



HENDRY COUNTY PLANNING & ZONING DEPARTMENT

POST OFFICE BOX 2340 • 640 SOUTH MAIN STREET • LABELLE, FLORIDA 33975 • (863) 675-5240 • FAX: (863) 674-4194

HENDRY COUNTY LOCAL PLANNING AGENCY

May 2, 2018

Hendry County Courthouse

LaBelle, FL

6:00 P.M.

Meeting Agenda

I Call to Order

II Pledge of Allegiance

III Roll call

IV Staff Comments

- Quorum for the June 13, 2018 meeting
- Approval of January 10, 2018 minutes

V Workshop

Land Use Study for lands surrounding the Airglades Airport

VI Public Hearings

A. Petition Number: N/A

Applicant: Hendry County Board of County Commissioners represented by Margaret Emblidge, AICP

Request: The County is proposing an amendment to the Land Development Code, Chapter 1-53, Zoning, Specifically Section 1-53-6.13, Airports; Section 1-53-3, Zoning Districts; and Section 1-53-4, Dimensional and Density Regulations.

VII Public Comments

VIII LPA Comments

IX Adjourn

PUBLIC COMMENT WILL BE ALLOWED AT THE TIME EACH AGENDA ITEM IS BEING CONSIDERED. IF YOU WISH TO SPEAK, YOU WILL NEED TO MAKE THE

CHAIR AWARE. BE ADVISED THAT THE BOARD MAY TAKE ACTION ON ITEMS NOT LISTED ON THE AGENDA. IF THIS OCCURS, PUBLIC COMMENT WILL BE RECEIVED AT THE TIME THE ITEM IS CONSIDERED IF YOU MAKE THE CHAIR AWARE OF YOUR DESIRE TO SPEAK. COMMENT FOR NON-AGENDA GENERAL DISCUSSION BY MEMBERS OF THE PUBLIC WILL BE ALLOWED AT THE END OF THE REGULAR AGENDA IF ANY MEMBER OF THE PUBLIC WISHES TO SPEAK.

INTERESTED PARTIES MAY APPEAR AT THE MEETINGS AND BE HEARD WITH RESPECT TO ANY ITEM. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE 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.

Hendry County Local Planning Agency Minutes

Hendry County Courthouse, County Commission Chambers
25 E. Hickpochee Ave.
LaBelle, FL 33935

January 10, 2018
6:00 pm

LPA Members Present: Margie Nelson; Curtis Green; Orvell Howard;
Richard Yoraschek; Dave Caster

LPA Members Not Present: Victor Blandford; Kevin McCarthy

County Staff Present: Mark Lapp, County Attorney; Shane Parker, Public
Works; Myra Johnson, Planning and Zoning
Coordinator.

ITEM 1: CALL TO ORDER
The meeting was called to order by Chair Orvell Howard at 6:00 pm.

ITEM 2: PLEDGE OF ALLEGIANCE
The pledge of allegiance was recited.

ITEM 3: ROLL CALL
Myra Johnson recited the roll call.

ITEM 4: STAFF COMMENTS

Mr. Howard stated that per the agenda the appointment of Chair and Vice Chair need to be made at this time. Mr. Yoraschek made a motion to retain Mr. Howard as chair and Mr. Blandford as vice chair. Mr. Howard asked the county attorney if both could be done at that same time. Mr. Lapp said they could. Mr. Green seconded the motion. Motion passed with a vote of 5-0.

Mr. Howard asked if we need a quorum for the 14th of February. Ms. Johnson explained that staff would like to have the February meeting on the 15th or the 21st if there was a quorum available as to not interfere with Valentine's Day on February 14th.

The members present agreed that they were available for the 15th of

February.

Mr. Howard asked for approval of the October 19, 2017 minutes, motion for approval by Mr. Caster, second by Mr. Green. Motion passed 5-0.

Mr. Howard asked for approval of the December 13, 2017 minutes. Mr. Caster stated he had the following corrections; page 2 second paragraph the word represented should be representative and also on page 2 the last paragraph the word need should be needed. A motion for approval with the changes was made by Mr. Green, second by Mr. Yoraschek. Motion passed 5-0.

ITEM 5: PUBLIC HEARINGS

A. Petition Number: RZ17-0009
Landowner/Applicant: The Kingdom Center International, Inc.,
represented by H.L. Bennett, P.E., P.L.S.

Chair Howard introduced the petition, and explained the applicant is requesting an amendment to a Planned Unit Development (PUD) to allow construction of a church and accessory structures.

Ms. Johnson made the presentation and explained that the applicant had initially submitted for a special exception for an institutional use as churches are an institutional use and are permitted in every zoning district. However this application was similar to one heard the previous month and actually required an amendment to the PUD to allow for the use.

Staff is recommending approval with the conditions listed in the staff report.

Mr. Howard asked if notice was sent out and if staff received any objections or comments. Ms. Johnson explained that notice was sent and the only call was from Mr. McCarthy the school board member representative and he didn't have any objects to the church, as the school board was one of the surrounding land owners.

Mr. Green had a question about a petition number discrepancy the agenda had RZ17-0009 and the staff report had RZ17-0008, Ms. Johnson stated that the correct number is RZ17-0008 and that was on oversight on her part.

Mr. Bennett the representative made his presentation. He wanted

clarification on condition 7 that stated that the Conceptual Site Plan is illustrative only and a Site Development Plan will be required that it is consistent with CYZ Construction Plans including required turn lanes.

Mr. Parker explained that this is related to the Tanglewood Oaks subdivision and that this was going to be a common entrance for the church and the subdivision. The plans showed a need for a turn lane and we need to make sure that the church entrance does not affect the entrance scenario or they may need to revise their entrance. Mr. Parker stated that the Traffic Impact Statement data did not require a turn lane.

Mr. Howard asked if the condition could be changed to possible turn lanes or leave the condition out completely. Mr. Parker said that condition should state "consistent with AIM Engineering plans for Tanglewood Oaks subdivision." Mr. Howard asked if we could take out the condition on turn lanes and Mr. Parker explained that as this was a master plan we want it to be consistent with the AIM Engineering plans.

Mr. Caster made a motion for approval with the revision to condition 7, second by Mr. Yoraschek, motion passed with a vote of 5-0.

B. Petition Number: N/A
Applicant: Hendry County Board of County Commissioners.

Chair Howard asked Ms. Johnson to present the request.

Ms. Johnson explained this was a request to amend the Land Development Code to make the process more development friendly. Staff was changing the age requirement of a survey for Site Development Plans and also to amend the preparer's title to be consistent with Florida Statutes. This was for sections 1-58-58 and 1-58-59.

Mr. Howard asked staff if the board needed to take action on this request and staff said yes. Mr. Caster asked the chairman how he felt about the changes as this is his profession. Mr. Howard stated he was fine with it as it is what the state recognizes now.

Mr. Yoraschek made a motion for approval, seconded by Mr. Caster. Motion passed with a vote of 5-0.

ITEM 6: LPA COMMENTS

N/A

ITEM 7: ADJOURN

The meeting adjourned at 6:15 p.m.



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MEMORANDUM

TO: Hendry County Local Planning Agency

FR: Margaret Emblidge, AICP – Planning & Community Development Director

RE: **PUBLIC WORKSHOP** – Land Use Study for lands surrounding the Airglades Airport.

DATE: May 2, 2018

BACKGROUND

Waldrop Engineering, P.A have been contracted through the Competitive Florida Partnership Technical Assistance Grant administered through the Department of Economic Opportunity (DEO) to provide a study on the lands surrounding the Airglades Airport, and formulate recommendations to establish compatible surrounding land uses that support the airport's long-term expansion, in relation to the County's economic development goals.

The tasks associated with this study includes the following:

1. Existing Conditions and Land Use Assessment/Project Area Map.
2. Community Outreach Meetings.
3. Preparation of two (2) potential land use scenarios
4. Presentation of findings to the Local Planning Agency and a Presentation to the Board of County Commissioners.
5. Final project report.

This agenda item includes a presentation of the results of tasks 1 through 3. The final report is due to the DEO by June 1st.

Any amendments to the Comprehensive Plan and/or Land Development Code would occur after the final study and upon further input by the Community, Local Planning Agency and the Board of County Commissioners.

RECOMMENDATION

Conduct a workshop and consider the proposed land use scenarios.



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MEMORANDUM

TO: Hendry County Local Planning Agency

FROM: Hendry County Planning & Zoning Department

RE: Proposed Land Development Code (LDC) Amendments
Section 1-53-6.13 Airports

DATE OF MEETING: May 2, 2018

BACKGROUND

Florida Statute (FS) 333, *Airport Zoning*, was updated and the amendments require that local governments update their airport zoning regulations as they relate to airspace protection and compatibility.

ANALYSIS

The Public Works Director, Shane Parker and Thomas Vaughan, Hendry County Airports Manager hired AECOM and Montgomery Consulting Group to provide their expertise in the required updates to LDC Section 1-53-6.13.

The attached strike through and underline of the proposed amendments are attached. The Consultants will be presenting the changes in detail at the meeting.

RECOMMENDATION

Conduct a public hearing and make a recommendation to the Board of County Commissioners.

ATTACHMENT:

1. Sections 1-53-3 and 1-53-4
2. Section 1-53-6.13 Airports Amendments.

Sec. 1-53-3. - Zoning districts.

1-53-3.1. *Table of use regulations.* Table 53-1 lists the principal uses which will be permitted on a parcel or lot in the zoning districts established in this chapter. No person or other entity may place a structure or conduct an activity, or allow a structure or an activity to occur, on land within any zoning district in the county when such use is not a use permitted by right within that zoning district as set forth in table 53-1, except that a structure or activity may be allowed by special exception granted pursuant to the provisions of chapter 1-51 in a zoning district where such structure or use is shown as a use permitted by special exception in table 53-1, and except that a use which is permitted in a zoning district county-wide by a specific provision of this code shall be allowed pursuant to that provision notwithstanding table 53-1. All uses must comply with section 1-53-6.13 Airports.

TABLE 53-1. TABLE OF USE REGULATIONS

		Zoning Districts													
Land Use or Activity		A-1	A-2	A-3	RR	RR- F	RG- 1 RG- 1M	RG- 2 RG- 2M	RG- 3 RG- 3M	RG- 4	C-1	C-2	C-3	I- 1	I-2
(a)	<i>Agricultural uses.</i>														
(1)	Agriculture	P	P	P/4	P/1	P	—	—	—	—	S	S	S	P	P
(2)	Agricultural processing	—	S	—	—	—	—	—	—	—	—	—	S	P	P
(3)	Agricultural worker housing	—	S	—	—	—	—	—	—	—	—	—	—	—	—
(4)	Hunting camp	P	P	—	—	—	—	—	—	—	—	—	—	—	—
(b)	<i>Residential uses.</i>														
(1)	Boardinghouse and roominghouse	—	—	—	—	—	—	—	S	S	—	—	—	—	—
(2)	Community residential home, major	—	—	—	—	—	—	—	P	P	—	—	—	—	—
(3)	Community residential home, minor	P/3	P/3	P/3	P/3	P/3	P/3	P/3	P/3	P/3	—	—	—	—	—

(4)	Mobile home	P	P	—	P	P	P	P	P	—	S	—	—	—	—
(5)	Mobile home park	—	—	—	—	—	—	—	S/2	—	—	—	—	—	—
(6)	Multifamily dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—	—
(7)	Single-family dwelling	P	P	P	P	P	P	P	P	P	P	—	—	—	—
(8)	Townhouse dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—	—
(9)	Two-family dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—	—
(10)	Mixed use development	—	—	—	—	—	—	—	P/2	P/2	P/2	P/2	P/2	—	—
(11)	Nursing home/ACLF	—	—	—	—	—	—	—	S	S	—	—	—	—	—
(c)	<i>Commercial uses.</i>														
(1)	Convenience commercial	—	S	S	—	—	—	—	S	S	P	P	P	S	P
(2)	Entertainment establishment	—	—	—	—	—	—	—	—	—	—	S	S	—	—
(3)	General commercial	—	—	S	—	—	—	—	—	—	—	P	P	S	S
(4)	High-intensity commercial	—	—	—	—	—	—	—	—	—	—	S	P	S	S
(5)	Professional service or office	—	—	—	—	—	—	—	—	—	P	P	P	P	P
(6)	Recreational vehicle park	—	S	—	—	—	—	—	—	—	—	—	S	—	—
(7)	Pain management clinic	—	—	—	—	—	—	—	—	—	—	—	S	—	—
(8)	Medical marijuana treatment center dispensing facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—
(d)	<i>Industrial uses.</i>														

(1)	Auto salvage/junkyard	—	—	—	—	—	—	—	—	—	—	—	—	—	P
(2)	Light industry	—	—	S	—	—	—	—	—	—	—	—	—	P	P
(3)	Heavy industry	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(4)	Warehousing/distribution	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(5)	Mining	—	P/2	—	—	—	—	—	—	—	—	—	—	—	P/2
(e)	<i>Public and semipublic uses.</i>														
(1)	Airport/private landing strip	S	S	—	—	—	—	—	—	—	—	—	—	S	S
(2)	Broadcast tower	P	P	—	—	—	—	—	—	—	S	S	S	P	P
(3)	Conservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(4)	Essential public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(5)	General recreation	S	P	S	S	S	S	S	S	S	P	P	P	P	P
(6)	Heavy recreation	—	S	—	—	—	—	—	—	—	—	—	—	—	S
(7)	Institution	S	S	S	S	S	S	S	S	S	S	S	S	S	S
(8)	Neighborhood recreation		P	P	P	P	S	S	S	P	P	P	P	P	P
(9)	Public service/public utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S

—	Use not permitted in this district.
P	Use permitted by right in this district.
S	Use permitted by special exception in this district.

											feet)
A-1, all uses	20 acres	50	50	50	400	—	—	35	600	500	
A-2, all uses	5 acres (2)	50	25	40	200	200	—	35	600	500	
A-3, Residential Uses	Lot not less than 5 acres, except for non-conforming lots of record of not less than 1.10 acres	35	15	25	135	200	—	35	800	—	
A-3, Agriculture Uses	1 acre	35	15	25	135	200	—	35	800	—	
RR:											
Flaghole	1 acre	40	15	25	150	200	—	35	600	500	
Pioneer Plantation	2 acres	40	15	25	150	200	—	35	600	500	
Fort Denaud	2 acres	40	15	25	150	200	—	35	600	500	
Big Oak Acres Units 1 and 2	5 acres	40	15	25	150	200	—	35	600	500	
All others	2 acres	40	15	25	150	200	—	35	600	500	
RR-F: Montura	1.10 acres	40	15	25	150	200	—	35	600	500	
RG-1 and RG-1M, all uses	1 acre	40	15	25	150	200	—	35	800	500	

RG-2 and RG-2M:											
a.	Single-family dwelling or mobile home	21,780 sf	35	15	25	100	150	—	35	600	500
b.	All other uses	1 acre	40	15	25	150	200	—	35	—	—
RG-3 and RG-3M:											
a.	Single-family dwelling or mobile home	7,500 sf	25	10	15	75	100	—	35	600	500
b.	All other uses	1 acre	40	15	25	150	200	50	35	—	—
RG-4:											
a.	Single-family dwelling	7,500 sf	25	10	15	75	100	—	35	600	—
b.	Two-family dwelling	10,000 sf	40	15	25	100	100	—	35	400	—
c.	Townhouse dwelling:										
	Interior unit	1,500 sf	15	—	25	20	75	—	35	400	—

	End unit	2,500 sf	15	15	25	25	75	—	35	400	—
d	Multifamily	1 acre	40	15	25	150	200	50	35	400	—
e	All other uses	1 acre	40	15	25	150	200	50	35	—	—
C-1, all uses		10,000 sf	40	15	25	100	100	40	35	—	—
C-2, all uses		10,000 sf	40	15	25	100	100	40	35	—	—
C-3, all uses		10,000 sf	40	15	25	100	100	30	35	—	—
I-1, all uses		10,000 sf	40	15	25	100	100	30	35	—	—
I-2, all uses		10,000 sf	40	15	25	100	100	30	35	—	—
PUD		See section 1-53-5									
DSAP		See section 1-53-7									
RDSAP		See section 1-53-8									

Notes:

- (1) Minimum lot size for individual use. Overall residential density and minimum lot sizes may vary pursuant to pertinent provisions of the comprehensive plan and LDC.
- (2) Existing recorded parcels within the agriculture future land use category which are less than the minimum five (5) acre lot size for residential uses are considered "vested" for residential uses as of January 1, 2015. The lots must meet the other provisions of the land development code.

1-53-4.2. – 1-53-4.3 No Change

Proposed Updates to Hendry County – Land Development Code
Section 1-53-6.13 – Airports

1-53-6.13. *Airports.*

(1) Purpose and Findings

The purpose of this section is to establish standards of heights and land uses to prevent the creation of hazards to air navigation or which would impair the utility and capacity of Airglades Airport and LaBelle Airport. This section creates specific land use limitations and establishes procedures for their orderly administration and enforcement.

It is hereby found that an obstruction to navigable airspace has the potential for endangering the lives and property of users of the Airglades Airport and the LaBelle Airport and property or occupants of land in their vicinities; that an obstruction may affect existing and future instrument approach minimums of the Airglades Airport and the LaBelle Airport; and that an obstruction may reduce the size of areas available for the landing, take off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airglades Airport and the LaBelle Airport and the public investment therein. Accordingly, it is declared that:

- a. The Airglades Airport and the LaBelle Airport fulfill an essential community purpose;
- b. The creation, establishment or maintenance of an obstruction and the incompatible use of land in the airport vicinity are public nuisances and injure the community served by the Airglades Airport and the LaBelle Airport;
- c. It is necessary in the interest of the public health, public safety, and general welfare that the creation, establishment or maintenance of obstructions that are a hazard to air navigation be prevented;
- d. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
- e. Promoting land uses compatible with the existing and future operations of the airports serves to protect the public investment in the airports and promotes a more livable community in the vicinity of the Airglades Airport and the LaBelle Airport;
- f. The establishment of noise sensitive developments in the vicinity of the Airglades Airport and the LaBelle Airport have the potential of limiting the existing and future utility of the airports and may adversely affect the region served by the airports; and
- g. The construction of certain noise sensitive developments in the vicinity of the Airglades Airport should include outdoor-to-indoor noise attenuation features so as not to be incompatible with existing and future noise levels.

(2) Definitions:

- a. The definitions in Florida Statute Section 333.01 are hereby adopted by reference and said definitions shall govern any word or phrase used herein that is defined in said statute.
- b. Other definitions

<u>AMSL or Above Mean Sea Level</u>	<u>The elevation or altitude of any object, relative to the average sea level.</u>
<u>Airport Height / Established Airport Elevation</u>	<u>The officially designated elevation of an airport above mean sea level. It is the elevation of the highest point on any of the runways of the airport.</u>
<u>DNL</u>	<u>A noise metric which describes an average day/night sound level. The DNL metric is used by the FAA to quantify aircraft noise exposure in the vicinity of an airport.</u>
<u>TERPS</u>	<u>The United States Standard for Terminal Instrument Procedures (TERPS) prescribes the criteria for the formulation, review, approval and the publishing of procedures for IFR (Instrument Flight Rules) operations to and from civil and military airports. TERPS criteria specify the minimum measure of obstacle clearance that is considered by the FAA to supply a satisfactory level of vertical protection from obstructions and are predicated on normal aircraft operations.</u>

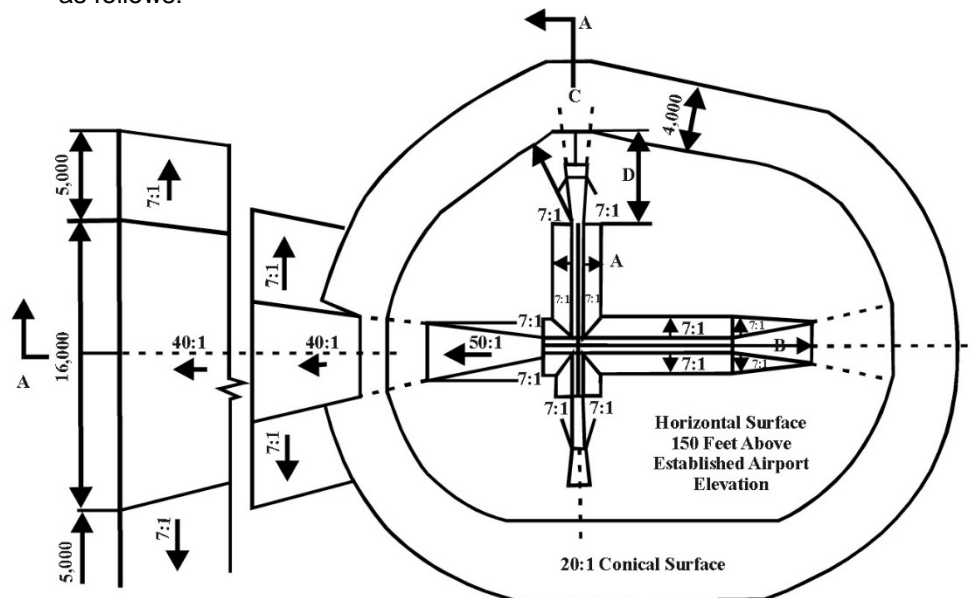
**Proposed Updates to Hendry County – Land Development Code
Section 1-53-6.13 – Airports**

<u>TERPS Zone</u>	<u>Area on ground, which falls within the extents of the Terminal Instrument Procedures surface</u>
<u>Zones: Approach Zone</u>	<u>Area on ground, which falls within the extents of the C.F.R. 14, Part 77 Obstruction Identification Surface – Approach Surface.</u>
<u>Zones: Conical Zone</u>	<u>Area on ground, which falls within the extents of the C.F.R. 14, Part 77 Obstruction Identification Surface – Conical Surface.</u>
<u>Zones: Horizontal Zone</u>	<u>Area on ground, which falls within the extents of the C.F.R. 14, Part 77 Obstruction Identification Surface – Horizontal Surface.</u>
<u>Zones: Primary Zone</u>	<u>Area on ground, which falls within the extents of the C.F.R. 14, Part 77 Obstruction Identification Surface – Primary Surface.</u>
<u>Zones: Transitional Zone</u>	<u>Area on ground, which falls within the extents of the C.F.R. 14, Part 77 Obstruction Identification Surface – Transitional Surface.</u>

(3) ~~(4)~~ The following regulations zones and airspace height limitations shall apply to areas identified herein, and which shall be delineated on the zoning map:

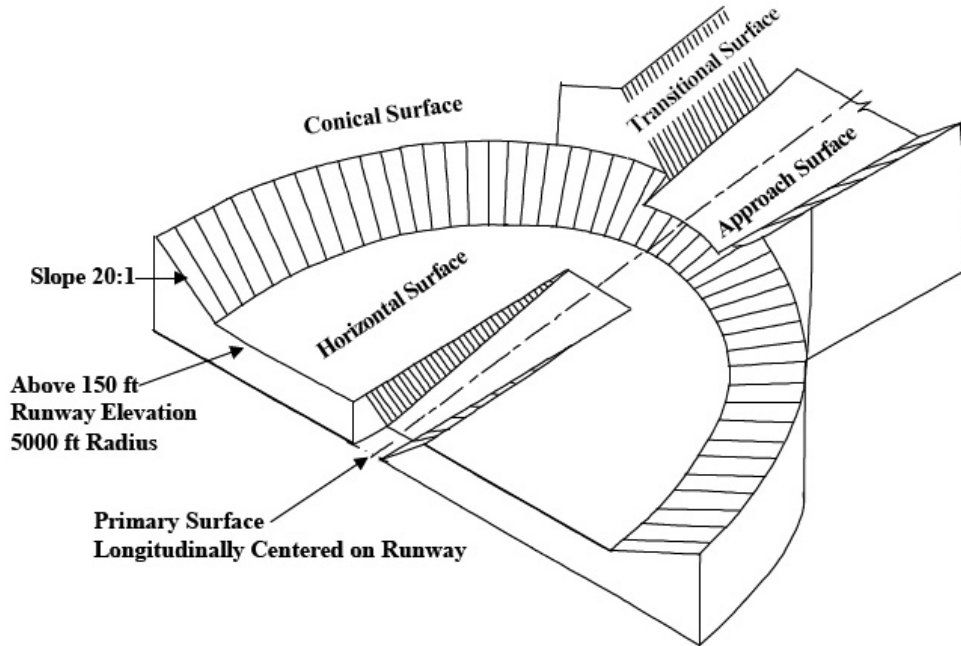
(1) ~~Zones and airspace height limitations.~~

- a. In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the airspace surfaces as identified in Title 14 Code of Federal Regulations (CFR) Part 77, namely, primary, horizontal, conical, approach, and transitional, horizontal and conical surfaces and TERPS as they apply to a particular airport. These zones in addition to other areas defined in subsections b.1 thru 8 comprise the Airport Hazard Area. Such zones are shown on the LaBelle Airport and Airglades Airport zoning maps, Protection Zoning Maps (Exhibit – A and Exhibit – B, respectively), which are attached to the ordinance codified in this section and made a part hereof.
- b. 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 as follows:



Title 14 CFR Part 77 Surfaces – Plan View

**Proposed Updates to Hendry County – Land Development Code
Section 1-53-6.13 – Airports**



Title 14 CFR Part 77 Surfaces – Isometric View

1. Primary zone. The primary zone is the area under the Primary Surface which is described as an ~~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 takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:
 - i. LaBelle Municipal Airport.
 - ~~(a) Runway 05/23: 250 feet for utility runways having only visual approaches.~~
 - ~~(b) Existing / Future Runway 14/32: For other than utility runways the width is 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.~~
 - ii. Airglades Airport.
 - ~~(a) Existing/Future Runway 13/31: 1,000 feet. For other than utility runways the width is 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.~~
 - (b) Future Runway 18/36: 1,000 feet.

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 based on the latest approved Airport Layout Plan.

2. Horizontal zone. The horizontal zone is the area under the Horizontal Surface which is described as the ~~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:

Proposed Updates to Hendry County – Land Development Code
Section 1-53-6.13 – Airports

- i. *LaBelle Municipal Airport.*
 - ~~(a) Runway 05/23: 5,000 feet for all runways designated as utility or visual.~~
 - ~~(b) Existing/Future Runway 14/32: 10,000 feet for all other runways.~~
- ii. *Airglades Airport.*
 - ~~(a) Existing/Future Runway 13/31: 10,000 feet for all other runways.~~
 - ~~(b) Future Runway 18/36: 10,000 feet.~~

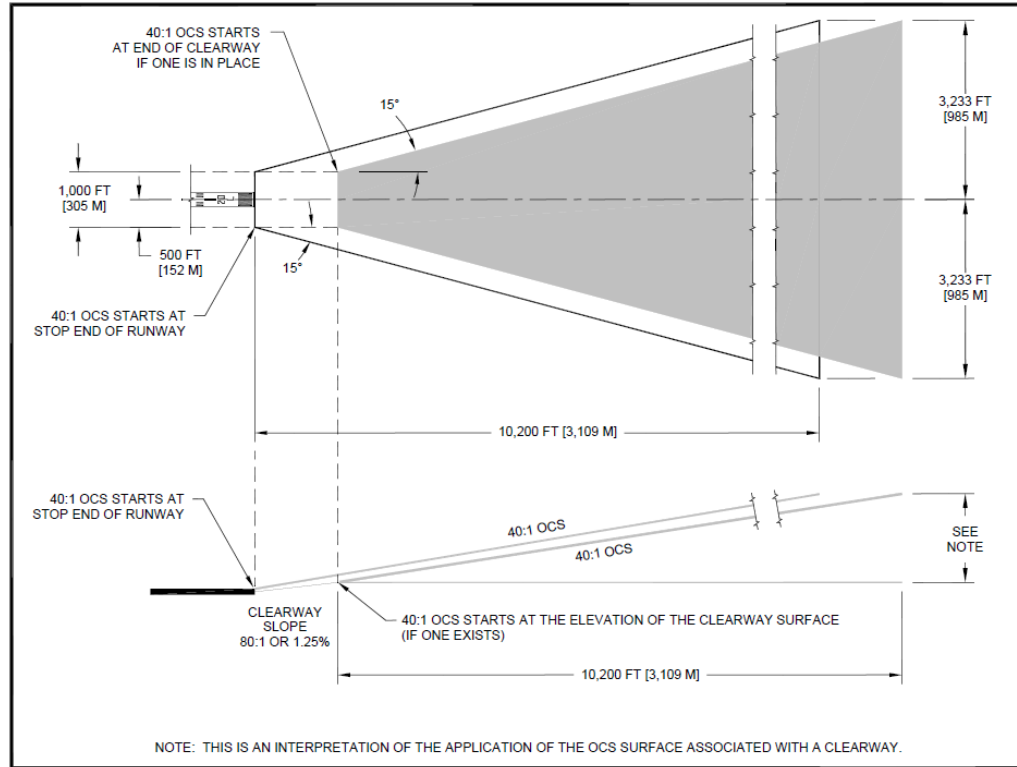
The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded ~~on~~ ~~the~~ ~~for~~ ~~construction~~ ~~of~~ ~~a~~ ~~on~~ the perimeter of the horizontal zone. 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 conical zone is the area under the Conical Surface which is described as the ~~The~~ area extending outward from the periphery of the horizontal zone for a horizontal 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.* The approach zone is the area under the Approach Surface which is described as an ~~An~~ area longitudinally centered on the extended runway centerline 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.
 - i. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:
 - (a) *LaBelle Municipal Airport.*
~~Runway 05/23: 1,250 feet for that end of a utility runway with only visual approaches.~~
~~Existing/Future Runway 14/32: 3,500 feet for that end of a non-precision-instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile.~~
 - (b) *Airglades Airport.*
 - ~~(1) Existing/Future Runway 13/31: 4,000 3,500 feet for that end of a non-precision-instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile.~~
 - ~~(2) Future Runway 18/36: 16,000 feet.~~
 - ii. The approach surface extends for a horizontal distance of:
 - (a) *LaBelle Municipal Airport.*
~~Runway 05/23: 5,000 feet for all utility and visual runways.~~
~~Existing/Future Runway 14/32: 10,000 feet for all non-precision-instrument runways other than utility.~~
 - (b) *Airglades Airport.*
 - ~~(1) Existing/Future Runway 13/31: 10,000 feet for all non-precision-instrument runways other than utility.~~
 - ~~(2) Future Runway 18/36: 10,000 feet (for inner approach) plus an additional 40,000 feet (for outer approach).~~

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- iii. 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.
 - iv. 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:
 - (a) *LaBelle Municipal Airport.*
~~Runway 05/23: Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways.~~
Existing/Future Runway 14/32: Permitted height increases one foot vertically for every 2034 feet horizontal distance for all non-precision instrument runways other than utility.
 - (b) *Airglades Airport.*
 - (1) Existing/Future Runway 13/31: Permitted height increases one foot vertically for every 34 feet horizontal distance for all non-precision instrument runways other than utility.
 - (2) Future Runway 18/36: Permitted height increases one foot vertically for every 50 feet horizontal distance for the inner 10,000 feet of the approach surface and every one foot vertically for every 40 feet horizontal distance for an additional 40,000 feet.
5. *Transitional zone.* The transitional zone is the area under the Transitional Surface which is described as the The area extending outward from the sides of the primary zones and approach zones connecting them 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. *TERPS zone.* TERPS zone is the area described under the TERPS departure surface. Structures shall not intrude into the departure surface, which is a trapezoid shape that begins at the end of the Takeoff Distance Available and extends along the extended runway centerline and with a slope of 1 foot vertically for every 40 feet horizontally (40:1). The inner width of this zone is 1,000 feet and the outer width is 6,466 feet. The surface widens at an angle of 15 degrees as it extends outwards along the runway centerline away from the runway end as shown in the graphic below, depicted by the unshaded trapezoidal shape. Guidance on design for establishment of runway thresholds and departure ends is based on a detailed analysis considering the requirements of Order 8260.3. United States Standards for Terminal Instrument Procedures (TERPS). Departure surfaces, when clear, allow pilots to follow standard departure procedures.

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7. ~~6.~~ Other areas. In addition to the height limitations imposed in subparagraphs b.1 through ~~5~~ 6 above, no structure or obstruction will be permitted within the county that would cause a minimum obstruction clearance altitude, a minimum descent altitude, a decision height or a minimum vectoring altitude to be raised.

8. Other restrictions. In addition to the height limitations imposed in subparagraphs b.1 through 7 above, the Federal Aviation Administration (FAA) may issue a determination of hazard to air navigation for obstructions. In order to determine if the proposed construction or alteration of structures is an obstruction requiring an airspace evaluation by the FAA and if FAA needs to be notified regarding the proposed development, the FAA's Notice Criteria Tool should be used. This tool can be found at the FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

If any part of the proposed construction or alteration is identified as exceeding notice criteria, a formal airspace analysis request must be filed with the FAA via the OE/AAA site. CFR Part 77.9 states that notice must be filed with the FAA if requested by the FAA when anyone proposes any of the following types of construction or alteration:

- a. Any construction or alteration exceeding 200 feet above ground level.
- b. Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - i. 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway more than 3,200 ft. in actual length, excluding heliports.

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- ii. 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
- iii. 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in 14 CFR 77.9(d).
- c. Any highway, railroad or other traverse way for mobile objects, of a height which, if adjusted upward as defined in 14 CFR 77.9(c) would exceed a standard of 14 CFR 77.9 (a) or (b).
- d. Any construction or alteration located on an airport described in 14 CFR 77.9(d).

(4) (2) *Land use restrictions.*

- a. *Use restrictions.* Notwithstanding any other provision of this section, no use may be made of land or water within any zones established by this section 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 {the} vicinity thereof.
 - 2. No operations ~~from~~ of any type shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of a public airport.
 - 3. No operations ~~from~~ of 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. Land uses are prohibited or restricted due to noise considerations as detailed in subsection 1-53-6.13(5).~~
 - 5. No new landfills are allowed, and existing landfills are restricted from growth within 10,000 feet from the nearest point of any runway used by turbine engines (used or planned) or within 5,000 feet from the nearest point of any runway used by non-turbine aircraft. If a landfill is proposed outside the perimeters defined above, but still within the lateral limits of the civil airport imaginary surfaces defined in 14 CFR s 77.19 and the Airport Hazard Area, a case by case review of such landfills will be conducted. In addition, if a 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 of aircraft, then the landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
 - 6. New incompatible land uses, activities, or substantial modifications to existing incompatible land uses within runway protection zones (RPZs) are prohibited. These incompatible land uses include:
 - i. Buildings and structures (including, but not limited to, residences, schools, churches, hospitals or other medical care facilities, commercial/industrial buildings, etc.)
 - ii. Recreational land uses (including, but not limited to, golf courses, sports fields, amusements parks, other places of public assembly, etc.)

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- iii. Transportation facilities (including, but not limited to, rail facilities (light or heavy, passenger or freight), public roads/highways, vehicular parking facilities)
 - iv. Fuel storage facilities (above or below ground)
 - v. Hazardous material storage (above or below ground)
 - vi. Wastewater treatment facilities
 - vii. Above ground utility infrastructure (including, but not limited to, electrical substations and any type of solar panel installations)
- Moreover, construction in a RPZ which does not exceed airspace height restrictions is not conclusive that such use, activity, or construction is compatible with airport operations.

b. Nonconforming uses. The airport protection zoning regulations adopted herein will not require the removal, lowering, or other change or alteration of any obstruction not conforming to the regulations when these regulations were adopted or amended, or otherwise interfere with the continuance of any existing nonconforming use except as provided in subsections (6) a, b and d. Inasmuch as the County has had an airport zoning ordinance for many years, which has been amended over time, nonconforming status shall be determined based on the ordinance in effect when the obstruction was placed or altered. It is the Board's intent that the ordinance in effect on May 11, 1995, has been only amended and not repealed.

~~b. c.~~ Hazard Marking and Lighting. Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level ~~shall~~ within the jurisdiction of the County, except for the Big Cypress Seminole Indian Reservation, is required to install, operate, and maintain thereon, at his or her own expense, marking and lighting in accordance with ~~Federal Aviation Administration FAA~~ Advisory Circular 70-7460-4D 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 FAA~~ Advisory Circular 70-7460-4D and amendments- thereto. The owner is required to install, operate, and maintain thereon, any such marking and lighting at his or her own expense.

~~c.~~ 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 70-7460-4D or subsequent revisions. The permit may be conditioned to permit the 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.

~~(3) Noise standards.~~

- ~~a.~~ Within the airport impact area, the following uses shall be prohibited where the Ldn is 75 or greater:
 - ~~1.~~ Public assembly halls and auditoriums.
 - ~~2.~~ Restaurants.
 - ~~3.~~ Motion picture theaters and theaters.
 - ~~4.~~ Churches.
 - ~~5.~~ Museums.
 - ~~6.~~ Libraries.
 - ~~7.~~ Educational and institutional facilities.
- ~~b.~~ All other uses shall be constructed so as to achieve interior sound reduction (as certified by a registered architect or registered professional engineer) as follows:

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Use	Ldn 75+	Ldn 70—75	Ldn 65—70
Residential	35	30	25
Other	30	25	25

e. ~~No person shall sell, lease or offer to sell or lease any land within the airport impact area 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 (LaBelle or Airglades) Airport and is subject to noise that may be objectionable."~~

(5) Noise standards.

Aircraft Noise Control Zones: Aircraft Noise Control Zones are established as follows:

(1) LaBelle Airport – Educational facilities, with the exception of aviation school facilities, are prohibited on lands within 2,627 feet on either side of and at the end of the runway centerline. Refer to Exhibit C - Noise Control Zone attached hereto and incorporated herein by reference.

(2) Airglades Airport - Any lands under the noise contours (greater than or equal to 65 DNL) shall be considered a part of the Aircraft Noise Control Zone. Refer to Exhibit D - Noise Contours attached hereto and incorporated herein by reference. Within the Aircraft Noise Control Zones for Airglades Airport, the following land use restrictions and sound level reductions apply:

Land-Use Compatibility with Yearly Day-Night Average Sound Levels
(See Key and Notes for Table Below)

<u>Land Uses</u>	<u>Yearly DNL Sound Level (decibels)</u>					
	<u><65</u>	<u>65-70</u>	<u>70-75</u>	<u>75-80</u>	<u>80-85</u>	<u>>80</u>
<u>Residential</u>						
<u>Residential, other than mobile homes and transient lodgings</u>	<u>Y</u>	<u>N (1)</u>	<u>N (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mobile home parks</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Transient lodgings</u>	<u>Y</u>	<u>N (1)</u>	<u>N (1)</u>	<u>N (1)</u>	<u>N</u>	<u>N</u>
<u>Public Use</u>						
<u>Schools</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Hospitals and nursing homes</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Churches, auditoriums, and concert halls</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Governmental services</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Transportation</u>	<u>Y</u>	<u>Y</u>	<u>Y (2)</u>	<u>Y (3)</u>	<u>Y (4)</u>	<u>Y (4)</u>
<u>Parking</u>	<u>Y</u>	<u>Y</u>	<u>Y (2)</u>	<u>Y (3)</u>	<u>Y (4)</u>	<u>N</u>
<u>Commercial Use</u>						
<u>Offices, business and professional</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>

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<u>Wholesale and retail – building materials, hardware, and farm equipment</u>	<u>Y</u>	<u>Y</u>	<u>Y (2)</u>	<u>Y (3)</u>	<u>Y (4)</u>	<u>N</u>
<u>Retail trade, general</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Utilities</u>	<u>Y</u>	<u>Y</u>	<u>Y (2)</u>	<u>Y (3)</u>	<u>Y (4)</u>	<u>N</u>
<u>Communication</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Manufacturing and Production</u>						
<u>Manufacturing, general</u>	<u>Y</u>	<u>Y</u>	<u>Y (2)</u>	<u>Y (3)</u>	<u>Y (4)</u>	<u>N</u>
<u>Photographic and optical</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Agriculture (except livestock) and forestry</u>	<u>Y</u>	<u>Y (6)</u>	<u>Y (7)</u>	<u>Y (8)</u>	<u>Y (8)</u>	<u>Y (8)</u>
<u>Livestock farming and breeding</u>	<u>Y</u>	<u>Y (6)</u>	<u>Y (7)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mining and fishing, resource production and extraction</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Recreational</u>						
<u>Outdoor sports arenas and spectator sports</u>	<u>Y</u>	<u>Y (5)</u>	<u>Y (5)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Outdoor music shells, amphitheaters</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Nature exhibits and zoos</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Amusements, parks, resorts, and camps</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Golf courses, riding stables, and water recreation</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>

Key for Table

Y (Yes) = Land Use and related structures compatible without restrictions, or with the restrictions set forth in a numbered footnote.

N (No) = Land Use and related structures are not compatible and should be prohibited, unless mitigative measures are taken as set forth in a numbered footnote.

NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

Notes for Table

- (1) For residential uses, other than mobile homes and transient lodgings, measures must be incorporated to achieve outdoor to indoor NLR of at least 25 dB within the 65-70 yearly DNL sound level and 30 dB within the 70-75 yearly DNL sound level. These measures include, but are not limited to, mechanical ventilation and closed windows year-round. For transient lodgings, measures must be incorporated to achieve outdoor to indoor NLR of at least 25 dB within the 65-70 and 70-75 yearly DNL sound levels and 30 dB for areas in excess of the 75 yearly DNL sound level. These measures include, but are not limited to, mechanical ventilation and closed windows year-round.
- (2) Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

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- (4) Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.
- (5) Land use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.

(6) Permits and requirements.

- a. A person proposing to construct, alter, or allow an airport obstruction in an airport hazard area in violation of the airport protection zoning regulations adopted herein must apply for a permit. A permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.
- b. If the County determines that a nonconforming obstruction has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, a permit may not be granted if it would allow the obstruction to exceed the applicable height limit or otherwise deviate from the airport protection zoning regulations. Whether or not an application is made for a permit under this subsection, the owner of the nonconforming obstruction may be required, at his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current airport protection zoning regulations. If the owner of the nonconforming obstruction neglects or refuses to comply with such requirement for 10 days after notice, the County may proceed to have the obstruction so lowered, removed, reconstructed, altered, or equipped and assess the cost and expense thereof upon the owner of the obstruction or the land whereon it is or was located.
- c. In determining whether to issue or deny a permit, the County will consider the following, as applicable:
 - 1. The safety of persons on the ground and in the air.
 - 2. The safe and efficient use of navigable airspace.
 - 3. The nature of the terrain and height of existing structures.
 - 4. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
 - 5. The character of existing and planned flight operations and developments at public-use airports.
 - 6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.
 - 7. The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.
 - 8. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.
- d. *Marking and lighting of obstructions:* In issuing a permit under this section, the County shall require the owner of the obstruction to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the FAA.
- e. *Provide permit application to Florida Department of Transportation (FDOT):* The County will provide the permit application to the FDOT in accordance with Florida Statute Subsection 333.025(4).

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f. Federal Notification Compliance: A person proposing to construct, alter, or allow an airport obstruction in an airport hazard area must submit, pursuant to subsection (3)b.8 above, documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study in order to obtain a building permit. Notification of proposed construction or alteration of structures must be filed at the FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

Upon reviewing the proposed construction/alteration, the FAA will issue a letter of determination, which must be submitted to the County in order to apply for a building permit. If, however, the Notice Criteria Tool determines that the proposed construction or alteration does not exceed Notice Criteria, a print of such determination must be submitted to the County in order to obtain a building permit. The County may not approve a permit for the construction or alteration of an obstruction unless the applicant submits documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study. A permit may not be approved solely on the basis that the FAA determined that the proposed construction or alteration of an obstruction is not an airport hazard.

g. In event of conflict between any airport zoning regulations adopted herein and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land, or any other matter, and whether such regulations were adopted by the County or other regulatory body, the more stringent limitation or requirement shall govern and prevail.

(7) Appeal to Board of County Commissioners.

- a. Any adversely affected person may, within 15 days from the date of the permitting agency's letter approving or denying the permit or making another final determination, appeal to the board of county commissioners by filing with the permitting agency an appeal letter specifying the grounds for appeal.
- b. An appeal shall stay all proceedings in the underlying action appealed from, unless the permitting agency certifies pursuant to the rules for appeal that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings may not be stayed except by order of the County issued to the parties in interest and for good cause shown.
- c. After having given public notice and due notice to the parties in interest, an appeal filed under this section shall be heard by the board of county commissioners. Any party may appear at the hearing in person, by agent, or by attorney.
- d. At or within a reasonable time after such hearing, the board of county commissioners, in conformity with the regulations set forth in this Section 1-53-6.13, may affirm, reverse or modify the decision on the permit or other determination from which the appeal is taken.

(8) Judicial review.

Judicial review is available in accordance with Florida Statute Section 333.11.

(9) Acquisition of air rights.

The County may acquire air rights in accordance with Florida Statute Section 333.12.

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(10) Enforcement and remedies.

Florida Statutes Chapter 333 and these regulations may be enforced in accordance with Florida Statute Section 333.13.