

ORDINANCE NO. 77-5

AN ORDINANCE REGULATING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND REGULATING THE USE OF LAND IN THE VICINITY OF THE HERNANDO COUNTY AIRPORT BY CREATING AIRPORT HEIGHT ZONES, THEIR ASSOCIATED HEIGHTS AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES

Pursuant to the authority conferred by Chapter 333 of the Laws of Florida, and for the purpose of promoting the health, safety, and general welfare of the inhabitants of Hernando County, by preventing the creation or establishment of airport hazards use of Hernando County Airport, thereby protecting the lives and property of users of the Hernando County Airport and the lives and general welfare of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein;

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, as follows:

SECTION 1. SHORT TITLE. This Ordinance shall be known and may be cited as the "Airport Zoning Ordinance of Hernando County, Florida."

SECTION 2. DEFINITIONS.

- A. "Airport" means the Hernando County Airport, Hernando County, Florida.
- B. Airport Elevation - The highest point of an airport's usable landing area measured in feet above mean sea level. The established Hernando County Airport elevation is 76' MSL.
- C. Airport Hazard - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

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- D. Airport Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
  - E. Airport Zoning Chart - Refers to a chart or map of the area affected by the airport zoning, which shows the layout of the runways, the airport boundaries, and the airport elevation. The chart also sets forth the various zones with the applicable height limitations for each. The chart identifies topographic features such as major streams, rivers, railroads, roads, and streets.
  - F. Airspace Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
  - G. Control Zone - Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
  - H. Decision Height - the height at which a decision must be made during an ILS instrument approach, to either continue the approach or to execute a missed approach.
  - I. Heliport - A designated landing area, other than an airport, used primarily for the operation and basing

of rotorcraft.

- J. Heliport Primary Surface - The area of the primary surface coincides size and shape with the designated landing and takeoff area of a heliport or helistop. This surface is a horizontal plane at the elevation of the established heliport elevation.
- K. Helistop - A designated landing area other than an airport, used for the operating rotorcraft where no basing facilities are provided.
- L. Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- M. Minimum Descent Altitude - The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- N. Minimum Enroute Altitude - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- O. Minimum Obstruction Clearance Altitude - The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- P. Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- Q. STOL Primary Surface - An imaginary plane, 300 feet wide centered on the runway. Its length extends 100 feet beyond each runway end. The elevation of any

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point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

- R. 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 an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

SECTION 3. AIRPORT ZONING MAP. In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the Airport Height Zoning Map, dated June 7, 1977, of the Hernando County Airport, Hernando County, Florida, attached hereto, is hereby incorporated into this Ordinance and made a part thereof. In order to outline definitely the horizontal limits of land use affected by airport noise, the Airport Land Use Map, dated June 7, 1977, of the Hernando County Airport Vicinity, attached hereto, is hereby incorporated into this Ordinance and made a part thereof. Official copies of the maps are retained in the Hernando County Planning & Zoning Department office.

SECTION 4. AIRPORT HEIGHT ZONES AND LIMITATIONS.

- A. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established airport elevation. The perimeter of the horizontal zone at Hernando County Airport is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each end of Runway 09/27 and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall be permitted in the horizontal zone that would exceed 150 feet above the established airport elevation, as depicted on the Hernando County

Airport Height Zoning Map.

- B. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

No structure shall be permitted in the conical zone that would penetrate the conical surface, as depicted on the Hernando County Airport Height Zoning Map.

- C. Approach Zones. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for the runway end and is depicted on the Hernando County Airport Height Zoning Map.

1. The inner edge of the approach surface is the same width as the primary surface of each runway, 500 feet wide for Runways 09, 27, 20. The outer edge of the approach surface is:
  - a. 3,500 feet wide for Runway 09.
  - b. 1,500 feet wide for Runways 27, 02, 20.
2. The approach zone extends for a horizontal distance of 5,000 feet for Runways 27, 02, and 20, and 16,000 feet for Runway 09.
3. The slopes of the approach zones are as follows:
  - a. 20 to 1 for Runways 27, 02, 20.
  - b. 34 to 1 for Runway 09.
4. No structure shall be permitted in the approach zone that would penetrate the approach slope for that runway, as depicted on the Hernando County Airport Height Zoning Map.

- D. Transitional Zone. The land lying under surfaces extending outward and upward at right angles to the

runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the approach surfaces. However, when the slope of 7 to 1 intersects a plane 500 feet above the established airport elevation, the transitional surface becomes a plane 500 feet above the established airport elevation, as depicted on the Hernando County Airport Height Zoning Map.

- E. No structure shall be permitted in Hernando County that would raise an existing published Minimum Descent Altitude or Decision Height for any instrument approach to any runway at the Hernando County Airport, nor shall any structure be permitted that would raise or increase the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude on any Federal Airway in Hernando County.

SECTION 5. USE RESTRICTIONS. Notwithstanding any other provision of this Ordinance, no use may be made of land or water within the County of Hernando in such a manner as to interfere with the operation of airborne aircraft. The following special requirements shall apply to each permitted use.

- A. All lights or illumination used in conjunction with streets, 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.
- B. No operations from any use shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of a public airport.
- C. No operations from any use in Hernando County shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

SECTION 6. NONCONFORMING USES. The regulations prescribed in Sections 4 and 5 of this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof; or otherwise interfere with the continuance of any nonconforming use. Nothin herein contained shall require any change in the construction or alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance.

SECTION 7. AIRPORT NOISE ZONES. All land lying within the noise impact area as designated on the Hernando County Airport Land Use Map, and as more particularly identified by legal description attached hereto labeled Appendix A and Appendix B, and made a part hereof by reference as though incorporated in haec verba. This area was determined by utilizing the Aircraft Sound Description System (ASDS).

SECTION 8. LAND USES PERMITTED IN AIRPORT NOISE ZONES. The following land uses are permitted in the Airport Noise Zones with the accompanying performance standards:

A. Airport Noise Zone A

1. Agricultural with no more density ratio than 6,000 square feet of residential single family dwelling per 5 acres of land. No multi-family dwelling will be permitted. The intent of this land use is to permit a ratio of no more than one residence per 5 acres of land, and to prevent residential subdivisions in Airport Noise Zone A.
2. Light Industrial with compliance of Sections 4 and 5 of this Ordinance. It is the intent of this land use to permit all types of light industry in Airport Noise Zone A. No residential subdivision will be permitted in this noise zone.

B. Airport Noise Zone B

1. No person shall sell or lease any lots or parcels in Airport Noise Zone B unless the prospective purchaser or lessee has received in writing the

following notification:

"Noise Warning: This lot (or parcel) lies beneath the primary arrival and departure routes of the Hernando County Airport and is subject to very high noise levels produced by low flying jet aircraft taking off and landing. The lot (or parcel) is not considered satisfactory for residential use, and you may find this noise objectionable. Additional noise information may be obtained by contacting the Airport Manager of the Hernando County Airport."

Additionally, this information shall be contained in the contract for sale or lease instrument.

2. Unless such above disclosures are made prior to the sale and a signed statement by the prospective purchaser or lessee is executed, the sale or lease may be voided at the purchaser's or lessee's option within one year from the date of sale.

SECTION 9. NONCONFORMING USES. The regulations prescribed in Sections 7 and 8 of this Ordinance shall not be construed to require the removal or other change or alteration of any structure or land use not conforming to the regulations as of the effective non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun or had been permitted by the Hernando County Building Department prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

For the purpose of this ordinance, lots that have been legally platted and accepted by the county as of the effective date of this ordinance shall be considered non-conforming and shall not have to comply with the provisions of Section 8.

SECTION 10. LIGHTING. Notwithstanding the provisions of this Ordinance, the owner of any structure over 200 feet above ground level must install on that structure lighting in accordance with Federal Aviation Administration Advisory Circular 70/7460-1C and Amendments. Additionally, any structure exceeding 749 feet



above mean sea level must install on that structure high intensity white obstruction lights. The high intensity white obstruction lights must be in accordance with the Federal Aviation Advisory Circular 70/7460-1C and Amendments.

SECTION 11. VARIANCES. Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Zoning Board of Adjustments and Appeals for a variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Zoning Board of Adjustments and Appeals unless a copy of the application has been furnished to the Hernando County Aviation Authority for advice as to the aeronautical effects of the variance. If the Hernando County Aviation Authority does not respond to the application for variance within fifteen (15) days after receipt, the Zoning Board of Adjustments and Appeals may act on its own to grant or deny said application.

SECTION 12. PERMITS.

- A. Future Uses. No material change shall be made in the use of the land, and no structure or tree shall be erected, altered, planted, or otherwise established, in any airport approach zone, horizontal zone, conical zone or transitional zone, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations here prescribed. If such determination is in the affirmative, the permit applied for shall be granted.
- B. Existing Uses. Before any existing use, structure, or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or

replanted, within any airport approach zone, horizontal zone, conical zone, or transitional zone, a permit must be secured authorizing such replacement, change, or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of existing use, structure, or tree, shall be granted.

SECTION 13. APPEALS.

- A. Any person aggrieved, or taxpayer affected by any decision of the Administrative Agency made in its administration of this Ordinance, or the Board of County Commissioners of Hernando County, Florida, are of the opinion that a decision of the Administrative Agency is an improper application of this Ordinance, may appeal to the Zoning Board of Adjustments and Appeals, for which provision is made in Section 15.
- B. All appeals taken under this section must be taken within a reasonable time as provided by the rules of the Board, by filing with the Agency from which appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The Agency from which appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the Board,

after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed otherwise than by order of the Board on notice to the agency from which the appeal is taken and on due cause shown.

- D. The Board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. The Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, 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 Administrative Agency from which the appeal is taken.
- F. The Board shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, or affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
- G. The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Agency, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in this Ordinance.

SECTION 14. ADMINISTRATIVE AGENCY. The Hernando County Zoning Department is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the Administrative Agency shall include that of hearing and deciding all permits under Section 12, but the Administrative Agency shall not have or exercise any of the powers or duties herein delegated to the Zoning Board of Adjustments and Appeals.

SECTION 15. ZONING BOARD OF ADJUSTMENTS AND APPEALS.

- A. The existing Zoning Board of Adjustments and Appeals of Hernando County, Florida, shall exercise the following powers within their respective territorial limits:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this Ordinance.
  2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board may be required to pass by subsequent ordinances.
  3. To hear and decide specific variances under Section 11.

SECTION 16. JUDICIAL REVIEW. Any person aggrieved, or taxpayer affected, by any decision of the Zoning Board of Adjustments and Appeals, or the Board of County Commissioners of Hernando County, Florida, may appeal to the Circuit Court as provided in Section 333.11 of Chapter 333 of the Laws of Florida.

SECTION 17. PENALTIES. Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$500.00 or imprisonment of not more than six (6) months or both such fine and imprisonment, and each day a violation continues shall be a separate offense.

SECTION 18. CONFLICTING REGULATIONS. Where this Ordinance imposes a greater or more stringent restriction upon the use

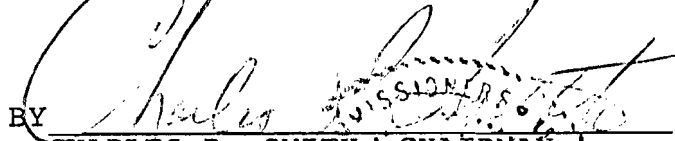
of land than is imposed or required by any other Ordinance or Regulation, the provisions of this Ordinance shall govern.

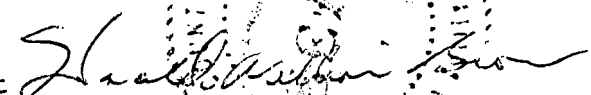
SECTION 19. SEVERABILITY. If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidation shall not affect other provisions of applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

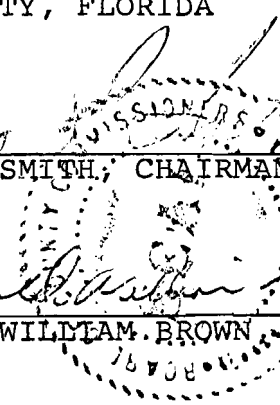
SECTION 20. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage according to the provisions of Florida Statutes.

ADOPTED in Special Session this 7<sup>th</sup> day of June, 1977.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

BY   
CHARLES R. SMITH, CHAIRMAN

Attest   
HAROLD WILLIAM BROWN, CLERK

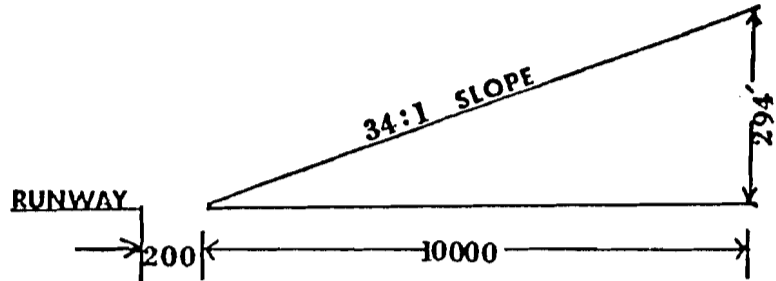
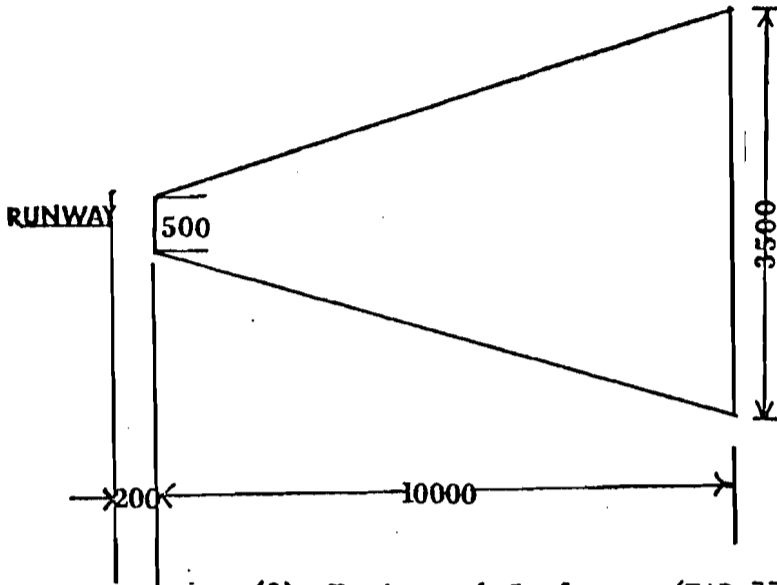


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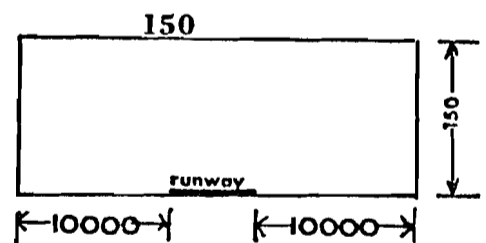
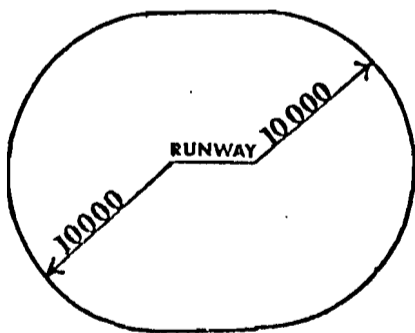
# Restricted Heights Within Instrument Approach Zones.

## The Airport Approach Areas:

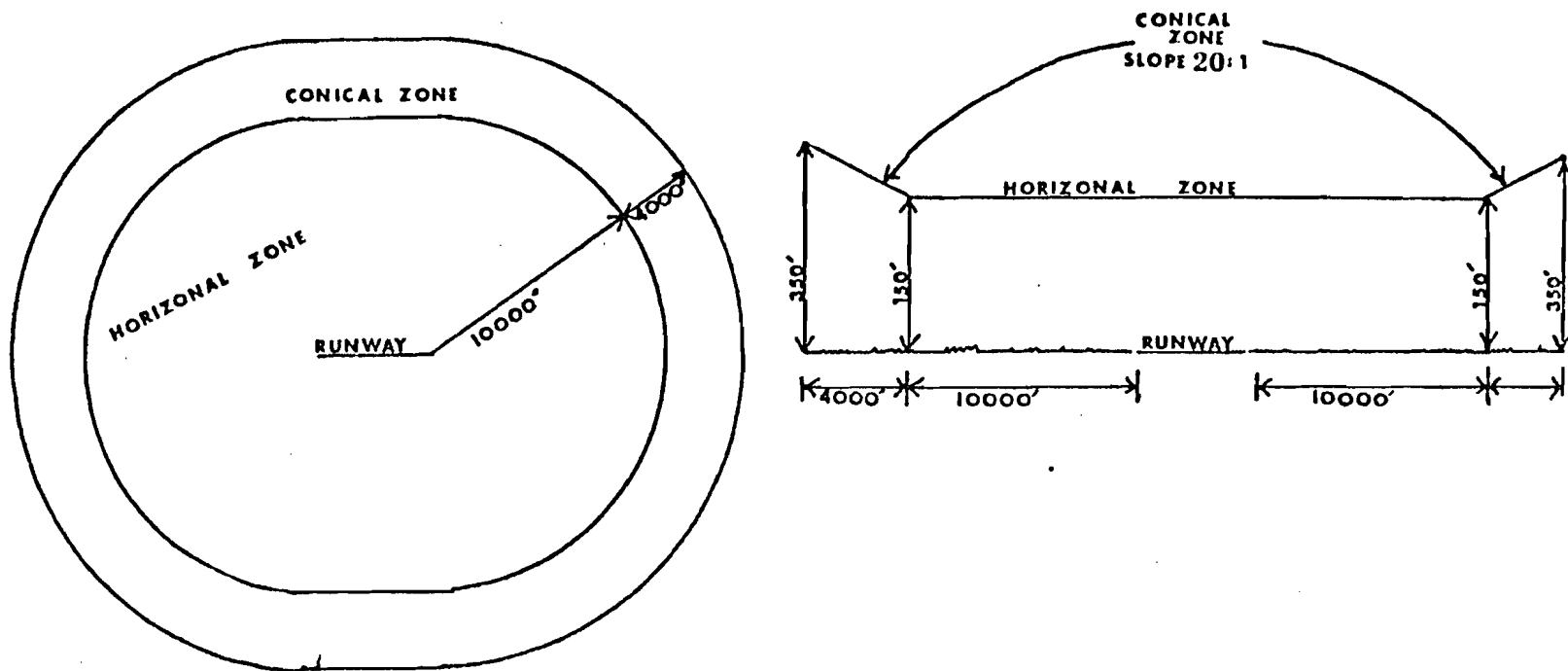
- (1) For a non-precision approach or planned non-precision approach (FAR 77.25 (d) (1) & (2) within a trapezoid with bases of 500 feet and 3,500 feet and a length of 10,000 feet, variances will be required for structures exceeding a height of zero feet at a point 200 feet from the runway end rising gradually at a slope of 34 to 1.



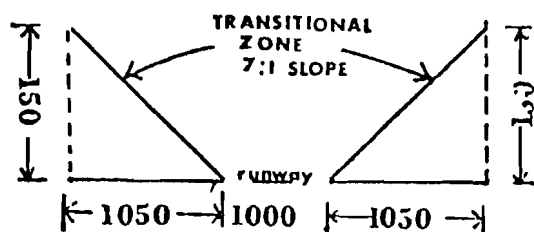
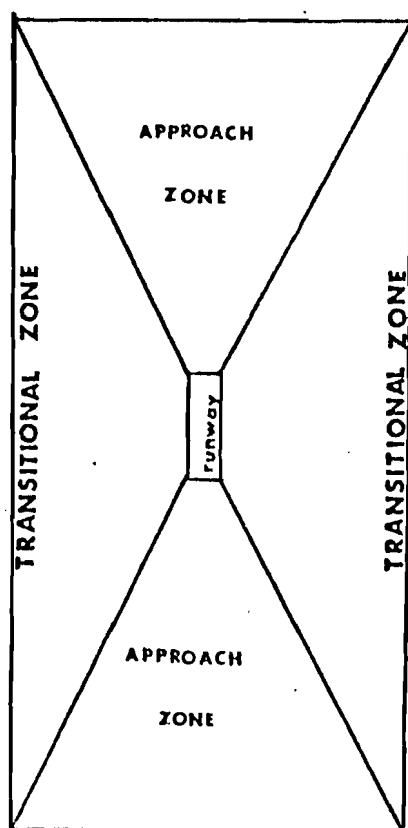
- (2) Horizontal Surface - (FAR 77.25 (a) (2)). Variances will be required for a structure exceeding a horizontal plane 150 feet above the established airport elevation with a perimeter found by drawing radii of 10,000 feet from the runway ends and connecting these arcs with tangents.

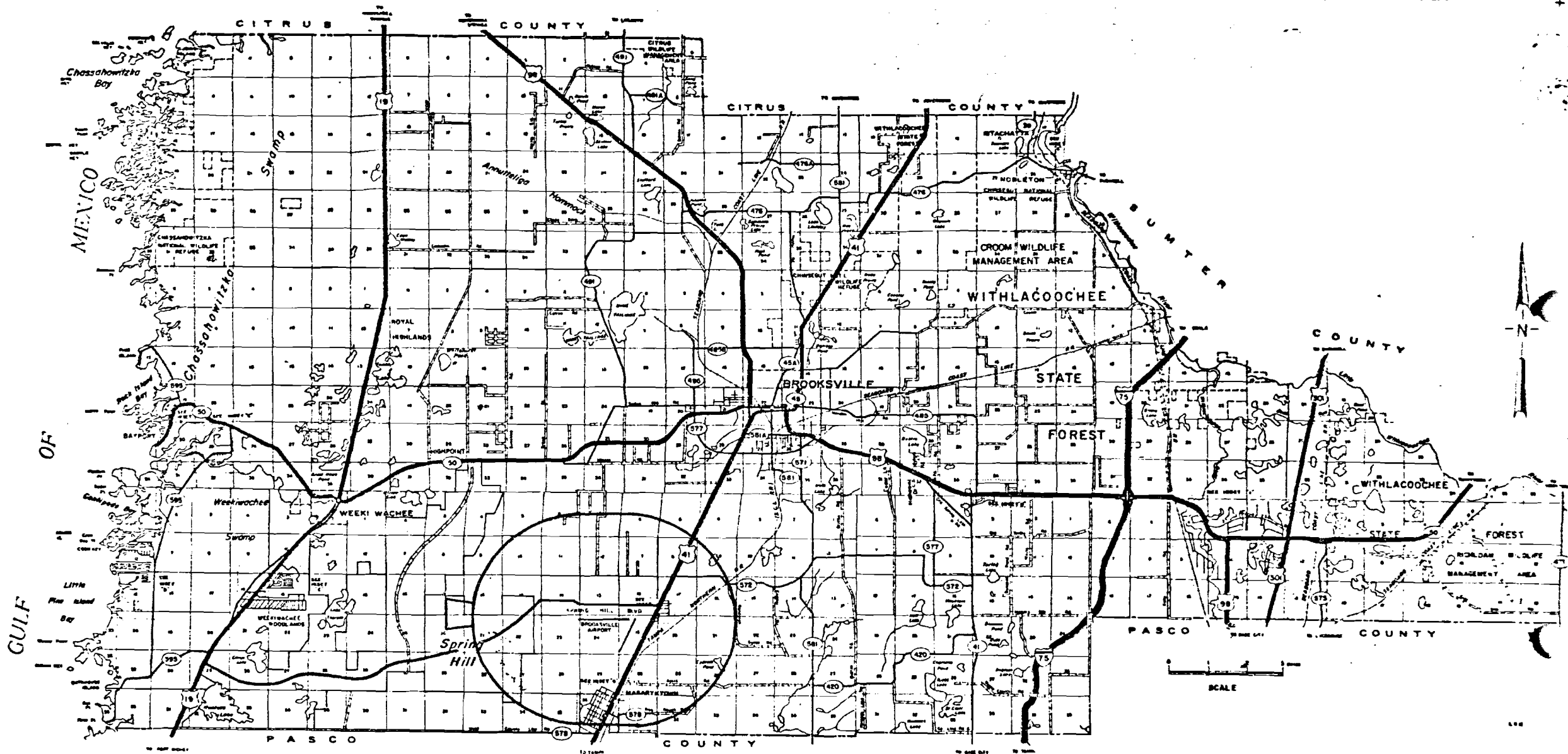


- (3) Conical Surface - (FAR 77.25 (b)). An area surrounding and with a perimeter parallel to the horizontal surface of width 4,000 feet. Variances will be required for structures exceeding 150 feet above airport elevation at the inner limit and rising gradually at a slope of 20 to 1 to 350 feet above airport elevation.



- (4) Transitional Surface - (FAR 77.25 (e)). These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the primary surface and the sides of the approach surfaces. Variances will be required for structures exceeding the 7 to 1 slope.

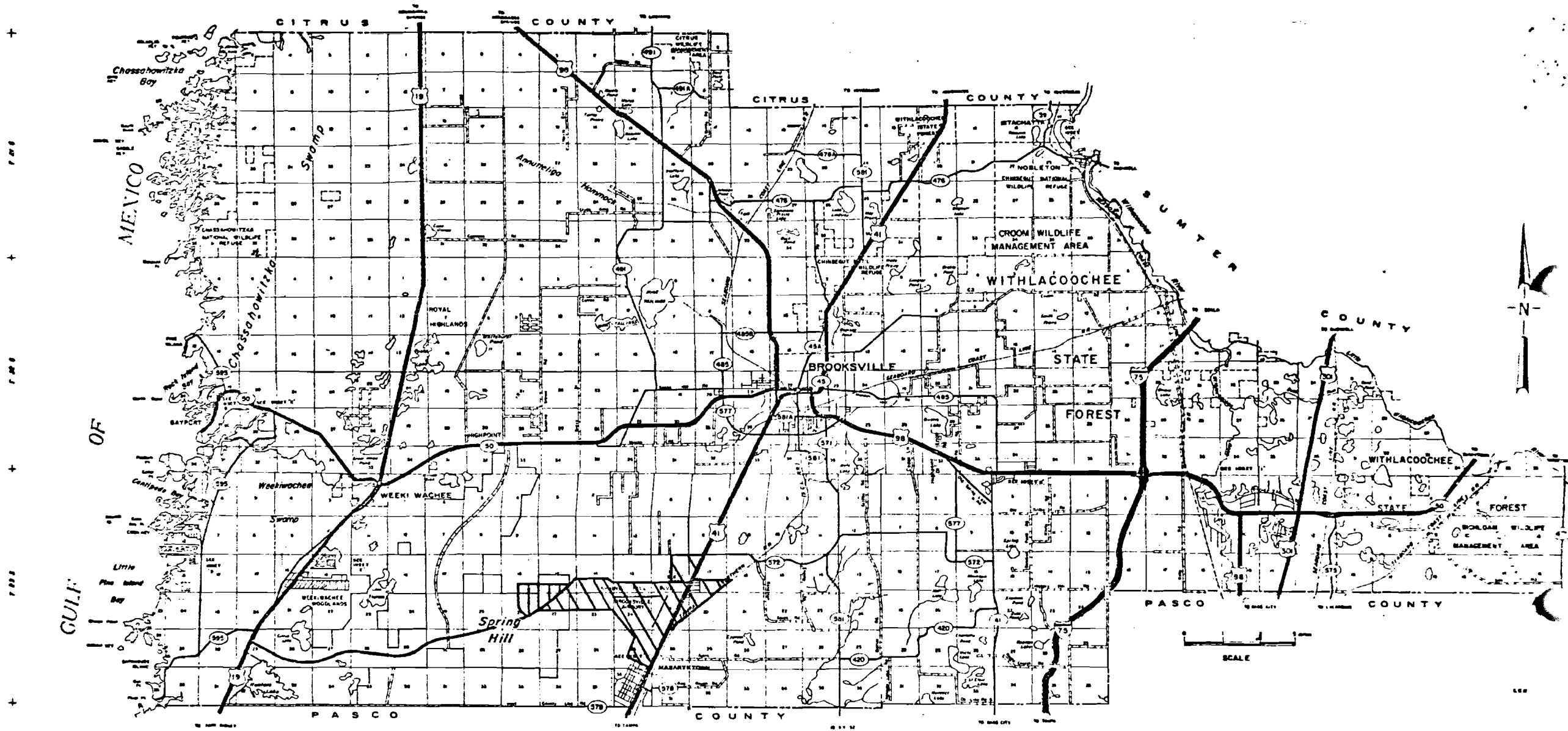






Airport Height Zoning Map Outer Limits  
 See official copy in Hernando County  
 Planning and Zoning Department

Map of  
**HERNANDO COUNTY**  
 FLORIDA





Airport Land Use Map  
 See official copy in Hernando County  
 Planning and Zoning Department

-  Zone A
-  Zone B

*Map of*  
**HERNANDO COUNTY**  
 FLORIDA

APPENDIX A

BOUNDARY OF NOISE LEVEL

ZONE A

Beginning at a point where the south line of Section 19, Township 23 South, Range 19 East intersects the centerline of U.S. Highway 41, thence southwesterly along said centerline to the centerline of Hwięzdoslav Street, thence northwesterly along said centerline its projected bearing a distance 4,000 feet, thence northeasterly to a point 250 feet west of the centerline of the south end of runway 14-32, thence northwest and parallel along said runway to the point of intersection with the west line of Section 24, Township 23 South, Range 18 East, thence west to the centerline of Spring Hill Drive, thence north and easterly along said centerline to the point of intersection with the east line of the west  $\frac{1}{2}$  of Section 18, Township 23, Range 19 East, thence north along said line to the centerline of Powell Road, thence easterly to the centerline of U.S. Highway 41, thence southwesterly along said centerline to the centerline of 14th Avenue in Garden Grove plat-book 3, page 38, thence east to the centerline of the Seaboard Coastline Railroad, thence southwesterly along said centerline to the south line of Section 19, Township 23 South, Range 19 East, thence west along said section-line to the P.O.B.

APPENDIX B

BOUNDARY OF NOISE LEVEL

ZONE B

Starting at a point where the centerline of Spring Hill Drive intersects the north line of the south  $\frac{1}{4}$  of Section 14, Township 23 South, Range 18 East for P.O.B. Thence run southwesterly along Spring Hill Drive centerline to its intersection with the centerline of Whitewood Avenue, a portion of Spring Hill, Unit 13, as recorded in Plat Book 8, Page 92, Hernando County, thence northwesterly along Whitewood Avenue to its intersection with Arkendale Street, thence northeasterly along Whitewood Avenue to its intersection with Coronado Drive, thence north to the north line of the south  $\frac{1}{4}$  of Section 16, Township 23 South, Range 18 East, thence east along the north line of the south quarter of Sections 16, 15, and 14, Township 23 South, Range 18 East to the P.O.B.