301.).

...

#### **7. Step 7: Decision-Making Body Review and Decision**

The following alternative procedures and standards shall apply:

##### **a. Public Hearing and Review**

- i. The appellate body shall conduct a quasi-judicial hearing on the appeal in accordance with the procedures and special considerations required by Section 30.08 of the Code of Ordinances and by state law.
- ii. The appellate body shall review the Notice of Appeal and appeal application, the record of the decision or interpretation being appealed, arguments from the appellant, who may

appear in person, by agent or by attorney,  
identifying the grounds for the appeal and  
basis for the alleged error in the decision  
being appealed, responding arguments from  
city staff, and any other relevant comments  
by other interested parties.

...

**SECTION 5.** That Section 155.3707., “Air Park Overlay (APO) District,” of Chapter 155,  
"Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to  
read as follows:

**§ 155.3707 AIR PARK OVERLAY (APO) DISTRICT**

**A. Findings and Purpose**

**1. Findings**

...

**2. Purpose**

It is the purpose of the Air Park Overlay (APO) district to recognize an area adjacent to the runways of the Pompano Beach Air Park in which obstructions and incompatible land uses may pose a hazard to safe ~~a~~Air ~~p~~Park operations and to apply reasonable regulations that prevent such obstructions and limit such incompatible uses and are consistent with F.S. Ch. 333, Airport Zoning, and the standards for civilian airports established by the Federal Aviation Administration (FAA). The standards contained herein reflect the character of the flying operations expected to be conducted at the Pompano Beach Air Park, the nature of the terrain within the ~~airport~~ Air Park hazard area and runway protection zones, the character of the surrounding neighborhoods, and the impact of any new use, activity, or construction on the Pompano Beach Air Park's operating capability and capacity.

**3. Definitions**

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **Aeronautical study.** A Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 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.
- ~~a.~~ **b.** **Air Park 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. The term includes use, development or activity which:
- c. **Air Park hazard area.** Any area of land or water upon which an air park hazard might be established.
- d. **Air Park Master Plan.** A comprehensive plan for the Air Park which typically describes current and future plans for Air Park development designed to support existing and future aviation demand.
- ~~b.~~ **e.** **Obstruction.** Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C. The term includes:  
...
- f. **Public use airport.** An airport publically or privately owned, licensed by the state, which is open for use by the public.
- g. **Runway protection zone.** An area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.
- ~~e.~~ **h.** **Structure.** Any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines
- ~~d.~~ **i.** **Substantial modification.** Any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the

structure equals or exceeds 50 percent of the market value of the structure.

...

 **B. Air Park Zones and Height Limits**

The air park zones established below (Primary Zone, Approach Zone, Horizontal Zone, Conical Zone, and Transitional Zone) comprise the Air Park Overlay (APO) district for the Air Park. Though all of the same zones apply to FXE Airport's airspace, not all of these zones for FXE are within the jurisdiction of Pompano Beach as shown in Figure 155.3707.D. Only a portion of the horizontal and conical zones associated with FXE are subject to potential obstruction permitting by the City of Fort Lauderdale for proposed projects within the City of Pompano Beach.

...

**3. Horizontal Zone**

**a. Established**

A Horizontal Zone is established as a circle- or oval-like area around the air park, the perimeter of which is formed by constructing arcs at the end of each runway that extend from a point at the intersection of the extended runway centerline and the inner edge of the Primary Zone, and connecting the arcs by lines tangent to the arcs. The radius of an arc is set forth in Table 155.3707.B, Air Park Zone Dimensions, for the particular runway. (See Figure 155.3707.B: Air Park Zones.) Where a 5,000-foot arc is encompassed by tangent lines connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded in determining the perimeter of the Horizontal Zone. A portion of the horizontal zone for FXE also lies within the City of Pompano.

**b. Height Limit**

Within the Horizontal Zone, no structure, tree, or other object may exceed a height limit of 150 feet above the elevation of the established air park elevation of 19 feet above mean sea level, i.e., may not be higher than an elevation of 169 feet msl. The 150 foot height limit in the Horizontal Zone around FXE also applies to lands within Pompano Beach. The Horizontal Zone height limit of 163 feet msl applies to FXE which has an elevation of 13 feet above mean sea level.

**4. Conical Zone**

**a. Established**

A Conical Zone is established as a doughnut-like area extending outward from the perimeter of the Horizontal Zone for a horizontal distance of 4,000 feet. (See [Figure 155.3707.B: Air Park Zones](#) and [Figure 155.3707.D for FXE.](#))

**b. Height Limit**

Within the Conical Zone, the height limit applicable to any structure, tree, or other object shall be the same as that for the Horizontal Zone (150 feet above the established airport elevation) at the inner perimeter of the Conical Zone, and shall increase outward by one foot vertically for every 20 feet of horizontal distance from the inner perimeter of the Conical Zone (up to 350 feet above the established air park elevation at the outer perimeter of the Conical Zone). (See [Figure 155.3707.B: Air Park Zones. The Conical Zone and Horizontal Zone height limits also applies to Figure 155.3707.D FXE Zones.](#))

...

**C. Air Park Overlay Protection and Land Use Compatibility Zoning Regulation**

Air Park land use compatibility zoning means Air Park zoning regulations governing the use of land on, adjacent to or in the immediate vicinity of the Air Park as a means for governing Air Park hazards. The City shall provide a copy of these regulations and any amendments to these regulations to FDOT for review within 30-days of adoption. In the event of conflict between the Air Park overlay zoning regulations adopted herein and any other regulations applicable to the same area, the more stringent limitation or requirement shall prevail.

**1. Air Park Hazards Prohibited**

Notwithstanding any other provisions of this Code no ~~airport~~ Air Park hazard shall occur on land or water within any ~~airport~~ Air Park zone (as established in Section 155.3707.B, Air Park Zones and Height Limits).

**2. Development Order for Air Park Obstruction Required**

A property owner proposing to construct, alter, or allow an obstruction within the APO [shown in Figure 155.3707.B](#) or [FXE airspace shown in Figure 155.3707.D](#) must apply for a

Development Order for Air Park an Obstruction from the appropriate jurisdiction. If the obstruction permit application is for changes to an existing, nonconforming obstruction that has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, a permit may not be granted if it would allow the obstruction to exceed the applicable height limit or otherwise deviate from the Air Park protection zoning regulations. Whether or not an application is made for a permit under this subsection, the owner of the nonconforming obstruction may be required, at his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current Air Park protection zoning regulations. If the owner of the nonconforming obstruction neglects or refuses to comply with such requirement for 10 days after notice, the City may proceed to have the obstruction lowered, removed, reconstructed, altered, or equipped and assess the cost and expense to the owner of the obstruction or land whereon it is or was located.

...

### **3. Locational Restrictions on Incompatible Land Uses.**

The Pompano Air Park is subject to a Part 150 noise study completed in conformance with 14 C.F.R., part 150. Incompatible uses, as established in 14 C.F.R. part 150, Appendix A, are prohibited within the noise contours established by the noise study except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

### **3. Locational Restrictions on Residential Uses**

New residential construction shall not be permitted within an area affected by the approved Part 150 Noise Study noise contours. The 2016 Pompano Beach Air Park Noise Contour Update Report's Figures 5 and 6 demonstrates that the 2015 and 2020 Noise Contours do not impact any land designated or zoned for residential uses.

### **4. Locational Restrictions on Educational Uses**

a. New educational facilities, with the exception of aviation school facilities, shall not be permitted within an area affected by the approved Part 150

Noise Study noise contours. The 2016 Pompano Beach Air Park Noise Contour Update Report's Figures 5 and 6 demonstrates that the 2015 and 2020 Noise Contours do not impact any land designated or zoned for educational uses.

...

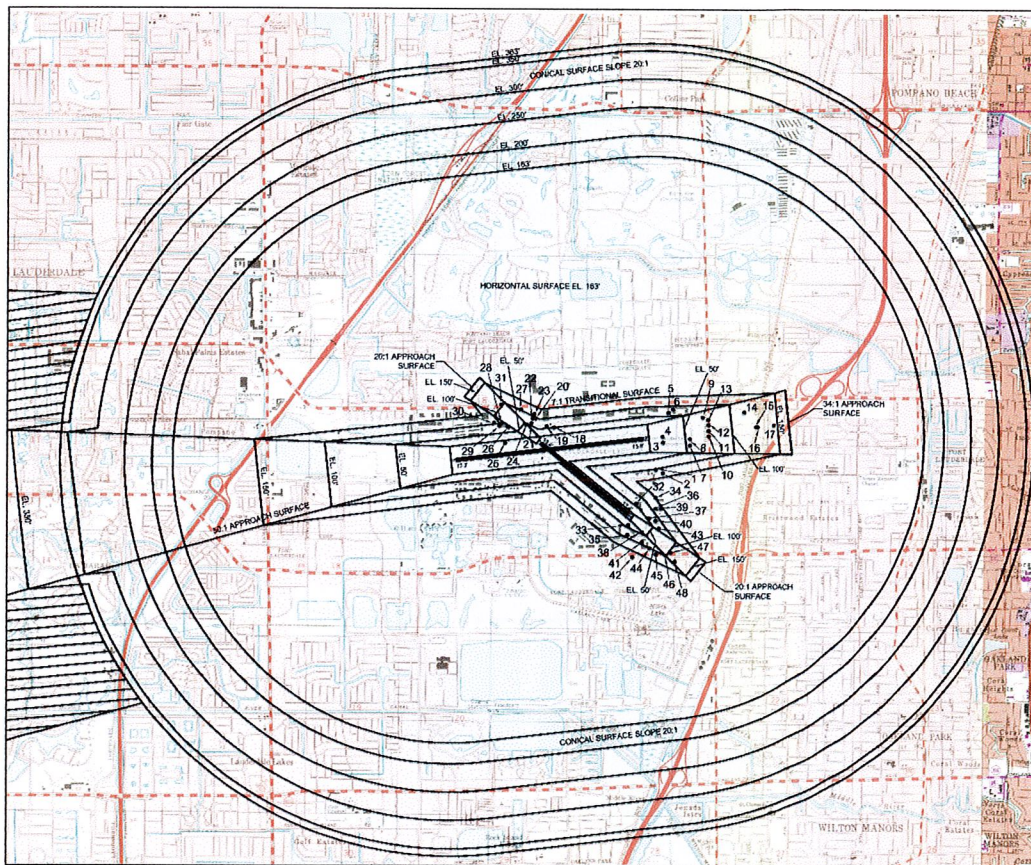
6. New incompatible uses, activities, or substantial modifications to existing incompatible uses shall not be permitted within Runway Protection Zones (RPZ). The Airport Property Map for the Air Park dated 3-20-14 on file with the City of Pompano Beach shows the RPZs do not impact any land designated or zoned for residential or educational uses.

#### **D. AIRPORT HAZARD AREAS IN MULTIPLE POLITICAL SUBDIVISIONS**

1. ~~Where~~ If an airport is owned or controlled by a political subdivision and if any airport hazard area appertaining to such airport is located wholly or partly outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located, and that has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R., Part 77, Subpart C, the political subdivisions shall either:
  - a. By interlocal agreement, in accordance with the provisions of chapter 163, adopt, administer, and enforce a set of airport protection zoning regulations applicable to the airport hazard area in question; or
  - b. By ordinance, regulation, or resolution duly adopted, create a joint airport protection zoning board, ~~which board that shall adopt, administer, and enforce a set of airport zoning regulations, applicable to the airport hazard area in question as that vested in paragraph (a) in the political subdivision within which such area is located. Each such~~ The joint airport protection zoning board shall have as voting members two representatives appointed by each participating political subdivision participating in its creation and in addition a chair elected by a majority of the members so appointed. However, the The airport

manager or managers a representative of each airport in of the affected participating political subdivisions shall serve on the board in a nonvoting capacity.

**2. Fort Lauderdale Executive (FXE) Airport Airspace – the height restrictions associated with the FXE controlled airspace is shown below in Figure 155.3707.D. If the City of Pompano Beach receives a proposal to construct or alter a structure with a proposed height of 75% or more of the allowable FXE Zone height limit, the Applicant will be required to submit to the FXE Airport Manager for an obstruction permit or issuance of a finding of no obstruction prior to issuance of any development order for the proposed structure by Pompano Beach.**



**Figure 155.3707.D Fort Lauderdale Executive Airport Zones and Height Limits**

**SECTION 6.** That Section 155.4229., “Industrial: Waste-Related Services Uses,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.4229 INDUSTRIAL: WASTE-RELATED SERVICES USES**

...

**E. ADDITIONAL STANDARDS FOR OUTDOOR WASTE-RELATED SERVICE USES**

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section 155.4229.D, Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;

...

6. The Applicant shall comply with §155.3707.C.25 related to landfills located within the Air Park Overlay.

**SECTION 7.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
9/19/18  
L:ord/ch155/2018-316