



Polk Transportation
Planning Organization

January 23, 2017

TO: Joint Airport Zoning Board (JAZB)
FROM: John Bohde, Airport Zoning Administrator
SUBJECT: Joint Airport Zoning Board (JAZB) Meeting
January 30, 2017 at 9:00a.m.

The Joint Airport Zoning Board (JAZB) will hold its next regularly scheduled meeting at 9:00 a.m. in the Bartow Municipal Airport's Conference Room, located at 5993 Airport Blvd., Bartow, FL 33830.

The meeting agenda includes the election of officers and discussion on the changes in Chapter 333, Florida Statutes that will lead to potential text amendments to the Polk County Joint Airport Zoning Regulations. In addition, there will be a discussion on the inclusion of the County of Osceola, and the Cities of Plant City, Eagle Lake, Dundee, Mulberry, and Village of Highland Park into the current Polk County Joint Airport Zoning Board or create a new Interlocal Agreement with all jurisdictions in lieu of the Joint Airport Zoning Board.

The meeting agenda, previous meeting minutes, and attachments are enclosed. If you have any questions, please call TPO staff at (863) 534-6486.

JB:ck

Enclosure

**POLK COUNTY JOINT AIRPORT ZONING BOARD (JAZB)
BARTOW MUNICIPAL AIRPORT - CONFERENCE ROOM
January 30, 2017 - 9:00 A.M.**

AGENDA

Roll Call

Approval of Meeting Minutes – September 27, 2013

Action is requested.

1. Election of Chair and Vice-Chair for the JAZB

Per the Joint Airport Zoning Regulations, the Board will elect a Chair and Vice-Chair to serve a one year term or until their successors are elected. Action is requested.

2. White Paper: Updates To The Polk County Joint Airport Zoning Regulations And Polk County Joint Airport Zoning Board

This item is being presented for informational purposes only. (Attachment)

3. Discussion on the future of JAZB

Discussion of inclusion of additional jurisdictions into the current JAZB or dissolve the current JAZB and create an Interlocal Agreement with each jurisdiction. Staff will present both options as allowed by Florida Statutes. This item is being presented for informational purposes only.

4. Discussion of Chapter 333, Florida Statutes Updates

Staff will present the proposed changes to the Ch. 333, FS for the Board's discussion. These changes will require future amendments to the JAZB regulations. For your review, the White Paper above includes links to the current Polk JAZB regulations and Ch. 333, FS changes. This item is being presented for information only.

5. Communications and Reports

6. Adjournment

In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the Board of County Commissioners, Communications Office, at 330 W. Church Street, Bartow. Telephone (863) 534-6090, not later than four days prior to the proceeding. If hearing impaired call: (TDD) (863) 534-7777 or 1-800-955-8771, or Voice impaired call: 1-800-955-8770, via Florida Relay Service.



POLK TRANSPORTATION PLANNING ORGANIZATION

Polk County Joint Airport Zoning Board (JAZB)

DRAFT MEETING MINUTES

Friday, September 27, 2013

City of Bartow

Bartow Municipal Airport Conference Room

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Members Present:

John Bohde
Mike Mahler
Mickey Matison
Pat Crisman
Bruce Kistler, *Chairman*
John Dame, *Vice Chairman*
Margaret Swanson
Sean Byers
Joe Moreda (late)
Tom Deardorff
Commissioner John Hall

Advisory Members:

Elizabeth Voss

Others Present:

Cindy Barrow
Ben Dunn
Shontril Baskin-Lowe
Ryan Kordek
Cherie Simmons

Representing:

Acting Administrator
City of Auburndale
City of Auburndale
City of Bartow
City of Lakeland
City of Lake Alfred
City of Lake Wales
City of Winter Haven
Hillsborough County B0CC
Polk County BoCC
Polk County BoCC

Representing:

Polk County Legal Representative

Representing:

Bartow Municipal Airport
Polk TPO
Polk TPO
Polk TPO
Polk TPO

AGENDA

The JAZB meeting was called to order at 2:38 p.m.

Roll Call

A quorum was present with 10 voting members in attendance.

Mr. Kistler thanked the Bartow Municipal Airport for hosting this meeting at their beautiful facility.

Approval of June 25, 2013 Minutes

Motion: Mickey Matison motioned to approve the June 25, 2013 meeting minutes. Margaret Swanson seconded the motion. Motion carried without dissent.

1. Review and Approval of Amendments to the Joint Airport Zoning Regulations

The final draft of the proposed regulation changes were presented to the board. The changes are:

- Modifying the assignment of Powers from Airport Zoning Board of Adjustment (AZBA) to the Polk County Board of Adjustment (BoA).
- Modifying the Joint Airport Zoning Board (JAZB) voting membership requirements to allow local governments to designate representatives by title rather than name.
- Assistance of the Polk Transportation Planning Organization (TPO) to maintain the Airport Overflight zone, Noise Zone, Restriction on In-Flight Visual Interference and Restrictions on Educational Facilities of Public/Private Schools maps.
- Annual JAZB meetings will occur annually unless the Chair and Airport Administrator determines there is no business to discuss.

Motion: Margaret Swanson motioned to approve the amendments to the regulations as presented. Pat Crisman seconded the motion. Motion carried without dissent.

2. Discussion on Florida Department of Transportation (FDOT) Technical Assistance

Tom Deardorff led a brief update on discussions with FDOT and the letter that was sent to Secretary Hattaway from the JAZB. The JAZB requests FDOT to provide consultant services to update the airport zones of influences based on the current adopted airport master plans and provide the technical assistance and resources needed to include the delineation of the airport zones of influences as part of future airport master plan updates. FDOT is willing to aid in anyway needed.

3. Communications and Reports

Mr. Kistler thanked all board members for attending and announced that this would be his last meeting. Tom Deardorff thanked Chairman Kistler for his years of dedication to the Joint Airport Zoning Board.

4. Adjournment

The meeting was adjourned at 3:04 p.m.

Respectfully transcribed by Cherie Simmons, Office Manager.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

WHITE PAPER

**UPDATES TO THE POLK COUNTY JOINT AIRPORT ZONING REGULATIONS
AND POLK COUNTY JOINT AIRPORT ZONING BOARD**

PREPARED BY THE POLK TRANSPORTATION PLANNING ORGANIZATION

JANUARY 20, 2017

INTRODUCTION

The purpose of this white paper is to identify recent changes to Florida Statutes, Chapter 333 that will require changes to the Polk County Joint Airport Zoning Regulations. This paper will identify, in general, the changes within the Florida Statutes, Chapter 333 and the elements needed to implement the changes.

Since the adoption of the Regulations in the summer of 1978, many jurisdictional boundaries have changed through annexation. The tools used in 1978 to identify the airport protection zoning boundaries have become more accurate throughout the years. Due to both annexation and more accurate boundaries, additional local governments have been located within airport protection zoning boundaries. The new local governments include: the Cities of Eagle Lake, Mulberry, Plant City, Village of Highland Park, Town of Dundee and Osceola County.

This paper was prepared by Polk Transportation Planning Organization staff. Accordingly, this document does not represent official State of Florida policy and direction. The purpose is to stimulate responsible discussion within the aviation and planning community regarding the need for changes to the Polk County Joint Airport Zoning Regulations.

BACKGROUND

Florida Statutes, Chapter 333, mandates the adoption of the airport zoning regulations by each political subdivision having airport hazard area within its territorial limits. Along with the regulations, Chapter 333 authorizes the political subdivision to create a joint airport zoning board that shall adopt and administer the required airport zoning regulations. In the summer of 1978, Polk and Osceola Counties along with the Cities of Auburndale, Bartow, Lake Alfred, Lakeland, Lake Wales and Winer Haven created the Polk County Joint Airport Zoning Regulations of the Polk County Joint Airport Zoning Board.

In 2016, Florida House Bill 7061 amended Chapter 333, Florida Statutes. The bill changed a number of provisions of the statute and requires these changes to be made within the Polk County Joint Airport Zoning Regulations no later than July 1, 2017. The amendment includes but is not limited to the following:

Changes to Chapter 333, F.S. include the following:

- New definitions, Section 333.01, FS;
- Amended numbering of provisions of 14 C.F.R. Part 77 standards;
- Amended criteria for FDOT evaluation of airport protection zoning permit applications, Section 333.025, FS
- Amended criteria and processes for political subdivisions' airport protection zoning regulations, Sections 333.03, 333.04, 333.05, 333.06, 333.07, and 333.09, FS;
- Amended appeals process, Section 333.09(3), FS;
- Amended judicial review process, Section 333.11, FS;
- Amended standards for airport land use compatibility zoning regulations, Section 333.03(2), FS;

- Amended the requirement for a political subdivision, which controls an airport, and for another political subdivision, which has land underlying a surface of the airport, to enter into an interlocal agreement or joint airport zoning board to adopt, administer, and enforce airport zoning regulations (referred to as Multiple Zoning Authorities), Section 333.03(1)(b), FS;
- Revised submittal requirements for airport protection zoning permit applications and amended airport zoning regulations to the FDOT ASO, Sections 333.025(4), and 333.03(3), FS;
- Deadlines for submitting revised airport zoning regulations in compliance with Chapter 333, FS (2016), Section 333.135, FS; and
- Repeal of Sections 333.065, 333.08, 333.10 and 333.14, FS.

POLK COUNTY JOINT AIRPORT ZONING REGULATIONS

In the summer of 1978, Polk and Osceola Counties along with the Cities of Auburndale, Bartow, Lake Alfred, Lakeland, Lake Wales and Winer Haven created the Polk County Joint Airport Zoning Regulations by Resolution for each jurisdiction.

- City of Auburndale Resolution 78-7, adopted by its City Commission on August 7, 1978;
- City of Bartow Resolution 2484-R, adopted by its City Commission on July 17, 1978;
- Hillsborough County Resolution 78-480, adopted by the Hillsborough County Board of County Commissioners on August 23, 1978;
- City of Lake Alfred Resolution, not numbered, adopted by its City Commission on July 10, 1978;
- City of Lakeland Resolution 2196, adopted by its City Commission on July 17, 1978;
- City of Lake Wales Resolution 78-12, adopted by its City Commission on July 18, 1978;
- Polk County Resolution 78-7, adopted by the Polk County Board of County Commissioners on July 18, 1978; and
- City of Winter Haven Resolution 78-36, adopted by its City Commission on July 19, 1978.

The purpose of these airport zoning regulations is to provide both airspace protection and land use compatibility in relation to the normal operation of the eight (8) airports licensed for public-use by the State of Florida Department of Transportation (FDOT) in Polk County, Florida. These facilities include four (4) publicly-owned, and four (4) privately-owned, airports. The publicly-owned airports include Bartow Municipal Airport, Lakeland Linder Regional Airport, Lake Wales Municipal Airport, and Winter Haven Municipal Airport. The privately-owned airports include Brown Seaplane Base, Chalet Suzanne Airport, River Ranch Airport, and South Lakeland Airpark.

These regulations, through the establishment of airport zones and corresponding regulations, provide for the independent review of development proposals in order to promote the public interest in safety, health, and general welfare within the territorial limits over which the local governments represented on the Polk County Joint Airport Zoning Board have jurisdiction, and to ensure that all airports licensed for public-use in Polk County can effectively function.

Therefore, the Polk County Joint Airport Zoning Board deems it necessary to regulate the uses of land located around said airports relative to the:

- height of structures and objects of natural growth on such land;
- uses of land in areas subject to airport noise;
- uses of land in areas subject to aircraft overflight potential;
- establishment of educational facilities of public and private schools on such land;
- uses of land which result in the generation of in-flight visual or electronic interference; and
- uses of land which result in aircraft bird strike hazard.

The Polk County Joint Airport Zoning Regulations have been updated several times since the adoption in 1978. The most recent update was in September 2013. A copy of the current regulations can be downloaded from the Polk TPO website at:

<http://www.polktpo.com/media/37120/PC-Joint-Airport-Zoning-Regulations-Revised-9-27-13.pdf>.

CHAPTER 333, FLORIDA STATUTES

In accordance with Florida law, Chapter 333, F.S., local governments in Florida were required to adopt, administer, and enforce airport zoning regulations for airport hazard areas by October 1, 1977. The purpose of Chapter 333, F.S., is to protect the health, safety, and welfare of the public on the ground and in the air by preventing the creation or establishment of hazards to airports. Hazards to airports, according to Chapter 333, F.S., may be the form of tall structures, objects of natural growth, or incompatible land uses and/or activities. Chapter 333, F.S. aims to protect navigable airspace from the encroachment of structures that are dangerous to air navigation. Such structures can endanger users of airports and those on the ground in the vicinity of airports. Structures which have a negative impact on an airport's navigable airspace can also limit the utility of an airport and compromise public investment. It also identifies certain land uses or activities in the vicinity of airports that are not compatible with airport operations. When incompatible land uses exist in the airport environs, such uses may result in negative impacts for both aeronautical activities and for the activities associated with the incompatible use. They also aim to protect the health and welfare of the general public around airports and airfields. At the same time, they protect public investment in aviation facilities and to promote the sustainability of important transportation resources.

Chapter 333, Florida Statutes (F.S. 333), Airport Zoning, was amended during the 2016 Legislative Session by House Bill (HB) 7061. HB 7061 revises and repeals certain sections of F.S. 333 which will require modification of existing Airport Zoning Regulations previously adopted by local political subdivisions. HB 7061 became effective July 1, 2016, and provides that "any airport zoning regulations in effect on July 1, 2016, which includes provisions in conflict with this chapter, shall be amended to conform to the requirements of this chapter by July 1, 2017."

FLORIDA DEPARTMENT OF TRANSPORTATION AVIATION AND SPACEPORTS OFFICE

The Florida Department of Transportation (FDOT) Aviation and Spaceports Office (ASO) supports airport and airspace protection and zoning operations and procedures through the adoption, administration and enforcement of airport protection and airport compatible land use zoning

regulations. This is in accordance with Chapter 333, Florida Statutes (FS), Airport Zoning, and the utilization of federal obstruction evaluation and airport airspace analysis (OE/AAA) in accordance with 14 C.F.R. Part 77, to insure the safe and efficient use of navigable airspace, and the operation of existing or planned air navigation and communication facilities. These operations and procedures include Federal Aviation Administration (FAA) standards and procedures for aeronautical studies and the FDOT and local government airspace obstruction permitting processes.

The Florida Department of Transportation (FDOT) Aviation and Spaceports Office (ASO) prepared several resource documents to address the changes to Chapter 333, FS. The resource documents can be downloaded from the FDOT ASO website at:

- HB 7061 & FS 333 Comparison Matrix
 - <http://www.florida-aviation-database.com/library/filedownload.aspx?guid=6ba9bef9-4eb5-4614-ab13-3825b01fa5d6>
- Chapter 333 FS – Airport Zoning PowerPoint Presentation (1.61 MB)
 - <http://www.florida-aviation-database.com/library/filedownload.aspx?guid=dce34996-ac3b-4a75-b55d-5e6d3543fd2f>
- Chapter 333 FS Airport Zoning PowerPoint Presentation – Recording (193.10 MB)
 - <http://www.florida-aviation-database.com/library/filedownload.aspx?guid=d0392f36-55d5-4980-a9c6-c2432d528f6a>
- Chapter 333 FS Airport Zoning - Suggested Regulation Revision Checklist
 - <http://www.florida-aviation-database.com/library/filedownload.aspx?guid=350bd98e-4ae0-403e-b85a-8c1e2fdae76b>
- Chapter 333 FS – Airport Zoning (2015)
 - http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0333/0333.html&StatuteYear=2015
- Chapter 333 FS – Airport Zoning (2016)
 - http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0333/0333.html&StatuteYear=2016
- House Bill 7061 – Transportation
 - <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h7061er.docx&DocumentType=Bill&BillNumber=7061&Session=2016>

The FDOT also maintains an Airport and Airspace Protection and Zoning website (<http://www.fdot.gov/aviation/compland.shtm>) that includes additional materials related to the changes made in Chapter 333, F.S. The FDOT Project Manager is Greg Jones, Airspace and Land Use Manger, Greg.Jones@dot.state.fl.us, 850.414.4502.

NEXT STEPS

There are a few things that need to occur in 2017 regarding the Polk County Joint Airport Zoning Regulations.

1. The current regulations must be updated to reflect the changes in Chapter 333, F.S. no later than July 1, 2017 to be in compliance with Florida Statutes.
2. Begin the procedure to replace the Polk County Joint Airport Zoning Board by an interlocal agreement between each jurisdiction that has airport protection zoning. The jurisdictions shall include the following: Counties of Osceola, Polk, and Hillsborough, the Cities of Auburndale, Bartow, Eagle Lake, Lake Alfred, Lakeland, Lake Wales, Mulberry, Plant City, Winter Haven, the Village of Highland Park and the Town of Dundee. Additional municipalities in Polk County may be required to adopt the interlocal agreement once an official determination has been made by FDOT. The interlocal agreement shall adopt, administer, and enforce a set of new airport protection zoning regulations. In order to accomplish this there are a couple of steps involved:
 - a. Each of the current jurisdictions on the Joint Airport Zoning Board shall repeal their current Resolution with a new Interlocal Agreement; and
 - b. Incorporate the new regulations into each jurisdiction's Land Development Code and Comprehensive Plan that match those in the interlocal agreement.
3. Provide correspondence to the FDOT Airport and Airspace Protection and Zoning office a record of the changes within 30 days of the adoption of the new regulations and interlocal agreement. The regulation changes must be emailed to DOTRegulationReview@dot.state.fl.us.