POLK TRANSPORTATION PLANNING ORGANIZATION

September 18, 2013

TO: Joint Airport Zoning Board (JAZB)

FROM: Bruce Kistler, Chairperson

SUBJECT: Joint Airport Zoning Board (JAZB)
Joint Airport Zoning Board (JAZB) Meeting on September 27, 2013

The Joint Airport Zoning Board (JAZB) will hold its next regularly scheduled meeting at 2:30 p.m. in Building 400 of the Bartow Municipal Airport and Industrial Park, located at 5001 US Highway 17 North, Bartow, FL 33830

Primary items on the agenda include proposed amendments to the Joint Airport Zoning regulations. These proposed amendments consist of modifying the assignment of powers of the Airport Zoning Board of Adjustment (AZBA) to the Polk County Board of Adjustment (BoA). Amend and modify the Joint Airport Zoning Board (JAZB) voting membership requirements to allow local governments to designate representatives by title rather than name. The Polk Transportation Planning Organization (TPO) will maintain the Airport Over flight 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.

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

MB:bd

Enclosure

JOINT AIRPORT ZONING BOARD (JAZB)
BARTOW MUNICIPAL AIRPORT CONFERENCE ROOM, BUILDING 400
September 27, 2013
2:30 P.M.

AGENDA

Roll Call

Approval of Meeting Minutes - June 25, 2013
Action is requested.

1. **Review and Approval of Amendments to the Joint Airport Zoning Regulations**
   Staff will present the proposed amendments to the regulations for the Board's review and approval. Action is requested. (Attachment)

2. **Discussion on Florida Department of Transportation (FDOT) Technical Assistance**
   Staff will provide an update on discussions with the FDOT. Please see the attached letter. This item is being presented for informational purposes only.

3. **Communications and Reports**

4. **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)

MEETING MINUTES
Friday, June 25, 2013

City of Bartow
Bartow Municipal Airport Conference Room

Members Present:	**Representing:**
Chandra Frederick	Administrator
Mike Mahler	City of Auburndale
Mickey Matison	City of Auburndale
Jesse Pearson, Alt.	City of Auburndale
Davey Clark	City of Bartow
Bruce Kistler, *Chairman*	City of Lakeland
Chuck Barmby	City of Lakeland
John Dame, *Vice Chairman*	City of Lake Alfred
Robert Kelly	City of Lake Wales
Margaret Swanson	City of Lake Wales
Sean Byers	City of Winter Haven
Roy Mazur	Hillsborough County B0CC
Tom Deardorff	Polk County BoCC
Advisory Members:	**Representing:**
Elizabeth Voss	Polk County Legal Representative
Others Present:	**Representing:**
Kristi Smith	FDOT D-1
Ben Dunn	Polk County TPO
Shontril Baskin-Lowe	Polk County TPO
Ryan Kordek	Polk County TPO
Cherie Simmons	Polk County TPO

AGENDA

The JAZB meeting was called to order at 2:11 p.m..

Roll Call

A quorum was present with 12 voting members in attendance.

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

Approval of May 7, 2010 Minutes

Motion: Mike Mahler motioned to approve the May 7, 2010 meeting minutes. John Dame seconded the motion. Motion carried without dissent.

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

   It was decided by the Board that the election on new officers would be tabled until December 2013. Mr. Kistler will be retiring later this year, but will remain Chairman until then. Mr. Dame will remain Vice Chairman until then also.

2. **Discussion on Proposed Amendments to the Joint Airport Zoning Regulations**

   The proposed changes to the Joint Airport Zoning Regulations were reviewed by Chandra Frederick. The major change in the regulations is the Polk County Board of Adjustment (BOA) will take on the duties of the Airport Zoning Board of Adjustment (AZBA) and the AZBA will be dissolved. A final draft of the regulations with the referenced changes will be sent to each Board member for review before a final discussion is to be made.

   Motion: Tom Deardorff motioned that staff prepare document changes and send final draft to Board members for review before the public hearing. Sean Byers seconded the motion. Motion carried without dissent.

3. **Current Status of Airport Master Plans**

   Bartow Municipal Airport

   No report from Bartow.

   Lake Wales Municipal Airport

   Lake Wales is currently in the process of updating their Master Plan pending funding.

   Lakeland Linder Airport

   Lakeland Master Plan was updated in 2010 or 2011.

   Winter Haven Municipal Airport

   Winter Haven's Master Plan will be completed next year pending funding.

4. **Discussion on Florida Department of Transportation Technical Assistance**

   Kristi Smith presented from FDOT District 1 on the technical assistance the Department will provide staff.

5. **Communications and Reports**

   Tabled Election of Chair and Vice-Chair for the next JAZB meeting.

   Chair – Bruce Kistler until Dec 2013

   Vice Chair – John Dame until Dec 2013.

   Next meeting will be the Public Hearing on changes to the Zoning Board Regulations.

6. **Board Member Comments**

   No additional comments.

7. **Adjournment**

The meeting was adjourned at 3:40 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.

POLK COUNTY AIRPORT ZONING REGULATIONS
OF THE POLK COUNTY JOINT AIRPORT ZONING BOARD

(1) TITLE

These regulations shall be known as *The Polk County Airport Zoning Regulations*.

(2) PURPOSE AND INTENT

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.

There is hereby adopted and established these airport zoning regulations pursuant to the authority conferred on the Polk County Joint Airport Zoning Board by Chapters 163 and 333, Florida Statutes, as they may be amended from time to time, and through the following resolutions of the local government creating the Polk County Joint Airport Zoning Board:

- 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.

(3) DEFINITIONS: As used in these regulations, unless the context otherwise requires:

(A) AIRPORT - Those areas of land or water designed or set aside for the landing and taking-off of aircraft utilized, or to be utilized, in the interest of the public for such purpose, and validly licensed by the State of Florida Department of Transportation (FDOT) as either a "Public Airport" or "Public Seaplane Base." The eight (8) public-use airports addressed by these regulations include Bartow Municipal Airport, Chalet Suzanne Airport, Brown Seaplane Base, Lakeland Linder Regional Airport, Lake Wales Municipal Airport, River Ranch Airport, South Lakeland Airpark, and Winter Haven Municipal Airport.

(B) AIRPORT OBSTRUCTION - Any structure, object of natural growth, or use of land that would exceed the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) Part 77, ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

(C) AIRPORT REFERENCE POINT - The approximate geometric center of the runways of an airport, expressed by its latitude and longitude, as shown on the approved airport layout plan of each publicly-owned airport, and identified as the "future airport reference point."

(D) AIRPORT ZONING ADMINISTRATOR - The person designated by the Polk County Joint Airport Zoning Board to administer and enforce the requirements of these regulations. The Polk County Joint Airport Zoning Board shall designate no member of its own, nor any member of ~~its Airport Zoning~~ the Polk County Board of Adjustment, as the Airport Zoning Administrator.

(E) AVIGATION EASEMENT - The assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property.

(F) DAY/NIGHT AVERAGE SOUND LEVEL (L_{dn}) - The day/night average sound level estimated by the Federal Aviation Administration's Integrated Noise Model from input assumptions contained in the approved airport master plan of each publicly-owned airport, including but not limited to, the type and amount of aircraft activity, the time of day such activity occurs, runway utilization, flight track geometry, and take-off and landing profiles. *See "Sound Level" and "Sound Level Reduction."*

(G) NONCONFORMING USE - Any existing structure, object of natural growth, or use of land that is inconsistent with the provisions of these regulations at its time of adoption.

(H) NONPRECISION INSTRUMENT RUNWAY - Any runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned. *See "Runway."*

(I) OBJECT OF NATURAL GROWTH - Any organism of the plant kingdom, including trees.

(J) OCCUPIED ROOMS - Rooms within enclosed structures that are, or may reasonably be expected to be, used for human activities including, but not limited to, sound communications, education or instruction, sleeping, eating, entertainment, or the use of telephones and other audio devices. *See "Occupied Structure."*

(K) OCCUPIED STRUCTURE - A structure with at least one (1) occupied room. *See "Occupied Rooms."*

(L) OTHER-THAN-UTILITY RUNWAY - Any existing or planned runway that is constructed for, and intended to used by, all types of aircraft, including those having gross weights greater than 12,500 pounds. *See "Runway."*

(M) PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or political body, including the trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(N) PRECISION INSTRUMENT RUNWAY - Any runway having an existing instrument approach procedure utilizing an Instrument Landing System, Microwave Landing System, or a Precision Approach Radar, or any runway for which a precision approach system is planned. *See "Runway."*

(O) QUALIFIED ACOUSTICAL CONSULTANT - A person having sufficient training and experience in the science and technology of acoustics so as to be qualified to evaluate the adequacy of acoustical designs, materials, and methods of construction for the attenuation of noise.

(P) RUNWAY(S) - Those existing or planned portions of each airport prepared for the landing and take-off of aircraft, as shown on the approved airport layout plan of each publicly-owned airport, or those portions of each privately-owned airport prepared for the landing and take-off of aircraft, and identified as such by the Florida Department of Transportation. *See "Nonprecision Instrument Runway," "Precision Instrument Runway," "Utility Runway," "Other-Than-Utility Runway,"Visual Runway," and "Runway End Elevation."*

(Q) RUNWAY END ELEVATION - The elevation at each runway end centerline, expressed in "feet Above Mean Sea Level (AMSL)," as shown on the approved airport layout plan of each publicly-owned airport. For each airport runway, the runway end elevation is that value reported by the Florida Department of Transportation for each respective runway. This term has no application for runways of public-use seaplane bases. *See*

"Runway."

(R) SOUND LEVEL - The quantity, in decibels, measured by an instrument satisfying the requirements of the American Standard Specification for Type I sound level meters. The sound level is the frequency-weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic characteristic "SLOW." *See "Day/Night Average Sound Level" and "Sound Level Reduction."*

(S) SOUND LEVEL REDUCTION (SLR) - A measurement standard for the reduction in sound level transmission between two designated locations for a stated sound frequency band. SLR standards are used to evaluate the effectiveness or establish the requirements of techniques to limit sound level transmission in order to prevent or mitigate adverse noise impacts. *See "Day/Night Average Sound Level" and "Sound Level."*

(T) STRUCTURE - Any temporary or permanent object constructed or installed by man, including but not limited to antennae, buildings, cranes, towers, smoke stacks, utility poles and overhead transmission lines.

(U) UTILITY RUNWAY - Any existing or planned runway that is constructed for and intended to be used by aircraft having gross weights less than or equal to 12,500 pounds. *See "Runway."*

(V) VISUAL RUNWAY - Any runway intended solely for the operation of aircraft using visual approach procedures and for which no straight-in instrument approach procedure exists, or is planned, and is so indicated on the approved airport layout plan of each publicly-owned airport. *See "Runway."*

(4) AIRPORT ZONES OF INFLUENCE

The Polk County Joint Airport Zoning Board hereby establishes (3) airport zones of influence. Said zones are established to regulate land development in relation to the airports in Polk County licensed for public-use. The location of these airport zones of influence, and restrictions on the use of land within said zones, are hereby established by these regulations. The boundaries of said zones, and restrictions on the use of land within said zones, shall be changed only through the amendment of these regulations by the Polk County Joint Airport Zoning Board.

Any application for land development within these airport zones of influence shall comply with these regulations, any applicable state or federal regulations, and any applicable requirements of the land development regulations of the local governments represented on the Polk County Joint Airport Zoning Board. The airport zones of influence established in these regulations include:

- the Airport Height Notification Zone;
- the Airport Overflight Zone; and
- the Airport Noise Zone.

(4)(A) AIRPORT HEIGHT NOTIFICATION ZONES AND REGULATIONS

(4)(A)1. ESTABLISHMENT OF ZONE

There is hereby established the Airport Height Notification Zone as an airport zone of influence. The Airport Height Notification Zone is established to regulate the height of structures and objects of natural growth in areas around each public-use airport in Polk County. Each Airport Height Notification Zone consists of two subzones, defined as follows:

Airport Height Notification Subzone 1: For each public-use airport in Polk County except Brown Seaplane Base and Chalet Suzanne Airport, Airport Height Notification Subzone 1 includes that area which lies within 20,000 feet of its runway(s). For Brown Seaplane Base, Airport Height Notification Subzone 1 coincides with Airport Height Notification Subzone 1 of Winter Haven Municipal Airport. For Chalet Suzanne Airport, Airport Height Notification Subzone 1 includes that area which lies within 10,000 feet of its runway.

Airport Height Notification Subzone 2: For each public-use airport in Polk County, Airport Height Notification Subzone 2 includes that area which lies within the territorial limits over which the local governments represented on the Polk County Joint Airport Zoning Board have jurisdiction, excluding that area which lies within Airport Height Notification Subzone 1.

For each publicly-owned, public-use airport in Polk County, the boundary of the Airport Height Notification Zone established in these regulations is based on the runway configuration which is

planned and documented as such in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the Federal Aviation Administration (FAA) for approval. For each privately-owned, public-use airport in Polk County, the boundary of the Airport Height Notification Zone established in this section is based on the existing runway configuration documented by the Florida Department of Transportation (FDOT).

~~Refer to the~~ To assist in the application of the Polk County Airport Zoning Regulations, the Polk Transportation Planning Organization shall maintain an Airport Height Notification Zoning ~~m~~Map ~~attached and made a part of these regulations in Appendix 1~~based on an application of the boundaries set forth herein. ~~The~~ This map ~~boundary of any Airport Height Notification Zone~~ shall be ~~amended~~ updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The Airport Height Notification Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

In the event a discrepancy arises between an Airport Height Notification Zone boundary depicted on the map ~~attached at Appendix 1 and an Airport Height Notification Zone~~ and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

(4)(A)2. AIRPORT HEIGHT NOTIFICATION REGULATIONS

All development proposals for land lying within an Airport Height Notification Zone shall be reviewed for conformance with the federal obstruction standards contained in Title 14 of the Code of Federal Regulations (CFR), Part 77, for civil airports.

Relative to all Polk County public-use airports except Chalet Suzanne Airport, any proposed land development shall be considered a "potential airport obstruction," if the proposed land development would result in a structure or object of natural growth having a height which would exceed:

- an imaginary surface extending outward and upward from the ends and sides of a runway at a slope of one (1) foot vertically for every 100 feet horizontally, for a distance of 20,000 feet, in Airport Height Notification Subzone 1, or

- 200 feet above ground level in Airport Height Notification Subzone 2.

Relative to Chalet Suzanne Airport, any proposed land development shall be considered a “potential airport obstruction” if the proposed land development would result in a structure or object of natural growth having a height which would exceed:

- an imaginary surface extending outward and upward from the ends and sides of a runway

at a slope of one (1) foot vertically for every 50 feet horizontally, for a distance of 10,000 feet, in Airport Height Notification Subzone 1, or

- 200 feet above ground level in Airport Height Notification Subzone 2.

The applicant for any land development proposal determined to result in a structure or object of natural growth that constitutes a "potential airport obstruction" shall be issued a “Notice of Potential Airport Obstruction” during the development review process by the local government with jurisdiction over the land development proposal. However, if the Airport Zoning Administrator finds that the local government with jurisdiction over the development proposal has failed to issue such a “Notice of Potential Airport Obstruction,” it shall be the responsibility of the Airport Zoning Administrator to do so, on behalf of the Joint Airport Zoning Board. No land development proposal determined to result in a structure or object of natural growth that constitutes a “potential airport obstruction” shall be approved for construction unless:

- an Airport Obstruction Permit is issued by the Airport Zoning Administrator or local government agent thereof, and

- an Airport Obstruction Variance is granted by the ~~Airport Zoning~~ Polk County Board of Adjustment, if applicable.

Any land development proposal determined to include no "potential airport obstruction" is exempt from any Airport Height Notification Zone permitting and variance requirements contained herein.

(4)(A)3. AIRPORT OBSTRUCTION PERMIT PROCEDURES AND CRITERIA FOR APPROVAL

Any applicant receiving a “Notice of Potential Airport Obstruction” may apply to the Airport Zoning Administrator or local government agent thereof for an Airport Obstruction Permit, in accordance with the following procedures.

(4)(A)3.a. PROCEDURES FOR REQUESTING AN AIRPORT OBSTRUCTION PERMIT

The applicant shall submit a completed Airport Obstruction Permit application, as provided by the Airport Zoning Administrator, and shall provide documentation that the required “Notice of Proposed Construction or Alteration” has been filed with the Federal Aviation Administration (FAA).

Prior to any such permit request being scheduled for consideration by either the Airport Zoning Administrator or local government agent thereof, the applicant shall submit a copy of the final written Determination, as issued by the Federal Aviation Administration (FAA) based on its review of the applicant's “Notice of Proposed Construction or Alteration,” in accordance with the

provisions of 14 CFR Part 77.

(4)(A)3.b. CRITERIA FOR GRANTING AN AIRPORT OBSTRUCTION PERMIT
Where the Federal Aviation Administration (FAA) has reviewed a proposed development and determined it would not result in an exceedance of any federal obstruction standard contained in 14 CFR Part 77 for civil airports, the Airport Zoning Administrator or local government agent thereof, shall grant an Airport Obstruction Permit for a proposed development, provided that conditions are attached to said permit to ensure the installation, operation, and maintenance of appropriate obstruction marking, lighting, and/or flagging, if such obstruction marking, lighting, and/or flagging is required by either Chapter 14-60, Florida Administrative Code or Federal FAA Advisory Circular 70/7460-1, or by the Federal Aviation Administration (FAA) in its written Determination. No Airport Obstruction Permit shall be issued after the expiration date indicated on the FAA's written Determination. Each Airport Obstruction Permit issued shall specify a reasonable expiration date as a condition.

Where the Federal Aviation Administration (FAA) has reviewed a proposed land development and determined it would result in an exceedance of the federal obstruction standards contained in 14 CFR Part 77 for civil airports, or the establishment of a "Hazard to Air Navigation," or both, or where the Florida Department of Transportation (FDOT) has advised that a Federal Aviation Administration (FAA) Determination is not valid relative to state law, no Airport Obstruction Permit shall be granted by the Airport Zoning Administrator or local government agent thereof. However, any applicant for such a proposed land development may apply for an Airport Obstruction Variance.

(4)(A)4. AIRPORT OBSTRUCTION VARIANCE PROCEDURES AND CRITERIA FOR APPROVAL

(4)(A)4.a. PROCEDURES FOR REQUESTING AN AIRPORT OBSTRUCTION VARIANCE

The applicant shall submit to ~~the Chairman of the Airport Zoning Board of Adjustment, via~~ the Airport Zoning Administrator~~,~~ a completed Airport Obstruction Variance application. Said application form shall be maintained by the Airport Zoning Administrator. At the time of filing an Airport Obstruction Variance application, the ~~applicant~~ Airport Zoning Administrator shall forward a copy of said application by certified mail, return receipt requested, to the Florida Department of Transportation (FDOT) Central Aviation Office in Tallahassee, Florida. The FDOT shall have 45 days from the receipt of the application to provide comments to the ~~Airport Zoning Board of Adjustment~~ Airport Zoning Administrator, after which time its right is waived.

Prior to the variance request being scheduled for consideration, the applicant shall submit to the ~~Airport Zoning~~ Polk County Board of Adjustment and the airport managers of Polk County's public-use airports, via the Airport Zoning Administrator, the following:

- a copy of the final written Determination issued by the Federal Aviation Administration (FAA), based on its review of the applicant's "Notice of Proposed Construction or Alteration," in accordance with the provisions of 14 CFR Part 77; and

- a copy of comments from the Florida Department of Transportation (FDOT) Central Aviation Office or evidence that ~~the Florida Department of Transportation (~~FDOT~~)~~ has waived its right to comment, if applicable.

(4)(A)4.b. CRITERIA FOR GRANTING AN AIRPORT OBSTRUCTION VARIANCE

No request for an Airport Obstruction Variance shall be granted by the ~~Airport Zoning~~ Polk County Board of Adjustment solely on the basis that the proposed land development would not result in an exceedance of the federal obstruction standards contained in 14 CFR Part 77 for civil airports, or any other federal aviation regulations. The ~~Airport Zoning~~ Polk County Board of Adjustment shall also consider the criteria enumerated in Section 333.025(6), Florida Statutes, in its consideration of an Airport Obstruction Variance request.

The ~~Airport Zoning~~ Polk County Board of Adjustment shall fix a reasonable time for hearing any requests for an Airport Obstruction Variance, provide public notice to any parties in interest, and either approve, approve with conditions, or deny said request within a reasonable time. At a minimum, public notice shall be provided by the Airport Zoning Administrator to the airport managers of Polk County's public-use airports. Any party may appear in person or by agent or by attorney.

An Airport Obstruction Variance may be granted by the ~~Airport Zoning~~ Polk County Board of Adjustment if it determines that:

- a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and that the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these regulations and Chapter 333, Florida Statutes, and

- the proposed land development can be accommodated in navigable airspace without adverse impact to Polk County's public-use airports or aviation operations.

In granting an Airport Obstruction Variance, the ~~Airport Zoning~~ Polk County Board of Adjustment may prescribe appropriate conditions, requirements and safeguards in conformity with these regulations and the intent hereof, including avigation easements if deemed necessary.

(4)(B) AIRPORT OVERFLIGHT ZONES AND REGULATIONS

(4)(B)1. ESTABLISHMENT OF ZONE

There is hereby established the Airport Overflight Zone as an airport zone of influence. The Airport Overflight Zone is established to regulate the uses of land lying in specified areas above which aircraft must routinely operate at low altitudes and climb from or descend to the runways of Polk County's public-use airports along said flight paths. Within an Airport Overflight Zone, certain land uses are restricted or prohibited due to land use characteristics which could result in further death, injury, and property damage in the event of an aircraft accident, as such areas are more likely, statistically, to be exposed to accidents involving aircraft climbing from, or descending to, the runway at low altitudes.

The Airport Overflight Zone includes the area over which aircraft routinely operate at altitudes of $\leq$50 feet above the runway end elevation, and is defined as follows:

> The Primary Surface, as defined by 14 CFR Part 77.25(a), and that portion of the Approach Surface, as defined by 14 CFR Part 77.25(d), which extends outward from, and perpendicular to, its common boundary with the Primary Surface, as defined in 14 CFR Part 77.25(a), for a horizontal distance of:
>
> - 1,000 feet for utility/visual runways,
> - 1,700 feet for nonprecision instrument/other-than-utility runways, and
> - 2,500 feet for precision instrument runways.

For each publicly-owned, public-use airport in Polk County, the boundary of the Airport Overflight Zone established in these regulations is based on the runway configuration which is planned and documented as such in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the Federal Aviation Administration (FAA) for approval. For each privately-owned, public-use airport in Polk County, the boundary of the Airport Overflight Zone established in this section is based on the existing runway configuration documented by the Florida Department of Transportation (FDOT).

~~Refer to the~~ To assist in the application of the Polk County Airport Zoning Regulations, the Polk Transportation Planning Organization shall maintain Airport Overflight Zoning ~~maps~~ Maps based on an application of the boundaries set forth herein. ~~attached and made a part of these regulations in Appendices 4, 5, 6, and 12. The boundary of any Airport Overflight Zone~~ These maps shall be ~~amended~~ updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The Airport Overflight Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

In the event a discrepancy arises between an Airport Overflight Zone boundary depicted on the maps ~~attached at Appendices 4, 5, 6, and 12 and an Airport Overflight Zone~~ and the boundary located by application of the definition of said boundary as set forth in these regulations, the

boundary as prescribed by the latter shall prevail.

(4)(B)2. AIRPORT OVERFLIGHT ZONE REGULATIONS

(4)(B)2.a. PROHIBITED LAND USES

The following types of land uses shall be prohibited within the established Airport Overflight Zone:

- educational facilities (including all types of schools, pre-schools, and child-care facilities);
- hospitals, medical and health-related facilities;
- places of worship;
- hotels and motels (including transient lodging, recreational vehicle and mobile home parks);
- residential;
- other similar land uses, which by their nature, attract gatherings of people; and
- gasoline or propane gas sales, gasoline or propane gas storage and distribution, and other uses involving the storage, distribution, or manufacture of flammable, explosive, toxic, radioactive, biohazardous, or other hazardous materials.

The latter restriction shall apply to any materials in a quantity or of a type which, if exposed to an aircraft accident, would further jeopardize the safety or health of the aircraft occupants, occupants of facilities in the vicinity, bystanders and emergency personnel or would prevent, delay, limit, or otherwise curtail appropriate response actions by emergency personnel.

(4)(c) AIRPORT NOISE ZONES AND REGULATIONS

(4)(c)1. ESTABLISHMENT OF ZONE

There is hereby established the Airport Noise Zone as an airport zone of influence. The Airport Noise Zone is established around each publicly-owned, public-use airport in Polk County to regulate land uses sensitive to sound levels generated by the routine operation of each such airport. Within the Airport Noise Zone, land uses restrictions and special construction standards are established to minimize impacts of airport-generated noise. Each Airport Noise Zone consists of three subzones, defined as follows:

Airport Noise Subzone A: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 75 L_{dn}.

Airport Noise Subzone B: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 70 L_{dn}, excluding Subzone A.

Airport Noise Subzone C: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 65 L_{dn}, excluding Subzones A and B.

For each publicly-owned, public-use airport in Polk County, the boundary of the Airport Noise Zone established in these regulations is based on the forecast of day/night average sound levels documented in its approved airport master plan or airport layout plan, or both.

To assist in the application of the Polk County Airport Zoning Regulations, the Polk Transportation Planning Organization shall maintain ~~Refer to the~~ Airport Noise Zone maps based on the application of the boundaries set forth herein. ~~attached and made a part of these regulations in Appendix 7.~~ These maps ~~boundary of any Airport Noise Zone~~ shall be ~~amended~~ updated as necessary to reflect any changes in the documentation of forecast day/night average sound levels on which said zone is based, including changes based on an official 14 CFR Part 150 Study. The Airport Noise Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.~~Notwithstanding other provisions of this section, should any publicly-owned, public-use airport conduct an official 14 CFR Part 150 study, the boundaries of the Airport Noise Zones of said airport shall be modified to comply with the official noise study.~~

(4)(C)2. AIRPORT NOISE ZONE LAND USE REGULATIONS

The provisions of this section shall apply to the construction, expansion, alteration, moving, repair, replacement, and changes of use or occupancy of any occupied structure located within any Airport Noise Zone defined by these regulations. Said structures include those which exist within any Airport Noise Zone at the time of adoption of these regulations, those which are moved into or within any Airport Noise Zone, and those proposed to be constructed within any Airport Noise Zone.

(4)(C)2.a. APPLICATION

(4)(C)2.a.i. EXISTING STRUCTURES

Structures located with any Airport Noise Zone at the time of the adoption of these regulations to which additions, expansions, alterations, repairs, replacement, and changes of use or occupancy

are made shall comply with the requirements of these regulations, with the following exceptions:

- Structures for which the cost of such additions, alterations, or repairs made within any five (5) year period does not exceed fifty (50) percent of the value of such structures;

- Nonstructural alterations or repairs of such structures for which the cost of such alterations or repairs does not exceed fifty (50) percent of the value of such structures may be made with the materials of which such structures are constructed, if otherwise allowed; or

- Structures for which no more than fifty (50) percent of the roof covering of such structures is replaced within any three (3) year period.

(4)(C)2.a ii. MOVED STRUCTURES

Structures moved into or within any Airport Noise Zone defined by these regulations shall comply with requirements of these regulations before permanent occupancy is permitted.

(4)(C)2.a.iii. NEW STRUCTURES

New structures proposed within any Airport Noise Zone defined by these regulations shall comply with the requirements of these regulations before permanent occupancy is permitted.

(4)(C)2.b. DESIGN REQUIREMENTS

The sound level reduction requirements of the Airport Noise Zone Land Use Compatibility Chart at Appendix 1 ~~8~~ may be achieved by any suitable combination of structure design, materials, and construction techniques in accordance with established architectural and acoustical principles. Such requirements shall apply to all occupied rooms having one (1) or more exterior walls or ceilings and furnished in accordance with the intended usage of the room. The Recommended Construction Methods and Materials Lists for various levels of noise reduction are attached to these regulations and made a part hereof as Appendix 2 ~~9~~.

(4)(C)2.c. VALIDATION

Calculations to validate whether or not a sound level reduction meets the requirements of these regulations may reference the assumed Octave Band Noise Spectrum Graph attached to these regulations and made a part hereof as Appendix 3 ~~10~~. Such calculations shall take into account the area of exposed room surfaces, the sound transmission loss characteristics of exposed room surfaces, and the amount of sound absorption in the room. For rooms in residential structures, it can be assumed that the ratio of the sound absorption in each room to the room floor area is as follows:

Octave Frequency Band, Hertz (Hz)	Sound Absorption to Floor Area Ratio
63	0.30
125	0.50
250	0.75
≥500	1.00

In such calculations, allowance shall be made for a decrement of at least two (2) decibels for sound leaks and flanking sound transmission paths.

(4)(C)2.d. PERMITTED AND RESTRICTED LAND USES

All land uses shall be either permitted or restricted in the various Airport Noise Subzones as provided in the Airport Noise Zone Land Use Compatibility Chart attached to these regulations at Appendix 1 ~~8~~. Those land uses not specifically listed in said chart are either permitted or restricted based on their similarity to the land uses that are listed in said chart, as determined by the Airport Zoning Administrator.

(4)(D) SPECIAL REQUIREMENTS

Notwithstanding any other provision of this section, no use of land, air, or water shall be made in such a manner as to interfere with the operation of any airborne aircraft or aircraft operations at any airport. The following special requirements shall apply to proposed developments:

(4)(D)1. IN-FLIGHT VISUAL OR ELECTRONIC INTERFERENCE

No land use shall produce smoke, steam, glare, or other visual impairment within three (3) miles of any runway of any airport. To assist in the application of the Polk County Airport Zoning Regulations, the Polk Transportation Planning Organization shall maintain a ~~Refer to the~~ "Restrictions on In-Flight Visual Interference" M~~m~~ap based on an application of the boundaries set forth herein. ~~attached and made a part of these regulations in Appendix 3.~~ The~~is~~ map ~~boundary of any such area~~ shall be ~~amended~~ updated as necessary to reflect any changes in the documentation of the runway configuration on which said areas are based. The "Restrictions on In-Flight Visual Interference" boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.In the event a discrepancy arises between a boundary depicted on the maps ~~attached at Appendix 3~~ and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary prescribed by the latter shall prevail.

Moreover, within the territorial limits over which the local governments represented on the Polk County Joint Airport Zoning Board have jurisdiction, no land use shall:

- produce electronic interference with navigation signals or radio communications of any

airborne aircraft or aircraft operations at any airport;

- utilize high energy beam devices that interfere with aircraft operations at any airport, and for which such energy transmission is not fully contained within a structure, or absorbing or masking vessel; or

- utilize lights or illumination arranged or operated in such manner that either misleads or obscures the vision of pilots during take-off and landing stages of aircraft operations at any airport.

(4)(D)2. AIRCRAFT BIRD STRIKE HAZARD

No land use shall be permitted to store, handle, or process organic or any other materials that foster or harbor the growth of insects, rodents, amphibians, or other similar organisms, in such a way as to significantly increase the potential for aircraft bird strike hazard to aircraft operations at any airport:

- within 10,000 feet of the nearest point of any airport's runway used or planned to be used by turbine powered aircraft;

- within 5,000 feet of the nearest point of any airport's runway used or planned to be used only by conventional piston engine powered aircraft;

- within the lateral limits of the civil airport imaginary surfaces defined in 14 CFR Part 77.25; or

- in locations where the passage of a significant volume of bird traffic originating from or destined to bird feeding, watering, or roosting areas is induced across any Primary Surface or Approach Surface, as defined in 14 CFR Part 77.25 (c) and 14 CFR Part 77.25 (d), respectively, of any airport.

(4)(D)3. RESTRICTIONS ON THE EDUCATIONAL FACILITIES OF PUBLIC AND PRIVATE SCHOOLS

The construction of any educational facility of a public or private school is restricted within an area that extends five miles out from either end of any runway, along the extended runway centerline, and which has a width measuring one-half the length of the runway of any publicly-owned, public-use airport in Polk County. To assist in the application of the Polk County Airport Zoning Regulations, the Polk Transportation Planning Organization shall maintain a ~~Refer to the~~ "Restrictions on Educational Facilities of Public and Private Schools" M~~m~~ap based on an application of the boundaries set forth herein. ~~attached and made a part of these regulations in Appendix 2.~~ This map ~~The boundary of any such area~~ shall be ~~amended~~ updated as necessary to reflect any changes in the documentation of the runway configuration on which

said areas are based. The "Restrictions on Educational Facilities of Public and Private Schools" boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.
In the event a discrepancy arises between a boundary depicted on the maps ~~attached at Appendix 2~~ and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary prescribed by the latter shall prevail.

These restrictions shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 235.19, Florida Statutes, as of July 1, 1993.

Exceptions approving construction of an educational facility within the delineated area(s) shall only be granted when the ~~Airport Zoning~~ Polk County Board of Adjustment makes specific findings detailing how public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

The ~~Airport Zoning~~ Polk County Board of Adjustment shall consider, at a minimum, the following criteria in determining whether or not to grant exceptions approving construction of educational facilities within the delineated area(s):

- Physical attributes of the proposed site, including the nature of the terrain and topography, and the density of planned/existing land uses;
- Situation of the proposed site relative to other geographic features, either natural or man-made, and other planned/existing land uses and activities;
- Public and private interests and investments;
- Safety of persons on the ground and in the air;
- Any other applicable airport zoning restrictions;
- Availability of alternate sites;
- Any unique attributes of the proposed site;
- Planned approach type of the runway: either precision instrument, nonprecision instrument, or visual;
- Type(s) of aircraft using the runway, including the number and type of engine(s) used by,

and gross weight of, aircraft; and

- Inbound approach or outbound departure bearing relative to the extended runway centerline.

(4)(E) DETERMINATION OF BOUNDARIES

In determining the location of airport zone boundaries, the following rules shall apply:

- Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys as they exist at the time of adoption of these regulations, shall be the airport zone boundary;

- Where boundaries are shown to enter or cross platted lots, property lines of lots as they exist at the time of adoption of these regulations shall be the airport zone boundary;

- Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restrictive airport zone shall apply;

- Where boundaries are shown on unsubdivided property of less than five (5) acres in area, provisions of the more restrictive airport zone shall apply; and

- Where boundaries are shown on unsubdivided property of five (5) or more acres in area, the location shall be determined by the Airport Noise Zone boundary ~~shown in Appendix 7, or,~~ the Airport Height Notification Zone, or Airport Overflight Zone boundary located by application of the definition of said zone boundaries set forth in these regulations.

(4)(F) NONCONFORMING USES

No land use may be permitted in any airport zone of influence unless it conforms to the specific limitations set forth in these regulations. The requirements of these regulations shall not be construed to necessitate the removal, lowering, alteration, or other change of any nonconforming use. Any nonconforming use that is an object of natural growth shall not be allowed to exceed the height of said object as of the effective date of these regulations, unless permitted by the Airport Zoning Administrator. Nothing in these regulations should be construed to require sound conditioning or other alteration of any nonconforming use.

(4)(G) FUTURE USES

No change shall be made in the use of land, and no structure shall be altered or otherwise established in any airport zone of influence created by these regulations except in conformance with the requirements of this section.

(5) ADMINISTRATION AND ENFORCEMENT

(5)(A) DUTIES OF THE AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Airport Zoning Administrator to administer and enforce the regulations prescribed herein. Permits shall be requested through the submission of an application to the Airport Zoning Administrator, or local government agent thereof.

Each participating local government may nominate a member of its staff to serve as a local government agent of and liaison to the Airport Zoning Administrator upon certification by the Airport Zoning Administrator. If a participating local government chooses not to nominate a member of its staff to act as a local government agent of the Airport Zoning Administrator, or is unable to have a member of its staff certified by the Airport Zoning Administrator, then any development proposal under its jurisdiction requiring an airport zoning permit must be referred to the Airport Zoning Administrator. The Airport Zoning Administrator shall establish procedures that allow for proper coordination with, and oversight of, its local government agents.

Temporary or conditional permits pending completion of review, comment, or approval by any other local, state, or federal agency shall not be issued.

In the event that the Airport Zoning Administrator finds any violation of these regulations, the person responsible for such violation shall be given notice in writing by the Airport 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 provided to the Airport Zoning Board of Adjustment.~~ A copy of said notice shall also be provided to the affected local government. The Airport Zoning Administrator shall coordinate with the affected local government to take any and all action necessary to correct or abate such violations or otherwise obtain compliance with all the provisions of these regulations.

~~The Airport Zoning Administrator shall take any and all action necessary to effect the correction or abatement of such violations or otherwise obtain compliance with all the provisions of these regulations.~~

(5)(B) PERMITS

(5)(B)1. AIRPORT HEIGHT NOTIFICATION ZONE

Refer to *Section (4)(a)3. Airport Obstruction Permit Procedures and Criteria for Approval* for permitting requirements for structures and objects of natural growth located or proposed to be located within an Airport Height Notification Zone. Notwithstanding the requirement in Section (4)(a)3. of these regulations, no permit shall be required to remove any structure or object of natural growth.

(5)(B)2. AIRPORT NOISE ZONE

No structure for which a sound level reduction of 25 decibels, 30 decibels, or 35 decibels is required by the Airport Noise Zone Land Use Compatibility Chart at Appendix 1 ~~8~~ of these regulations shall be constructed, altered, repaired, moved, erected, or modified unless a permit has been issued. No permit shall be issued unless construction plans and specifications for the structure reflect construction methods and materials in conformance with either Appendix 2 ~~3~~ of these regulations or an acceptable alternative source, and the combination of design, materials, and construction methods will result in a sound level reduction at least as great as that value specified in Appendix 1 ~~2~~ for the particular usage involved. Notwithstanding the above, no such permit shall be required to remove any structure.

(5)(B)2.i. APPROVAL OF CONSTRUCTION METHODS AND MATERIALS

The Airport Zoning Administrator or local government agent thereof may approve any method of construction consistent with the provisions of these regulations, and assure that the proposed design is satisfactory, and that it complies with the applicable sound level reduction requirements of the Airport Noise Zone Land Use Compatibility Chart at Appendix 1 ~~8~~.

The Airport Zoning Administrator or local government agent thereof may require certified professional documentation or other appropriate data be submitted as evidence or proof to substantiate any claims made as to the sound level reduction performance of submitted construction methods and materials.

Prior to the granting of final approval of any finished structure, the Airport Zoning Administrator or local government agent thereof may require, at the expense of the owner, a field test by a qualified acoustical consultant to verify that the sound level reduction performance of said structure meets any applicable sound level reduction requirements. If required, said field test shall use the aircraft sound level prevailing outside said structure to verify the sound level reduction performance, and shall employ the following procedures:

- Using the sound level generated by an individual aircraft flyover event, exterior and interior sound levels shall be measured simultaneously. The difference between the maximum exterior sound level and the maximum interior sound level for the flyover event shall be the measured sound level reduction for the flyover event, so long as the maximum interior sound level exceeds the background sound level measured in the absence of the flyover event by at least seven (7) decibels.

- The sound level reduction shall be measured for at least four (4) flyover events for each occupied room tested. The sound level reduction performance of each room shall be the arithmetic average of the sound level reduction measurements for said flyover events.

- Sound level reduction measurements shall be made in at least two (2) occupied rooms of each tested structure. Said rooms shall be those most directly exposed to the exterior sound level source. The interior sound level shall be measured with an omnidirectional microphone placed four (4) feet above the floor, near the center of said rooms. The exterior sound level shall be measured at an unobstructed location approximately five (5) feet above the elevation of the floor of said rooms, and eight (8) feet from the wall most directly exposed to the exterior sound level source, near its center.

- Alternatively, the interior and exterior sound levels may be measured by simultaneous readings of two (2) sound level meters, or by simultaneous recording on magnetic tape, with the sound level reduction value determined by analysis of the recorded signals. For either method, each measuring system used must satisfy the requirements for a Type 2 Sound Level Meter, according to ANSI SI.4-197, and be operated in the manner designated by ANSI SI.13-197, or latest revision thereof. The systems used must be calibrated prior to and following each flyover event so their indications are within one (1) decibel for the same sound level using suitable calibration procedures as specified by the system's manufacturer.

(5)(B)3. AIRPORT OVERFLIGHT ZONE

No temporary or permanent structure located, or proposed to be located, in any Airport Overflight Zone defined by these regulations shall be constructed, moved, repaired, altered, demolished, erected, or modified unless a permit has been issued by the Airport Zoning Administrator. No permit shall be issued unless the structure conforms with the requirements for land use within said zone.

(5)(C) NOTIFICATION REQUIREMENTS

(5)(C)1. NOTIFICATION OF AIRPORT NOISE POTENTIAL

The following notification requirement shall apply to property lying within any Airport Noise Zone defined in these regulations.

Constructive knowledge shall be made available to all purchasers of property located in any Airport Noise Zone defined in these regulations, as provided for in Section 498.037, Florida Statutes, and Public Law 96-163 (49 USC 2107), as they may be amended from time to time.

- Public notice, via maps depicting said zones, shall be made available by each local government represented on the Polk County Joint Airport Zoning Board.

- The Disclosure Statement attached to these regulations and made a part hereof at Appendix 4 ~~11~~ shall be completed upon the sale of all residential property located in any such zone, and shall be filed with the property deed.

(5)(C)2. NOTIFICATION OF AIRCRAFT OVERFLIGHT POTENTIAL

The following notification requirement shall apply to property lying within any Airport Overflight Zone defined in these regulations.

Constructive knowledge shall be made available to all purchasers and users of property in any Airport Overflight Zone defined in these regulations, as provided for in Section 498.037, Florida Statutes, and Public Law 96-163 (49 USC 2107), as they may be amended from time to time.

- Constructive knowledge shall be accomplished in the manner and form prescribed in Section (5)(c)1. of these regulations.

- When the end user of any property located in any Airport Overflight Zone defined in these regulations is not the purchaser, the purchaser shall convey the notification condition to the user. Such notification shall be in writing, shall be acknowledged by user's signature, and shall be accomplished prior to the user occupying or making any type of legally binding obligation to occupy said property. A copy of the user's acknowledgment shall be filed with the property deed.

- When said property also lies partially or entirely within any Airport Noise Zone defined in these regulations, notification shall include specific reference to both airport noise and aircraft overflight potential.

(5)(D) POLK COUNTY JOINT AIRPORT ZONING BOARD

(5)(D)1. MEMBERSHIP

The Polk County Joint Airport Zoning Board shall have as voting members two (2) ~~appointees~~ representatives of each member local government participating in its creation to include, when possible, elected officials or employees serving in the one of the listed capacities:

- community planning;
- development review;
- building permitting and inspection; or
- city administration.

Member local governments may also appoint citizen representatives.

Said local governments may designate the two representatives by title, rather than name. A~~a~~lternates may also to be designated by name or title, to serve in the absence of its regular representatives ~~said appointees, and may excuse said absences~~. ~~If a voting member has three or more consecutive unexcused absences, their membership may be submitted for withdrawal after written notice to the member, and upon approval by the voting membership of the Board. The Board shall request the appropriate local government to appoint a replacement for any voting member whose membership has been submitted for withdrawal or who is not willing to continue serving.~~ The advisory membership of the Board shall include the airport managers of the public-use airports of Polk County. Advisory members may actively participate in all discussions, but may neither vote nor serve as officers of the Board.

The governing body of each participating local government shall provide the Board a copy of the minutes or resolution, which is signed and sealed by the respective city or county clerk, indicating its ~~the names of its voting, alternate, and non-voting members~~ representatives and alternates. The Transportation Planning Organization (TPO) secretary will verify membership and contact information annually. ~~When replacement members are designated, it shall be the responsibility of each participating local government to indicate the names of the newly-designated members and the names of the former members who they replace. Such members may be designated by name or by title and for a limited term of membership, but at least two voting and one non-voting members must be designated in some form, at a minimum .~~

(5)(D)2. OFFICERS

The officers of the Board shall include the Chair and the Vice-Chair. The officers shall perform the duties prescribed by these regulations and those outlined in the current edition of Robert's

Rules of Order, Newly Revised. Officers must be voting members. The officers shall be elected by a majority of the members of the Board to serve for one (1) year or until their successors are elected. Their term of office shall begin at the close of the meeting at which they are elected. In the absence of the Chair, the Vice-Chair shall serve as the Chair. If the office of the Chair becomes vacant during the year, the Vice-Chair shall serve as the Chair and preside over the election of a new Vice-Chair at the next regular meeting of the Board. If the office of the Vice-Chair becomes vacant, an election of a new Vice-Chair shall be held at the next regular meeting.

(5)(D)3. MEETINGS AND PUBLIC HEARINGS

Meetings and public hearings of the Board shall be held at the call of the Chair or a simple majority of the voting members. The Board shall meet at least once annually, unless the Chair and the Airport Zoning Administrator determine there is no business to discuss. All meetings and hearings of the Board shall be open to the public. Prior written notice of every meeting and public hearing, stating the time, place, and purpose thereof, shall be given by personal delivery or by mail and not less than five (5) business-days prior to the date of the meeting, and shall conform with applicable public meeting or public hearing notice requirements of state law. Attendance at a meeting or public hearing shall constitute a waiver of notice.

(5)(D)4. QUORUM REQUIREMENT AND VOTING

A majority of the voting members of the Board shall constitute a quorum. A simple majority vote of the voting members present, provided a quorum is present, shall be required for the passage of any action. The Polk Transportation Planning Organization shall provide staff support to the Board, and shall keep minutes of its proceedings and records of its official actions.

(5)(E) POLK COUNTY AIRPORT ZONING BOARD OF ADJUSTMENT

(5)(E)1. POWERS

There is hereby created the Polk County Airport Zoning Board of Adjustment which shall have and shall exercise the following powers:

- To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Administrator in the enforcement of these regulations;

- To hear and decide any special exception to the terms of these regulations upon which the Board may be required to pass; and

- To hear and decide specific variances to requirements, conditions, or limitations of these regulations.

(5)(E)2. ~~MEMBERSHIP AND RULES~~ ASSIGNMENT OF POWERS

The responsibilities of the Airport Zoning Board of Adjustment are hereby assigned to the Polk County Board of Adjustment.

~~The Board shall consist of five (5) members and one (1) alternate, each to be appointed by the Polk County Joint Airport Zoning Board for a term of three (3) years. Members may be removed for cause upon written charges and due notice after public hearing. The Board shall adopt rules for its governance in harmony with the provisions of these regulations.~~

~~(5)(E)3. MEETINGS AND PUBLIC HEARINGS~~

~~Meetings and public hearings of the Board shall be held at the call of the Chair and at such other times as a simple majority of the voting members of the Board may determine. The Chair, or in the absence of the Chair, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings and hearings of the Board shall be public. The Polk Transportation Planning Organization shall provide staff support to the Board, and shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The Airport Zoning Administrator shall maintain all records of the official actions of the AZBA.~~

~~(5)(E)4. VOTING~~

~~The concurring vote of a majority of the members of the AZBA shall be sufficient to reverse any order, requirement, decision, or determination of the Airport Zoning Administrator, or to render a decision on any matter upon which it is required to pass under these regulations, or to effect variation of these regulations.~~

(5)(F) VARIANCES

Any person desiring to use their property in a manner not in accordance with the requirements of these regulations shall apply to the ~~Airport Zoning~~ Polk County Board of Adjustment, via the Airport Zoning Administrator, for a variance from such requirements. Any use, or proposed use, of property in a manner not in accordance with the requirements of these regulations shall not be permitted by the Airport Zoning Administrator or local government agent thereof unless a variance is granted by the ~~Airport Zoning~~ Polk County Board of Adjustment.

(5)(F)1. AIRPORT OBSTRUCTION VARIANCE

Refer to *Section (4)(a)4.b. Criteria for Granting an Airport Obstruction Variance* for the requirements of structures and objects of natural growth which require an airport obstruction variance.

(5)(F)2. VARIANCES OTHER THAN AIRPORT OBSTRUCTION VARIANCES

Excluding Airport Obstruction Variances, the ~~Airport Zoning~~ Polk County Board of Adjustment shall fix a reasonable time for hearing any requests for variances from airport noise and/or airport overflight zone requirements, or any other requirement established in these regulations, provide public notice to any parties in interest, and either approve, approve with conditions, or deny any such request within a reasonable time. At a minimum, public notice shall be provided by the Airport Zoning Administrator to the airport managers of Polk County's public-use airports. Any party may appear in person or by agent or by attorney.

Variances other than Airport Obstruction Variances may be granted by the ~~Airport Zoning~~ Polk County Board of Adjustment if it determines that a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and that the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these regulations and Chapter 333, Florida Statutes.

In granting any variance, the ~~Airport Zoning~~ Polk County Board of Adjustment may prescribe appropriate conditions, requirements and safeguards in conformity with these regulations and the intent hereof, including avigation easements if deemed necessary.

(5)(G) APPEALS

Any person aggrieved by any decision of the Airport Zoning Administrator made in the administration and enforcement of these regulations, may appeal to the ~~Airport Zoning~~ Polk County Board of Adjustment. Any and all appeals must be filed within thirty (30) days of the date of the decision. All appeals hereunder must be made by filing with the Airport Zoning Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Administrator shall forthwith transmit to the ~~Airport Zoning~~ Polk County Board of Adjustment all the papers or materials constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed unless the Airport Zoning Administrator certifies to the ~~Airport Zoning~~ Polk County Board of Adjustment after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Airport Zoning Administrator, cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by the order of the ~~Airport Zoning~~ Polk County Board of Adjustment on notice to the Airport Zoning Administrator and on due cause shown.

The ~~Airport Zoning~~ Polk County Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. At a minimum, public notice shall be provided to the public-use airports addressed by these regulations. During the hearing, any party may appear in person or by agent or by attorney.

The ~~Airport Zoning~~ Polk County Board of Adjustment may, in conformity with the provisions of these regulations and Chapter 333, Florida Statutes, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Airport Zoning Administrator from whom the appeal is taken.

(5)(H) JUDICIAL REVIEW

Any person aggrieved by any decision of the ~~Airport Zoning~~ Polk County Board of Adjustment may appeal to the Circuit Court as provided by Section 333.11, Florida Statutes.

(5)(I) CONFLICTING REGULATIONS

Where there exists a conflict between any of the requirements or limitations prescribed in these regulations and any other requirements, regulations or zoning applicable to the same area, whether the conflict be with respect to the height of structures or objects of natural growth, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. The variance to or waiver of any such more stringent limitation or requirement shall not constitute automatic variance or waiver of the less stringent limitations or requirements of these regulations.

(5)(J) SEVERABILITY

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations that can be given effect without the invalid provisions or applications, and to this end the provisions of these regulations are declared to be severable.

(5)(K) PENALTIES

Any violation of these regulations, or any requirement, order, or ruling promulgated herein shall constitute a misdemeanor of the second degree and be punishable by a fine of not more than five hundred dollars ($500) or imprisonment for not more than sixty (60) days, or both. Each day a violation continues to exist shall constitute a separate offense.

(5)(L) EFFECTIVE DATE

These regulations and any amendments thereto shall become effective upon adoption by the Polk County Joint Airport Zoning Board.

APPENDICES

~~APPENDIX 1: AIRPORT HEIGHT NOTIFICATION ZONES MAP~~

~~NOTES: The following map depicts the Airport Height Notification Zones established in these regulations for each public-use airport in Polk County, with the exception of Brown Seaplane Base which is included within the Airport Height Notification Zone for Winter Haven Municipal Airport.~~

~~APPENDIX 2: RESTRICTIONS ON THE EDUCATIONAL FACILITIES OF PUBLIC AND PRIVATE SCHOOLS MAP~~

~~APPENDIX 3: RESTRICTIONS ON IN-FLIGHT VISUAL INTERFERENCE MAP~~

~~APPENDIX 4: CHALET SUZANNE AIRPORT OVERFLIGHT ZONE MAP~~

~~APPENDIX 5: RIVER RANCH AIRPORT OVERFLIGHT ZONE MAP~~

~~APPENDIX 6: SOUTH LAKELAND AIRPARK OVERFLIGHT ZONE MAP~~

APPENDIX 7: AIRPORT NOISE ZONE MAPS

BARTOW MUNICIPAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE (September, 1990)

L_{dn} Noise Level Contours — AMP Exhibit 6.3
2005 L_{dn} Noise Contours (Civil Activity)

LAKELAND LINDER REGIONAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE: 1993 - 2012 (October, 1995)

L_{dn} Noise Level Contours — AMP Exhibit 8.5/ALP Sheet 5 of 10
Future Noise Contours - 2012

LAKE WALES MUNICIPAL AIRPORT
AIRPORT MASTER PLAN UPDATE (September, 1991)

L_{dn} Noise Level Contours — AMP Exhibit 6-3
20 Year L_{dn} Noise Exposure Contours

WINTER HAVEN MUNICIPAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE (April, 1996)

L_{dn} Noise Level Contours — AMP Figure 7-2[1]
Projected 2004 Noise Contours

[1] *Source: Winter Haven Airport Master Plan: 1985 - 2004 (July, 1986)*

NOTE: The three types of Airport Noise Zones established in these regulations include Noise Zone "A," Noise Zone "B," and Noise Zone "C." The outer boundaries of said zones correspond with the respective future "75, 70, and 65 Day/Night Average Sound Levels (L_{dn}) Noise Level Contours" identified on the referenced maps for each municipal airport in Polk County.

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND-USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
RESIDENTIAL			
Single-Family Units	I_1	I_2	N
Duplexes	I_1	I_2	N
Multi-Family Units	I_1	I_2	N
Residential Hotels and Motels	I_1	I_2	N
Transient Lodgings	I_1	I_2	I_3
Mobile Home Parks and Courts	N	N	N
Recreational Vehicle (RV) Parks	N	N	N
Other Residential	I_1	I_2	N
RELIGIOUS/CULTURAL/RECREATIONAL:			
OUTDOOR ACTIVITIES			
Religious Services and Assemblies	N	N	N
Entertainment Assemblies	N	N	N
Sports Event Assemblies	C_4	I_4	N
Sports Arenas, Courts, Fields and Tracks	C_4	C_4	I_4
Circuses and Carnivals	C_4	I_4	N
Amusement and Theme Parks	C_4	I_4	N
Playgrounds and Neighborhood Parks	C_6	C_6	I_6

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
RELIGIOUS/CULTURAL/RECREATIONAL:			
OUTDOOR ACTIVITIES (Continued)			
Community and Regional Parks	I_6	I_6	N
INDOOR ACTIVITIES			
Churches, Mosques, Synagogues, Temples	I_2	I_3	N
Theaters, Museums, and Auditoria	$I_{2,4}$	$I_{3,4}$	N
Stadia and Arenae	$C_{1,4}$	$I_{2,4}$	$I_{3,4}$
Gymnasia and Natatoria	C_1	I_2	$I_{3,4}$
SERVICES			
Hospitals and Nursing Homes	I_2	N	N
Other Medical Facilities	I_2	N	N
Day Care Facilities	I_2	N	N
Educational Facilities	I_2	N	N
Government Service Facilities	C_1	C_2	I_3
Correctional Institutions	C_1	I_2	N
Cemeteries	C_1	C_2	C_3

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
SERVICES (Continued)			
Professional, Financial, and Insurance	C_1	C_2	I_3
Business and Real Estate	C_1	C_2	I_3
Repairs and Contract Construction	C_1	C_2	I_3
Personal and Miscellaneous	C_1	C_2	I_3
TRANSPORTATION/COMMUNICATION/UTILITIES			
Passenger Facilities	C_1	C_2	C_3
Cargo/Freight Facilities	Y	C_2	C_3
Road, Rail, and Water Transit Ways	Y	C_2	C_3
Vehicle Parking	Y	C_2	C_3
Vehicle Storage	Y	C_2	C_3
Telecommunications	C_1	C_2	I_3
Broadcast Communications	C_1	C_2	I_3
Electric Generating Plants	Y	C_1	C_2
Sewer/Waste Water Treatment Plants	Y	C_1	C_2
Gas Utility Facilities	Y	C_1	C_2
Electric Utility Facilities	Y	C_1	C_2

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
RETAIL TRADE			
Building Materials and Hardware	Y	C_1	C_2
Automotive, Farm, and Marine Craft	C_1	C_2	C_3
Apparel and General Merchandise	C_1	C_2	C_3
Groceries and Foodstuff	C_1	C_2	C_3
Eating and Drinking Establishments	C_1	C_2	C_3
Shopping Malls and Centers	C_1	C_2	C_3
Gasoline, Diesel, and Heating Oil	Y	C_1	C_2
Liquefied and Bottled Gas	Y	C_1	C_2
WHOLESALE TRADE			
Home Furnishings and Building Materials	Y	C_1	C_2
Food Products and General Merchandise	Y	C_1	C_2
Liquefied Gas	Y	C_1	C_2
Petroleum and Distillate Products	Y	C_1	C_2
Industrial Chemicals	Y	C_1	C_2
Explosive and Pyrotechnic Products	Y	C_1	C_2
Other Wholesale Trade	Y	C_1	C_2

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
MANUFACTURING			
Food Products and Processing	Y	C_1	C_2
Textiles and Apparel	Y	C_1	C_2
Lumber and Wood Products	Y	C_1	C_2
Paper and Allied Products	Y	C_1	C_2
Chemicals and Allied Products	Y	C_1	C_2
Petroleum Refining and Related Products	Y	C_1	C_2
Explosive and Pyrotechnic Products	Y	C_1	C_2
Rubber and Plastics Products	Y	C_1	C_2
Clay and Glass Products	Y	C_1	C_2
Primary and Fabricated Metal Products	Y	C_1	C_2
Electronic and Optic Products	C_1	C_2	I_3
Professional and Scientific Products	C_1	C_2	I_3
Other Manufacturing	C_1	C_2	C_3
RESOURCE PRODUCTION AND RECOVERY			
Livestock and Poultry Farming	$C_{2,5}$	$I_{3,5}$	I_5
Animal Breeding	$I_{2,5}$	$I_{3,5}$	N
Crop and Related Agricultural Production	$C_{1,5}$	$C_{2,5}$	$C_{3,5}$

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART

LAND USES AND ACTIVITIES	COMPATIBILITY IN AIRPORT NOISE SUBZONE		
	C	B	A
RESOURCE PRODUCTION AND RECOVERY (Continued)			
Aquaculture Activities	$C_{1,5}$	$C_{2,5}$	$C_{3,5}$
Forestry and Timber Production	$C_{1,5}$	$C_{2,5}$	$C_{3,5}$
Oil and Natural Gas Wells	Y	C_2	C_3
Strip and Open Pit Mining	Y	C_2	C_3
Stone and Mineral Quarries	Y	C_2	C_3
Other Mining and Resource Recovery	Y	C_2	C_3

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART: CHART KEY

Y(Yes) Land use or activity is compatible and permitted without limitations or restrictions.

$C_{(1...n)}$ Land use or activity is generally compatible with some limitations or restrictions. Land use or activity is permitted if Condition Note$_{(1...n)}$ is met.

$I_{(1...n)}$ Land use or activity is incompatible and discouraged. Where a demonstrated community need for the land use exists and viable alternatives are not possible, the Airport Zoning Administrator may permit the land use, if Condition Note $_{(1...n)}$ is met. Condition Note$_{(1...n)}$ will not eliminate or alter the basis of the incompatibility, but is intended to lessen or mitigate the potential for adverse impacts on the land use or activity.

N(No) Land use or activity is not compatible and not permitted.

SLR Sound Level Reduction (SLR), through the incorporation of sound attenuation in the design and construction of structures to lessen or mitigate the potential for interior noise impacts on the land use or activities, is required. SLR requirements of 25 decibels, 30 decibels, or 35 decibels, exterior to interior sound level, are acceptable minima to mitigate the potential for interior noise impacts on the land use or activity.

APPENDIX ~~8~~ 1: AIRPORT NOISE ZONE LAND USE COMPATIBILITY CHART: CONDITION NOTES

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1 Measures to achieve a Sound Level Reduction (SLR) of 25 decibels must be included in the design and construction of occupied structures.

2 Measures to achieve a Sound Level Reduction (SLR) of 30 decibels must be included in the design and construction of occupied structures.

3 Measures to achieve a Sound Level Reduction (SLR) of 35 decibels must be included in the design and construction of occupied structures.

4 Sound reinforcement or amplification systems shall be installed.

5 Residential structures are not permitted.

6 Occupied structures are not permitted.

APPENDIX ~~9~~ 2: RECOMMENDED CONSTRUCTION METHODS AND MATERIALS LIST

A.Minimum Sound Level Reduction (SLR) of 25 decibels, Exterior to Interior

1. Compliance
2. General
3. Exterior Walls
4. Windows
5. Doors
6. Roofs
7. Ceilings
8. Floors
9. Ventilation

B.Minimum Sound Level Reduction (SLR) of 30 decibels, Exterior to Interior

1. Compliance
2. General
3. Exterior Walls
4. Windows
5. Doors
6. Roofs
7. Ceilings
8. Floors
9. Ventilation

C.Minimum Sound Level Reduction (SLR) of 35 decibels, Exterior to Interior

1. Compliance
2. General
3. Exterior Walls
4. Windows
5. Doors
6. Roofs
7. Ceilings
8. Floors
9. Ventilation

Appendix ~~9~~ 2(A):Recommended Construction Methods and Materials for a Minimum Sound Level Reduction (SLR) of 25 decibels, Exterior to Interior

---

1.Compliance

Compliance with the following standards to meet the requirements for which a SLR of 25 decibels is specified is recommended.

2. General

a.Brick veneer, masonry blocks or stucco exterior walls shall be grouted or caulked airtight.

b.At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

c.Window and/or through-the-wall ventilation units shall not be used.

d.Through-the-wall or through-the-door mail boxes shall not be used.

3. Exterior Walls

a.Exterior walls other than as described in this section shall have a laboratory sound transmission class rating of at least STC-39.

b.Masonry walls having a surface weight of at least 25 pounds-per-square-foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

c.Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

(1)Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on the studs.

(2)Continuous composition board, plywood or gypsum board sheathing at least one-half inch thick shall cover the exterior side of the wall studs behind wood or metal siding. Asphalt or wood shake shingles are acceptable in lieu of siding.

(3)Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

(4)Insulation material at least two inches thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

4.Windows

a.Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.

b.Glass shall be at least three-sixteenths inch thick.

c.All operable windows shall be weather stripped and airtight when closed so as to conform to an air infiltration test not to exceed one-half cubic-feet-per-minute per foot of crack length in accordance with ASTM E-283-65-T.

d.Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

e.The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.

f.The total area of glass in both windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.

5.Doors

a.Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.

b.All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-quarters inch thick and shall be fully weather stripped.

c.Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in Section A-4.c. The glass in the sliding doors shall be at least three-sixteenths inch thick.

d.Glass in doors shall be sealed in an airtight non-hardening sealant or in soft elastomer gasket or glazing tape.

e.The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section A-4.e.

6.Roofs

a.Combined roof and ceiling construction other than described in this Section and Section A-7 shall have a laboratory sound transmission class rating of at least STC-39.

b.With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of closely butted one-half inch composition board, plywood or gypsum board

sheathing topped by roofing as required.

c.If the underside of the roof is exposed, or if the attic or rafter spacing is less than six inches, the roof construction shall have a surface weight of at least 25 pounds-per-square-foot. Rafters, joists or other framing may not be included in the surface weight calculation.

d.Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-28.

7.Ceilings

a.Gypsum board or plaster ceilings at least one-half inch thick shall be provided where required by Section A-6.b. Ceilings shall be substantially airtight, with a minimum number of penetrations.

b.Glass fiber or mineral wool insulation at least two inches thick shall be provided above the ceiling between joists.

8.Floors

a.Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed 20 percent of the floor space area of the occupied rooms.

9.Ventilation

a.A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.

b.Gravity vent openings in attic shall not exceed code minimum in number and size.

c.If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with one inch thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

d.All vent ducts connecting the interior space to the outdoors, except domestic range exhaust ducts, shall contain at least a five-foot length of internal sound absorbing duct lining. Each duct shall be provided with a 90-degree bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.

e.Duct lining shall be coated glass fiber duct liner at least one inch thick.

f.Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination that allows proper ventilation. The

dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the bent duct material.

g.Fireplaces shall be provided with well-fitted dampers.

Appendix ~~9~~ 2(B):Recommended Construction Methods and Materials for a Minimum Sound Level Reduction (SLR) of 30 decibels, Exterior to Interior

---

1.Compliance

Compliance with the following standards to meet the requirements for which a SLR of 30 decibels is specified is recommended.

2.General

a.Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

b.At the penetration of exterior walls by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

c.Window and/or through-the-wall ventilation units shall not be used.

d.Operational vented fireplaces shall not be used.

e.All sleeping spaces shall be provided with either a sound-absorbing ceiling or a carpeted floor.

f.Through-the-wall or through-the-door mailboxes shall not be used.

3.Exterior Walls

a.Exterior walls other than as described below shall have a laboratory sound transmission class rating of at least STC-44.

b.Masonry walls having a surface weight of at least 40 pounds-per-square-foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

c.Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco or brick veneer.

(1)Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

(2)Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood, or metal siding. The sheathing and

facing shall weigh at least four pounds-per-square-foot.

(3)Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

(4)Insulation material at least two inches thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

4.Windows

a.Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

b.Glass of double-glazed windows shall be at least one-eighth inch thick. Panes of glass shall be separated by a minimum three-inch air space.

c.Double-glazed windows shall employ either fixed sash or efficiently weather stripped operable sash. The sash shall be rigid and weather stripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed one-half cubic-feet-per-minute per foot of crack length in accordance with ASTM-E-283-65-T.

d.Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

e.The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.

f.The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20 percent of the floor area.

5.Doors

a.Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

b.Double door construction is required for all door openings to the exterior. Openings fitted with side-hinged doors shall have one solid-core wood or insulated hollow metal core door at least one and three-quarters inch thick separated by an airspace of at least four inches from another door, which can be a storm door. Both doors shall be tightly fitted and weather stripped.

c.The glass of double-glazed sliding doors shall be separated by a minimum four-inch airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material as specified in Section B-4.c.

d.Glass of all doors shall be at least three-sixteenth inch thick. Glass of double sliding doors shall not be equal in thickness.

e.The perimeter of door frames shall be sealed airtight to the exterior wall construction as indicated in Section B-4.e.

f.Glass of doors shall be set and sealed in an airtight non-hardening sealant, or a soft elastomer gasket or glazing tape.

6.Roofs

a.Combined roof and ceiling construction other than described in this section and Section B-7 shall have a laboratory sound transmission class rating of at least STC-44.

b.With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of closely butted one-half inch composition board, plywood or gypsum board sheathing topped by roofing as required.

c.If the underside of the roof is exposed, or if the attic or rafter spacing is less than six inches, the roof construction shall have a surface weight of at least 40 pounds-per-square-foot. Rafters, joists or other framing may not be included in the surface weight calculation.

d.Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

7.Ceilings

a.Gypsum board or plaster ceilings at least one-half inch thick shall be provided where required by Section B-6.b. Ceilings shall be substantially airtight with a minimum number of penetrations.

b.Glass fiber or mineral wool insulation at least two inches thick shall be provided above the ceiling between joists.

8.Floors

a.The floor of the lowest occupied rooms shall be slab on fill, below grade or over a fully enclosed basement. All door and window openings in the fully enclosed basement shall be tightly fitted.

9.Ventilation

a.A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.

b.Gravity vent openings in attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least three feet in length containing internal sound absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

c.If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel which shall be lined with one inch thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

d.All vent ducts connecting the interior space to the outdoors excepting domestic range exhaust ducts, shall contain at least a ten-foot length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90-degree bend in the duct such that there is not direct line of sight through the duct from the venting cross section to the room opening cross section.

e.Duct lining shall be coated glass fiber duct line at least one inch thick.

f.Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination that allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

g.Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

h.Doors between occupied space and mechanical equipment areas shall be solid core wood or 20 gauge steel hollow metal at least one and three-quarters inch thick and shall be fully weather stripped.

Appendix ~~9~~ 2(C):Recommended Construction Methods and Materials for a Minimum Sound Level Reduction (SLR) of 35 decibels, Exterior to Interior

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1.Compliance

Compliance with the following standards to meet the requirements for which a SLR of 35 decibels is specified is recommended.

2.General

a.Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted and caulked airtight.

b.At the penetration of exterior walls by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

c.Window and/or through-the-wall ventilation units shall not be used.

d.Operational vented fireplaces shall not be used.

e.All sleeping spaces shall be provided with either a sound absorbing ceiling or a carpeted floor.

f.Through-the-wall or through-the-door mailboxes shall not be used.

g.No glass or plastic skylight shall be used.

3.Exterior Walls

a.Exterior walls other than as described below shall have a laboratory sound transmission class rating of at least STC-49.

b.Masonry walls having a surface weight of at least 75 pounds-per-square-foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

c.Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

(1)Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer. If the exterior is stucco or siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

(2)Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the all studs behind wood, or metal siding. The sheathing and facing shall weigh at least four pounds-per-square-foot.

(3)Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

(4)Insulation material at least three and one-half inches thick shall be installed continuously through the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

4.Windows

a.Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-38.

b.Double-glazed windows shall employ fixed sash. Glass of double-glazed windows shall be at least one-eighth inch thick. Panes of glass shall be separated by a minimum three-inch air space and shall not be equal in thickness.

c.Glass of windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

d.The perimeter or window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following; Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.

e.The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20 percent of the floor area.

5.Doors

a.Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-38.

b.Double door construction is required for all door openings to the exterior. The doors shall be side-hinged door and shall de solid-core wood or insulated hollow core door at least one and three-quarters inches thick separated by a vestibule at least three feet in length. Both doors shall be tightly fitted and weather stripped.

c.The perimeter of door frames shall be sealed airtight to the exterior wall construction as specified in Section C-4.d.

6.Roofs

a.Combined roof and ceiling construction other than described in this section and Section C-

7 shall have a laboratory sound transmission class rating of at least STC-49.

b.With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of closely butted one-half inch composition board, plywood or gypsum board sheathing topped by roofing as required.

c.If the underside of the roof is exposed, or if the attic or rafter spacing is less than six inches, the roof construction shall have a surface weight of at least 75 pounds-per-square-foot. Rafters, joists or other framing may not be included in the surface weight calculation.

7.Ceilings

a.Gypsum board or plaster ceilings at least one-half inch thick shall be provided where required by Section C-6. Ceilings shall be substantially airtight, with a minimum number of penetrations. The ceiling panels shall be mounted on resilient clips or channels. A non-hardening sealant shall be used to seal gaps between the ceiling and walls around the ceiling perimeter.

b.Glass fiber or mineral wool insulation at least three and one-half inches thick shall be provided above the ceiling between joists.

8.Floors

The floors of the lowest occupied rooms shall be slab on fill or below grade.

9.Ventilation

a.A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without need to open any windows, doors or other openings to the exterior.

b.Gravity vent openings in attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least six feet in length containing internal sound absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

c.If a fan is used for force ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with one inch thick coated glass fiber, and shall be at least ten feet long with one 90-degree bend.

d.All vent ducts connecting the interior space to the outdoors excepting domestic range exhaust ducts, shall contain at least a ten-foot length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90-degree bend in the duct such that there is not direct line of sight through the duct from the venting cross section to the room-opening cross section.

e.Duct lining shall be coated glass fiber duct liner at least one inch thick.

f.Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination that allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

g.Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

h.Doors between occupied space and mechanical equipment areas shall be solid core wood or 20 gaged steel hollow metal at least one and three-quarters inches thick and shall be fully weather stripped.

APPENDIX ~~10~~ 3:OCTAVE BAND NOISE SPECTRUM GRAPH

Place Holder for Octave Noise Band Spectrum Graph

APPENDIX ~~11~~ 4:AIRPORT NOISE/OVERFLIGHT ZONE DISCLOSURE STATEMENT

POLK COUNTY AIRPORT ZONING REGULATIONS
AIRPORT NOISE/OVERFLIGHT ZONE DISCLOSURE STATEMENT

The land with Polk County Property Appraiser Parcel Identification Number _____

_____

and which is located at the following street address _____

_____

and which is being purchased from _____

_____

by _____

_____

lies within Airport Noise Subzone _____

of the following airport _____

and/or the Airport Overflight Zone of Runway _____

of the following airport _____

as established by the Polk County Airport Zoning Regulations.

The purchaser of said property is hereby notified that:

"Said land lies within Airport Noise Subzone _____

of the following airport _____

and/or the Airport Overflight Zone of Runway _____

of the following airport _____

and may be subject to aircraft noise and/or aircraft overflight that may be objectionable."

The undersigned purchaser(s) of said land hereby certify(ies) that they have read this disclosure statement and acknowledge the pre-existence of the above named airport and the potential for objectionable airport noise and/or aircraft overflight.

_____ _____

Seller Buyer

Sworn to and subscribed before me on:

_____

Notary Public

APPENDIX 12:AIRPORT OVERFLIGHT ZONE MAPS FOR MUNICIPAL AIRPORTS

BARTOW MUNICIPAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE (September, 1990)

Runway Protection Zones — AMP Exhibit D-1/ALP Sheet 1 of 4 *Airport Layout Plan*

14 CFR Part 77 Primary Surfaces — AMP Exhibit D-3/ALP Sheet 3 of 4 *Approach/Imaginary Surface Plan*

LAKELAND LINDER REGIONAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE: 1993 - 2012 (October, 1995)

Runway Protection Zones — AMP Exhibit 8.2/ALP Sheet 2 of 10 *Airport Layout Plan*

14 CFR Part 77 Primary Surfaces for Runways 08/26 and 09R/27L — AMP Exhibit 8.2/ALP Sheet 2 of 10 *Airport Layout Plan*

14 CFR Part 77 Primary Surfaces for Runways 05/23 and 09L/27R — AMP Exhibit 8.7/ALP Sheet 7 of 10 *Airport Airspace Plan*

LAKE WALES MUNICIPAL AIRPORT
AIRPORT MASTER PLAN UPDATE (September, 1991)

Runway Protection Zones — AMP Exhibit 7-26 *Airport Layout Plan*

14 CFR Part 77 Primary Surfaces — AMP Exhibit 7-28 Instrument Approach and Vicinity Plan

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WINTER HAVEN MUNICIPAL AIRPORT
AIRPORT MASTER/LAYOUT PLAN UPDATE (April, 1996)

Runway Protection Zones — AMP Figure 5-1/ALP Sheet 2 of 6 *Airport Layout Plan*

14 CFR Part 77 Primary Surfaces — AMP Figure 5-3/ALP Sheet 4 of 6 *Airspace Plan*

NOTES:*The Runway Protection Zone (RPZ) delineates the land area over which the Approach*

~~*Surface (defined in 14 CFR Part 77) projects no more than 50 feet above the runway end elevation. The composite area underlying the planned Primary Surfaces (defined in 14 CFR Part 77) and Runway Protection Zones of each public-use runway, as depicted on these maps, comprises the Airport Overflight Zone established in these regulations for each such runway.*~~

~~Place Holder for Airport Overflight Zone Maps for Bartow Municipal Airport~~

~~Place Holder for Airport Overflight Zone Maps for Lakeland Linder Regional Airport~~

~~Place Holder for Airport Overflight Zone Maps for Lake Wales Municipal Airport~~

~~Place Holder for Airport Overflight Zone Maps for Winter Haven Municipal Airport~~

POLK TRANSPORTATION PLANNING ORGANIZATION

August 14, 2013

Mr. Billy Hattaway, P.E., District Secretary
Florida Department of Transportation
P.O. Box 1249, MS 1-36
Bartow, FL 33831

RE: Request for Technical Assistance in Support of Joint Airport Zoning Regulations

Dear Secretary Hattaway:

I am writing on behalf of the Polk County Joint Airport Zoning Board (JAZB). At its meeting on June 25, 2013, the Board voted unanimously to request the Florida Department of Transportation's (FDOT) technical assistance in support of the Joint Airport Zoning Regulations. The JAZB shares the Department's goal of protecting the long term viability of public-use airports. We believe that some timely and specific technical assistance from the FDOT can help further this goal.

The JAZB adopts and administers Joint Airport Zoning Regulations to protect airspace and ensure compatibility between public-use airports and surrounding land uses. These regulations delineate airport zones of influence to:

- regulate the height of structures (Airport Height Notification Zones);
- regulate land uses in areas where aircraft operate at low altitudes (Airport Overflight Zones); and
- regulate land uses sensitive to sound (Airport Noise Zones).

These zones are based runway configurations and other boundaries or technical data contained within the various airport master plans. Since aviation planning is a highly specialized field, it is often challenging to translate this data into the referenced zones. Therefore, the JAZB respectfully requests the FDOT to provide the following technical assistance:

1. Provide consultant services to update the airport zones of influences based on the current adopted airport master plans; and

2. 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.

We would appreciate an opportunity to meet with your staff to discuss this matter further. If you have any questions regarding this request, please contact me at 863.534.6454 or tomdeardorff@polk-county.net.

Sincerely,

Tom Deardorff

Tom Deardorff, AICP
TPO Director

TMD/

CC: Bruce Kistler, JAZB Chairman
Chandra Frederick, JAZB Administrator
Terry Beacham, FDOT D1
Jennifer Stults, FDOT D1
Ryan Kordek, TPO Staff
Ben Dunn, TPO Staff