

ORDINANCE NO. 77-40

AN ORDINANCE AMENDING ORDINANCE 76-30 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY ADDING A NEW SECTION 10 PART II - SPECIAL REGULATIONS GOVERNING HAZARDS IN AND AROUND EVERGLADES, AERO OASIS AND MARCO ISLAND AIRPORTS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Coastal Area Planning Commission petitioned the Board of County Commissioners of Collier County, Florida to amend Ordinance 76-30 as described hereinbelow;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA;

SECTION ONE:

The Comprehensive Zoning Regulations, Ordinance 76-30, of the Coastal Area Planning District are hereby amended as described hereinbelow:

AMEND SECTION 10 - SPECIAL REGULATIONS FOR SPECIFIED AREAS IN AND AROUND NAPLES AIRPORT BY ADDING A NEW PART II - SPECIAL REGULATIONS PREVENTING HAZARDS IN AND AROUND EVERGLADES, AERO OASIS, AND MARCO ISLAND AIRPORTS:

Section 10. Part II Special Regulations Preventing Hazards in and Around Everglades, Aero Oasis and Marco Island Airports

1. Intent and Purpose Certain areas in and around Collier County, Florida, require special regulation to prevent hazards which endanger the lives and property of users of the airports and of occupants of land in their vicinity and which, if of the obstruction type, reduce the size of the area available for the landing,

take off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is hereby declared that:

A. That the creation or establishment of an airport obstruction is a public nuisance and an injury to the region within Coastal Area Planning District served by Everglades, Aero Oasis, and Marco Island Airports.

B. That it is necessary in the interest of public health, public safety, and general welfare that the creation of airport obstructions and structures be prevented: and

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- C. That it is necessary in the interest of the public health and general welfare that the establishment of incompatible land uses be prevented in the areas defined as the CNR 100 contour (ASDS 85 dBA) noise area and/or the accident potential hazard area; and
- D. That the prevention of these obstructions, structures and incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power without compensation.
- E. In addition to the regulations applicable to land zoned as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the Coastal Area Planning District in the vicinity of the Everglades, Aero Oasis and Marco Island Airports as indicated on the Airport Zoning Maps of Collier County. Lands lying within various zones as indicated on the Airport Zoning Maps are subject to the additional regulations set out in this section.

2. Definitions

As used in this Section, unless the context otherwise requires:

- A. AIRPORT - Everglades, Aero Oasis and Marco Island Airport
- B. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.
- C. AIRPORT OBSTRUCTION - Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR ss. 77.21, 77.23, 77.25 and 77.28 or which obstructs the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing and take-off of aircraft.

- D. AIRSPACE HEIGHT - To determine the height limits in all zones set forth in this ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.
- E. RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- F. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- G. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- H. STRUCTURE - Any object, constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles and overhead transmission lines.
- I. ZONING ADMINISTRATOR - The administrative office or agency responsible for administering zoning within the Coastal Area Planning District.
- J. NONCONFORMING USE - Any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this Ordinance, or amendments thereto.
- K. ACCIDENT POTENTIAL HAZARD AREA - An area within 5000 feet of the approach or departure end of a runway or in proximity to an airport which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.

3. Airport Zones and Airspace Height Limitations

In order to carry out the provisions of this ordinance, there are hereby created, and established certain zones which includes all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Everglades, Aero Oasis and Marco Island Airports Zoning Maps which are attached to this Ordinance and made a part hereof.

<u>Zoning Map A</u>	<u>Zoning Map B</u>	<u>Zoning Map C</u>
Marco Island Airport	Everglades Airport	Aero Oasis Airport

An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows: Marco Island, Everglades and Aero Oasis Airports.

A. Public Civil Airport Height Zones and Limitations

- (1) Primary Zone - An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off area, and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

Everglades and Aero Oasis Airports

250 feet for utility runways having only visual approaches.

Marco Island Airport

500 feet for visual runways having only visual approaches.

The width of the primary zone of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

- (2) Horizontal Zone - The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

Everglades, Marco Island and Aero Oasis Airports

5,000 feet for all runways designated as utility or visual.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

- (3) Conical Zone - The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
- (4) Approach Zone - An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

- (a) The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

Everglades and Aero Oasis Airports

1,250 feet for that end of a utility runway with only visual approaches.

Marco Island Airport

1,500 feet for that end of a runway other than a utility runway with only visual approaches

- (b) The approach surface extends for a horizontal distance of:

5,000 feet for all utility and visual runways.

- (c) The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- (d) Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Everglades, Marco Island and Aero Oasis Airports

Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways

- (5) Transitional Zone - The area extending outward from the sides of the primary zones and approach zones connecting then to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally,

with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

- (6) Other Areas - In addition to the height limitations imposed in paragraph 1 through 5 above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

4. Airport and Land Use Restrictions

A. Use Restrictions

Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zones established by this Ordinance in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- (1) All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.
- (2) No operations from any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
- (3) No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(4) Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

B. Lighting

Notwithstanding the preceding provisions of this Section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments thereto on such structure. Additionally, high intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments.

C. Variances

Any person desiring to erect or increase the height of any structures, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations.

No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the appropriate zoning administrator.

D. Hazard Marking and Lighting

Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to



This ordinance filed with the Secretary of State's office the 22nd day of August, 1977 and acknowledgment of that filing received this 24th day of August, 1977.

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Deputy Clerk

WILLIAM J. REAGAN  
CLERK OF COURTS  
COLLIER COUNTY, FLORIDA

permit Collier County at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

Airport Noise Zones

No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85dBA contour) unless the prospective buyer or lessee has been given the following notice in writing:

"Noise Warning - this land lies beneath the aircraft approach and departure routes for Marco Island, Everglades, and Aero Oasis Airports and is subject to noise that may be objectionable".

SECTION TWO:

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATE: August 16, 1977

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: [Signature]

ATTEST:  
WILLIAM J. REAGAN, CLERK  
[Signature]

APPROVED AS TO FORM AND LEGALITY

[Signature]  
RONALD A. PICKWORTH, COUNTY ATTORNEY

STATE OF FLORIDA )  
COUNTY OF COLLIER )

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of Ordinance No. 77-40 which was adopted by the Board of County Commissioners during Regular Session of August 16, 1977.  
WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of August, 1977.

WILLIAM J. REAGAN  
Clerk of Courts and Clerk  
of the Board of County  
Commissioners

BOOK 007 PAGE 209 By: Virginia Magin  
Deputy Clerk