

Holmes County Ordinance No. 25-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CREATING SECTION 2.02.04 "AIRPORT IMPACT OVERLAY ZONE"; DEFINING THE SPECIFIC AREA TO WHICH THE OVERLAY WILL BE APPLICABLE; PROVIDING FOR SITE DEVELOPMENT STANDARDS WITHIN THE OVERLAY ZONE; PURSUANT TO AUTHORITY UNDER FLORIDA STATE STATUTES SECTION 163.3202; PROVIDING CONSISTENCY WITH CHAPTER 333, F.S.; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREIN, OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, airport obstruction hazards endanger the lives and property of uses of an airport and of the occupants of land in its vicinity by reducing the size of the area available for aircraft taking off, maneuvering, or landing, thus tending to destroy or impair the utility of the airport and the public investment therein; and

WHEREAS, it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and; and

WHEREAS, the limitation of land uses incompatible with normal airport operations, the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover; and

WHEREAS, every political subdivision having an airport hazard area within its territorial limits is required by Section 333.03, F.S. to adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed in this section, airport protection zoning regulations for such airport hazard area.

WHEREAS, the Holmes County Board of County Commissioners determined amendments were necessary to its Land Development Code regarding the protection of the Tri County Airport, and to be consistent with Chapter 333, Florida Statutes; and

WHEREAS, Section 163.3202, Florida Statutes, provides for the authority for the Holmes County Board of County Commissioners to amend its Land Development Code, which is consistent with the Holmes County Comprehensive Plan; and

WHEREAS, in the exercise of its authority, the Holmes County Board of County Commissioners finds it necessary and desirable to adopt and does hereby adopt these amendments to the Holmes County Land Development Code to be consistent with Chapter 333, F.S. contained herein in order to encourage the most appropriate use of land, water and

resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the County.

NOW THEREFORE, BE IT ORDAINED BY THE HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Section 1: Approval of Amendment

The amendment to the Holmes County Land Development Code, Chapter II "Land Use Districts", Section 2.02.04 with Map 2.02.04 attached as "Exhibit A" to this Ordinance is hereby adopted.

Section 2: Repeal

All parts of the document entitled "Holmes County Unified Land Development Code", that are in conflict with this ordinance, including all corresponding maps, are hereby repealed and shall have no further effect whatsoever.

Section 3: Severability

If any section, subsection, sentence, clause, phrase or other portion of this Ordinance, or any particular application thereof shall be held void, invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

Section 4: Scrivener's Errors

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

Section 5: Effective Date


If the amendment is not timely challenged, the amendment adopted as Exhibit A to this Ordinance shall become effective at the time the state land planning agency's notice of intent to find that the amendment is in compliance is issued. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted evaluation and appraisal amendment to be in compliance.

No development orders, development permits, or land uses dependent on this amendment may be issued or commence before this Ordinance has become effective.

PASSED, APPROVED, AND DULY ADOPTED with a quorum present at a duly noticed public hearing of the Holmes County Board of County Commissioners this 15th day of APRIL 2025.

HOLMES COUNTY

BOARD OF COUNTY COMMISSIONERS


Earl Stafford, Chairman

ATTEST:


Sam Baily, County Clerk

EXHIBIT "A"

ORDINANCE 25-02
Exhibit A

2.02.04 Airport Impact Overlay Zone (AIOZ)

A. Purpose and intent

1. The Airport Impact Overlay (AIOZ) is designed to provide for safe airport operations and development of uses in locations near the Tri-County Airport, located in northeast Holmes County, which are compatible with the airport use.
2. The purpose of this overlay zone is to regulate heights of structures and vegetation and to regulate the uses of land within the vicinity of general aviation public use airports, in accordance with Chapter 333 F.S., to avoid the creation of airport hazards and inhibit the development of uses which may be adversely affected by airport operations.
3. The Tri-County Airport Authority, composed of appointed officials from Holmes, Jackson, and Washington Counties, has a critical role in overseeing airport operations and acts as a recommending board to the Local Planning Agency and Board of County Commissioners as it applies to development in the Airport Impact Overlay Zone.
4. As the County is a member of the Tri-County Airport Authority, which adopts and administers Airport Impact Overlay Zone regulations pursuant to F.S. Ch. 333, the Airport Impact Overlay Zone and its related development criteria are established to ensure aviation-compatible land uses and activities in the County. All development within the County shall comply with the Holmes County Comprehensive Plan, the Land Development Code, and the Tri-County Airport Authority Regulations as it applies to development in the Airport Impact Overlay Zone.

B. Definitions

The definitions of Chapter 333, F.S, Airport Zoning, as amended, shall be applicable to the terms of this section, unless the text and/or context of this section requires otherwise.

C. Standards for Development within the Airport Impact Overlay Zone.

1. Description of Area: All lands lying within the transitional, approach, conical, horizontal and primary surfaces as defined and shown on Map 2.02.04, "Tri-County Airport Layout Plan," of the Holmes County Land Development Code (LDC).
2. Consistent with applicable law, all development within an Airport Impact Overlay Zone shall be subject to the County's development review procedures.
3. Notwithstanding any other provision of this LDC, no use may be made of land or water within any surfaces established by this LDC in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:
 - a. All lights or illumination used in conjunction with street, parking, signs, or use of land or

- structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating to and from a public use airport or in the vicinity thereof.
- b. All flood lights, spot lights, or any type of pulsating, flashing, rotating, or oscillating light shall be modified or prohibited if determined by the Tri-County Airport Authority Board, who has authority over that airport, to be a possible risk to safety of aircraft operation.
 - c. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three (3) miles of any usable runway of a public airport.
 - d. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft, or other air traffic control facility.
 - e. Land within Runway Protection Zones, as defined by the Federal Aviation Administration (FAA), shall be prohibited from use for residential use, schools, hospitals, storage of explosives, or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
 - f. New landfills shall be prohibited, and existing landfills shall be restricted within the following areas:
 - i. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
 - ii. Within 5,000 feet from the nearest point of any runway used by only non-turbine aircraft.
 - iii. Outside the perimeters defined in Section 2.02.04.C.1, but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. Section 77.19.
 - g. Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns or aircraft, the landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
 - h. Any type of tethered dirigible, balloon, or other type of hovering or floating object the height of which exceeds the criteria outlined in Section 2.02.04.C.4 is prohibited.
 - i. No structure of any height, type or material shall be constructed or altered so as to cause interference with any radio or electronic navigational aids or systems as determined by the Federal Aviation Administration, or by the Tri-County Airport Authority who has jurisdiction over the airport deemed to be affected.
4. Height Limitations. No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations:
- a. Primary Surface. No structure or obstruction will be permitted within the primary surface area that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline with the exception of FAA approved navigation aids.

- b. Horizontal Surface. One hundred fifty feet above airport elevation.
- c. Conical Surface. One hundred fifty feet above airport elevation at the inner boundary, with permitted height increasing one foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary for a distance of 4,000 feet.
- d. Approach Surface. The runway centerline end height at the inner edge, with permitted height increasing with horizontal distance outward from the inner edge as follows:
 - i. Runway 01/19: one foot vertically for every twenty (20) feet of horizontal distance.
- e. Transitional Surface. The same as for the primary zone or the approach zone where it adjoins, with permitted height increasing one (1) foot vertically for every seven (7) feet horizontally, measured at right angles to the runway centerline or extended centerline.

D. Requirements for airspace obstructions.

1. Applicability. An airspace obstruction submittal is required when a proposed airspace obstruction exceeds one (1) or more of the criteria established in Section 2.02.04.D.3. Review of airspace obstructions shall occur at the time of the site development plan review, if applicable. If a site development plan is not required, the airspace obstruction shall be reviewed at time of building permit submittal.
2. Airspace obstruction review materials. The LDC shall establish the submittal requirements for an airspace obstruction review during the Site Development Plan review process. When an airspace obstruction review is required at time of building permit, the following items shall be submitted for review:
 - a. A copy of the FAA form 7460-1 'Notice of Proposed Construction or Alteration', and all supporting materials, filed with the FAA;
 - b. A copy of the final FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) determination;
 - c. A narrative statement with a detailed description/explanation of the proposed airspace obstruction and response to the applicable criteria from LDC Section 2.02.04.D.3; and
 - d. A letter of recommendation of approval, approval with conditions, or by the Tri-County Airport Authority Board.
3. Criteria for review. Land use compatibility criteria shall be reviewed for all existing and new development within the County for compliance with the Airport Impact District regulations. The airspace obstruction may not be approved solely on the basis that the FAA determined that the proposed construction or alteration of an obstruction was not an airport hazard. In determining whether to approve or deny an airspace obstruction, the County, in coordination with the Tri-County Airport Authority Board, must also consider the following, as applicable:
 - a. The safety of persons on the ground and in the air.

- b. The safe and efficient use of navigable airspace.
 - c. The nature of the surrounding terrain and height of existing structures.
 - d. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Ch. 330, F.S. and the regulations adopted thereunder.
 - e. The character of existing and planned flight operations and developments at the public-use airport.
 - f. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.
 - g. The effect of the construction or alteration of the proposed structure on the minimum descent altitudes or the decision heights at the affected airport.
 - h. The cumulative effects on navigable airspace of all existing structures and other known proposed structures in the area.
 - i. Comments and recommendations from FDOT Aviation Office, the affected airport(s), aviation operations and safety experts, where applicable.
4. Supplemental standards for the development of airspace obstructions:
- a. The owner of the obstruction will be required to install, operate, and maintain thereon and at their own expense, obstruction marking and lighting in conformance with the specific standards established by the FAA, including, but not limited to, FAA Advisory Circular 70/7460-1, as may be amended.
5. The County shall not issue an airspace obstruction approval where the FAA has reviewed the proposed and determined its construction or alteration would exceed obstruction standards contained in 14 CFR Part 77 and result in a hazard to air navigation.

