

ORDINANCE 2025-\_\_\_

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF FLAGLER COUNTY, FLORIDA,  
5 AMENDING THE FLAGLER COUNTY LAND  
6 DEVELOPMENT CODE (APPENDIX C TO THE FLAGLER  
7 COUNTY CODE OF ORDINANCES), BY AMENDING  
8 SECTION 3.06.00, SPECIAL PROVISIONS OTHER,  
9 ARTICLE III, ZONING DISTRICT REGULATIONS, BY  
10 ESTABLISHING AIRPORT ZONING REGULATIONS;  
11 PROVIDING FOR FISCAL IMPACTS; PROVIDING FOR  
12 APPLICABILITY; PROVIDING FOR CODIFICATION;  
13 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
14 AN EFFECTIVE DATE.  
15

16 **WHEREAS**, Flagler County is a political subdivision of the State of Florida, as  
17 established through Section 1 of Article VIII of the Constitution of the State of Florida, as  
18 revised in 1968 and as subsequently amended; and  
19

20 **WHEREAS**, Flagler County is the owner and operator of a general aviation public  
21 airport identified as Flagler Executive Airport (KFIN); and  
22

23 **WHEREAS**, the Flagler Executive Airport is within the unincorporated area of  
24 Flagler County and is subject to the land use regulations as established by the Board of  
25 County Commissioners of Flagler County, Florida, through its Land Development Code,  
26 as established in Appendix C to the Flagler County Code of Ordinances; and  
27

28 **WHEREAS**, while the Flagler Executive Airport is located within the  
29 unincorporated area of Flagler County and is subject to the County's Land Development  
30 Code, the Airport is bordered by lands within incorporated municipalities which are subject  
31 to the applicable land development regulations of the respective municipalities; and  
32

33 **WHEREAS**, the County is desirous of adopting airport zoning protection as  
34 provided in Section 330.35(2), Florida Statutes, so as to protect the Airport's infrastructure  
35 and in recognition of the public's substantial investment in the Airport's development; and  
36

37 **WHEREAS**, the adoption of airport protection overlay zoning formalizes review  
38 processes that the County and municipalities have been utilizing for the evaluation of  
39 development within the vicinity of the Airport, and the adoption of airport protection  
40 overlay zoning is in the best interest of the public; and  
41

42 **WHEREAS**, while airport protection overlay zoning primarily concerns airport  
43 obstruction hazards which may impact the vertical and horizontal airspace surrounding  
44 the Airport, airport protection overlay zoning, among other things, additionally identifies  
45 incompatible uses that should be discouraged or prohibited proximate to the Airport; and  
46

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

51  
52           **WHEREAS**, it is further found that certain activities and uses of land in the  
53 immediate vicinity of airports as enumerated in Section 333.03(2), Florida Statutes, are  
54 not compatible with normal airport operations, and may, if not regulated, also endanger  
55 the lives of the participants, adversely affect their health, or otherwise limit the  
56 accomplishment of normal activities; and

57  
58           **WHEREAS**, the creation or establishment of an airport hazard and the  
59 incompatible use of land in airport vicinities are public nuisances and injure the community  
60 served by the airport in question; and

61  
62           **WHEREAS**, it is therefore necessary in the interest of the public health, public  
63 safety, and general welfare that the creation or establishment of airport hazards and  
64 incompatible land uses be prevented; and

65  
66           **WHEREAS**, the limitation of land uses incompatible with normal airport operations,  
67 the prevention of the creation or establishment of airport hazards, and the elimination,  
68 removal, alteration, mitigation, or marking and lighting of existing airport hazards are  
69 public purposes for which political subdivisions may raise and expend public funds and  
70 acquire land or property interests therein, or air rights thereover; and

71  
72           **WHEREAS**, every political subdivision having an airport hazard area within its  
73 territorial limits is required by Section 333.03(1)(a), Florida Statutes, to adopt, administer,  
74 and enforce, under the police power and in the manner and upon the conditions  
75 prescribed in this section, airport protection zoning regulations for such airport hazard  
76 area; and

77  
78           **WHEREAS**, the Board of County Commissioners has determined that it is in the  
79 best interest of the citizens of Flagler County to adopt the proposed Airport Zoning  
80 Regulations, that these Regulations meet the requirements of Chapter 333, Florida  
81 Statutes, with regards to Airport Zoning, and that this amendment to the Land  
82 Development Code is consistent with the Comprehensive Plan; and

83  
84           **WHEREAS**, the Board of County Commissioners approved this ordinance on first  
85 reading at its March 3, 2025 regular meeting; and

86  
87           **WHEREAS**, following public hearings on March 3, 2025 and on March 17, 2025,  
88 including the presentation by staff and public comments as part of the public hearings,  
89 the Board of County Commissioners adopted this ordinance on second and final reading  
90 at its March 17, 2025 regular meeting; and

91

92           **WHEREAS**, public notice has been provided in accordance with Section 125.66,  
93 Florida Statutes.

94  
95           **NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD**  
96 **OF COUNTY COMMISSIONERS:**

97  
98 **Section 1. RECITALS.**

99  
100 A. The foregoing whereas clauses are incorporated herein by reference and made a part  
101 hereof.

102  
103 **Section 2. CODE AMENDMENT.**

104  
105 A. Section 3.06.17, Airport Zoning Regulations, Article III, Zoning District Regulations, of  
106 the Flagler County Land Development Code (Appendix C to the Code of Ordinances  
107 of Flagler County, Florida), is hereby created:

108  
109 **Sec. 3.06.17. Airport zoning regulations.**

110  
111 a. *Title.* These regulations shall be known as the Flagler County Airport  
112 Zoning Regulations.

113  
114 b. *Purpose and intent.* The purpose of these airport zoning regulations is to  
115 provide both airspace protection and land use compatibility in relation to the  
116 normal operation of the Flagler Executive Airport (KFIN) licensed for public-  
117 use by the State of Florida Department of Transportation (FDOT) in Flagler  
118 County, Florida. These regulations, through the establishment of airport  
119 zones and corresponding regulations, provide for the independent review  
120 of development proposals in order to promote the public interest in safety,  
121 health, and general welfare within the territorial limits over which Flagler  
122 County has jurisdiction, and to ensure that all airports licensed for public-  
123 use in the County can effectively function.

124  
125 Therefore, Flagler County deems it necessary to regulate the uses of land  
126 located around said airports relative to the:

- 127 • Height of structures and objects of natural growth on such land;
  - 128 • Uses of land in areas subject to airport noise;
  - 129 • Uses of land in areas subject to aircraft overflight potential;
  - 130 • Establishment of residential use or educational facilities of public and  
131 private schools on such land;
  - 132 • Uses of land which result in the generation of in-flight visual or electronic  
133 interference; and
  - 134 • Uses of land which result in aircraft bird strike hazards.
- 135

136 There is hereby adopted and established these airport zoning regulations  
137 pursuant to the authority conferred on Flagler County by Chapters 163 and  
138 333, Florida Statutes (F.S.), as they may be amended from time to time.  
139

140 c. *Definitions.* The following terms shall be defined herein as follows:  
141

- 142 1. *Aeronautical study:* a Federal Aviation Administration study,  
143 conducted in accordance with the standards of 14 C.F.R. part 77,  
144 subpart C, and Federal Aviation Administration policy and guidance,  
145 on the effect of proposed construction or alteration upon the  
146 operation of air navigation facilities and the safe and efficient use of  
147 navigable airspace.  
148
- 149 2. *Affected local governments:* any municipality or county having  
150 jurisdiction over the airport and any municipality or county located  
151 within two (2) miles of the boundaries of the land subject to the airport  
152 master plan. For purposes of this section, Flagler County is the  
153 owner and operator of the Flagler Executive Airport (KFIN), while the  
154 City of Bunnell and the City of Palm Coast are municipalities located  
155 within two (2) miles of the boundaries of the land subject to the airport  
156 master plan.  
157
- 158 3. *Airport:* any area of land or water designed and set aside for the  
159 landing and taking off of aircraft and used or to be used in the interest  
160 of the public for such purpose. The term “airport” shall mean the  
161 Flagler Executive Airport (KFIN), a general aviation public-use airport  
162 owned and operated by Flagler County. For purposes of airport  
163 protection and land use compatibility regulations in this section, the  
164 term “airport” also includes all land lying vertically under the  
165 designated approach zones.  
166
- 167 4. *Airport elevation:* the highest point of an airport’s usable landing area  
168 measured in feet above Mean Sea Level.  
169
- 170 5. *Airport hazard:* an obstruction to air navigation which affects the safe  
171 and efficient use of navigable airspace or the operation of planned or  
172 existing air navigation and communication facilities.  
173
- 174 6. *Airport hazard area:* any area of land or water upon which an airport  
175 hazard might be established.  
176
- 177 7. *Airport land use compatibility zoning:* airport zoning regulations  
178 governing the use of land on, adjacent to, or in the immediate vicinity  
179 of airports.  
180

- 181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226
8. *Airport layout plan*: a set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.
  9. *Airport master plan*: a comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.
  10. *Airport protection zoning regulations*: airport zoning regulations governing airport hazards.
  11. *Airport zoning administrator*: the Airport Director shall serve as the Airport Zoning Administrator.
  13. *Avigation easement*: an agreement that compels property owners to surrender their property's air rights to the government.
  14. *Day/night sound level (DNL)*: the system used by the FAA and the Department of Housing and Urban Development (HUD) to measure noise. Contours representing DNL levels are generated from the INM. The military also uses the DNL methodology to express noise impacts. Sound levels in the DNL contours are expressed in decibel units.
  15. *Decision height*: the height at which a decision must be made during all ILS instrument approach to either continue the approach or to execute a missed approach.
  16. *Department*: the Department of Transportation as created under Section 20.23, Florida Statutes.
  17. *Educational facility*: any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.
  18. *Landfill*: has the same meaning as provided in Section 403.703, Florida Statutes.
  19. *Minimum descent altitude*: the lowest altitude, expressed in feet above Mean Sea Level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach where no electronic glide slope is provided.

227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272

- 20. *Nonconforming use*: for purposes of this section, any preexisting structure, object of natural growth or use of lands which is inconsistent with the provisions therein.
- 21. *Object of natural growth*: a woody plant.
- 22. *Obstruction*: any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C that obstructs the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft. The term includes: any object of natural growth or terrain; permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
- 23. *Person*: any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- 24. *Political subdivision*: the local government of any county, municipality, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state. For purposes of this section, this term shall mean Flagler County as the owner and operator of the Flagler Executive Airport (KFIN).
- 25. *Precision instrument runway*: a runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
- 26. *Public-use airport*: an airport, publicly owned and maintained, licensed by the state, which is open for use by the public. For the purposes of this section, the publicly owned and maintained airport within Flagler County is Flagler Executive Airport (KFIN).
- 27. *Runway*: A defined rectangular surface on an airport prepared or suitable for the landing or takeoff of airplanes.

273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318

- 28. *Runway protection zone (RPZ)*: an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.
- 29. *Sound exposure level*: see “Day/night sound level (DNL)”.
- 30. *Sound level*: see “Day/night sound level (DNL)”.
- 31. *Structure*: any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines.
- 32. *Substantial modification*: any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.
- 33. *Visual runway*: a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedures and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military layout plan, or by any planning document submitted to the FAA by competent authority.

d. *Airport zones of influence*. Flagler County hereby establishes two (2) airport zones of influence. Said zones are established to regulate land development in relation to the Flagler Executive Airport in Flagler County. The location of these airport zones of influence and restrictions on the use of land within said zones are hereby established by these regulations. The boundaries of said zones and restrictions on the use of land within said zones shall be changed only through the amendment of these regulations by the Flagler County Board of County Commissioners.

Any application for land development within these airport zones of influence shall comply with these regulations, any applicable state or federal regulations, and any applicable requirements of the land development regulations of Flagler County. The airport zones of influence established in these regulations include:

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

- 1. *Airport height notification zones and regulations*.
  - a. Establishment of zone.

319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363

For the Flagler Executive Airport in Flagler County, the boundary of the Airport Height Notification Zone established in these regulations is based on the runway configuration which is planned and documented as such in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the FAA for approval.

An Airport Height Notification Zoning Map series shall be maintained by Flagler County based on an application of the boundaries set forth herein. This map shall be updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The dimensions of the Airport Height Notification Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

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

There is hereby established the Airport Height Notification Zone as an airport zone of influence. The Airport Height Notification Zone is established to regulate the height of structures and objects of natural growth in areas lying beneath the primary, approach, transitional, horizontal, and conical surfaces around Flagler Executive Airport in Flagler County. A site located in more than one of the described surfaces shall apply the most restrictive height limitation. The various surfaces as defined in 14 CFR, Part 77 are hereby established as the Airport Height Notification Zones.

b. Airport height notification regulations.

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

Relative to the Flagler Executive Airport in Flagler County, any proposed land development shall be considered a “potential airport obstruction,” if the proposed land development would



364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409

result in a structure or object of natural growth having a height which would exceed the previously prescribed standards.

Any person that is planning to sponsor construction or alterations which may affect navigable airspace, must file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) either electronically or manually with the FAA. No land development proposal determined to result in a structure or object of natural growth that constitutes a “potential airport obstruction” shall be approved for construction unless an Airport Obstruction Permit is issued by the Airport Zoning Administrator and has been coordinated through the FAA.

2. *Airport overflight zones and regulations.*

a. Establishment of zone.

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

The Airport Overflight Zone includes the area over which aircraft routinely operate at low altitudes and includes protections against:

- Development within runway protection zones
- Development within airport noise zones
  - Development of educational or residential land uses
  - Development within FAA approved noise studies
- Development of landfills

For the Flagler Executive Airport in Flagler County, the boundary of the Airport Overflight Zone established in these regulations is based on the runway configuration documented in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the FAA for approval.

410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454

An Airport Overflight Zoning Map series shall be maintained by Flagler County based on an application of the boundaries set forth herein. These maps shall be updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The Airport Overflight Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

In the event a discrepancy arises between an Airport Overflight Zone boundary depicted on the maps and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

b. Airport overflight zone regulations.

i. Prohibited land uses.  
All development proposals for land lying within an Airport Overflight Zone shall be reviewed for conformance with the state standards contained in Ch. 333, F.S. Referencing and adhering to the guidelines set forth in this statute when planning future development is required.

c. Determination of boundaries.

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

- Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys as they exist at the time of adoption of these regulations, shall be the airport zone boundary;
- Where boundaries are shown to enter or cross platted lots, property lines of lots as they exist at the time of adoption of these regulations shall be the airport zone boundary;
- Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restrictive airport zone shall apply;
- Where boundaries are shown on unsubdivided property of less than five (5) acres in area, provisions of the more restrictive airport zone shall apply; and
- Where boundaries are shown on unsubdivided property of five (5) or more acres in area, the location shall be determined by the Airport Noise Zone boundary the Airport Height Notification Zone or Airport Overflight Zone

455 boundary located by application of the definition of said  
456 zone boundaries set forth in these regulations.

457  
458 d. Nonconforming uses.

459  
460 If a nonconforming obstruction has been abandoned or is  
461 more than eighty (80) percent torn down, destroyed,  
462 deteriorated, or decayed, a permit may not be granted if it  
463 would allow the obstruction to exceed the applicable height  
464 limit or otherwise deviate from the Airport Zoning Regulations.  
465 Whether or not an application is made for a permit, the owner  
466 of the nonconforming obstruction may be required, at his or  
467 her own expense, to lower, remove, reconstruct, alter, or  
468 equip such obstruction as may be necessary to conform to the  
469 current Airport Zoning Regulations. If the owner of the  
470 nonconforming obstruction neglects or refuses to comply with  
471 such requirement for ten (10) days after Notice, the County  
472 may proceed to have the obstruction so lowered, removed,  
473 reconstructed, altered, or equipped and assess the cost and  
474 expense thereof upon the owner of the obstruction or the land  
475 whereon it is or was located.

476  
477 If a nonconforming obstruction is determined to be an airport  
478 hazard and the owner will not remove, lower, or otherwise  
479 eliminate it, the approach protection necessary cannot,  
480 because of constitutional limitations, be provided by the  
481 Flagler County Airport Zoning Regulations; or it appears  
482 advisable that the necessary approach protection be provided  
483 by acquisition of property rights rather than by the Flagler  
484 County Airport Zoning Regulations, the County may acquire,  
485 by purchase, grant, or condemnation in the manner provided  
486 by Chapter 73 and 74, F.S.

487  
488 e. *Administration and enforcement.*

489  
490 1. *Duties of the airport zoning administrator.*

491  
492 It shall be the duty of the Airport Zoning Administrator to administer  
493 and enforce the regulations prescribed herein. Permits shall be  
494 requested through the submission of an application to the Airport  
495 Zoning Administrator.

496  
497 Temporary or conditional permits pending completion of review,  
498 comment, or approval by any other local, state, or federal agency  
499 shall not be issued.  
500

501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545

2. *Permits.*

Any applicant receiving a “Notice of Potential Airport Obstruction” may apply to the Airport Zoning Administrator for an Airport Obstruction Permit.

a. Procedures for requesting and airport obstruction permit.

The applicant shall submit a completed Airport Obstruction Permit application, as provided by the Airport Zoning Administrator, to include the final written Determination of the “Notice of Proposed Construction or Alteration” issued by the FAA.

Upon receipt of a complete permit application, the County shall provide a copy of the application to the FDOT Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency, FDOT shall have a 15-day review period following receipt of the application, which shall run concurrently with the County permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed eighteen (18) consecutive months are exempt from the FDOT’s review, unless such review is requested by FDOT. The FDOT shall, within thirty (30) days after receipt of an application for a permit, issue or deny a permit for the construction or alteration of an obstruction. The Department shall review permit applications for issuance by the Department in conformity with Section 120.60, F.S.

b. Criteria for granting an airport obstruction permit.

In determining whether to issue or deny a permit, the following shall be considered:

- i. The safety of persons on the ground and in the air;
- ii. The safe and efficient use of navigable airspace;
- iii. The nature of the terrain and height of existing structures;
- iv. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Chapter 330, F.S., and rules adopted thereunder;
- v. The character of existing and planned flight operations and developments at public-use airports;

546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590

- vi. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
- vii. The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport;
- viii. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area; and
- ix. 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.

Where the FAA has reviewed a proposed development and determined it would not affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities, the Airport Zoning Administrator may grant an Airport Obstruction Permit for a proposed development, provided that conditions are attached to said permit to ensure the installation, operation, and maintenance of appropriate obstruction marking, lighting, and/or flagging, if such obstruction marking, lighting, and/or flagging is required in its written Determination. No Airport Obstruction Permit shall be issued after the expiration date indicated on the FAA’s written Determination. Each Airport Obstruction Permit issued shall specify a reasonable expiration date as a condition.

Where the FAA has reviewed a proposed land development request and determined it would affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities for civil airports, or the establishment of a “Hazard to Air Navigation,” or both, no Airport Obstruction Permit shall be granted by the Airport Zoning Administrator.

3. *Notification requirements.*

- a. Notification of airport noise potential.

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

591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635

Constructive knowledge shall be made available to all purchasers of property located in any Airport Noise Zone defined in these regulations.

- Public notice, via maps depicting said zones, shall be made available by the (Name of Political Subdivision).
- A disclosure statement shall be completed upon the sale of all residential property located in any such zone and shall be filed with the property deed.

b. Notification of aircraft overflight potential.

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

Constructive knowledge shall be made available to all purchasers and users of property in any Airport Overflight Zone defined in these regulations.

- Constructive knowledge shall be accomplished in the manner and form prescribed in Section 3.06.17.e.3.a. of these regulations.
- When the end user of any property located in any Airport Overflight Zone defined in these regulations is not the purchaser, the purchaser shall convey the notification condition to the user. Such notification shall be in writing, shall be acknowledged by user's signature, and shall be accomplished prior to the user occupying or making any type of legally binding obligation to occupy said property. A copy of the user's acknowledgment shall be filed with the property deed.

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

f. *Judicial review.*

1. Any person, political subdivision, or joint airport zoning board aggrieved by a decision of Flagler County or its administrative agency may seek judicial relief by filing an application within thirty (30) days after the decision is rendered. The review shall be conducted through a petition for writ of certiorari, governed by the Florida Rules of Appellate Procedure.

636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681

2. The circuit court in the Seventh Judicial Circuit shall have exclusive jurisdiction to affirm, reverse, or modify the decision on the permit or other determination being appealed. The court may also order further proceedings by Flagler County or its administrative agency, if deemed necessary. The court shall accept the findings of fact made by Flagler County or its administrative agency as conclusive if supported by substantial evidence. Only objections raised during the underlying proceeding shall be considered by the court.
3. In the event that airport zoning regulations adopted under this chapter are determined by a court to unduly interfere with the use and enjoyment of a specific structure or parcel of land, to the extent that it constitutes a taking or deprivation of property in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land not involved in the particular decision.
4. A judicial appeal to any court under this section shall not be permitted until the appellant has exhausted all available remedies through the application for local government permits, exceptions, and appeals.

g. *Acquisition of air rights.*

If a nonconforming obstruction is deemed to pose a hazard to the airport and the owner refuses to remove, lower, or otherwise eliminate it, and if providing necessary approach protection through airport zoning regulations under Chapter 333, F.S., is not feasible due to constitutional limitations, or if it is determined that acquiring property rights would be more advisable than relying on airport zoning regulations, the political subdivision in which the property or nonconforming obstruction is located, or the political subdivision that owns or operates the airport or is served by it, may acquire the necessary property, air rights, avigation easements, or other interests in the property or nonconforming obstruction through purchase, grant, or condemnation as provided by Chapter 73, F.S. In the case of condemnation, the political subdivision shall have the right to take immediate possession of the property, interest in property, air rights, or other rights sought to be condemned in accordance with the provisions of Chapter 74, F.S. Additionally, if any property, easement, or interest therein is purchased or acquired through eminent domain, the political subdivision shall be responsible for not only compensating for the taking, injury, or destruction of the property, but also for covering the costs associated with the removal and relocation of any structure or public utility that needs to be moved to a new location.

h. *Enforcement and remedies.*

- 682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701
1. Each violation of Chapter 333, F.S., or of any airport zoning regulations, orders, or rulings adopted or made pursuant to Chapter 333, F.S., shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., and each day a violation continues to exist shall constitute a separate offense.
  2. In addition, Flagler County may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of Chapter 333, F.S., or of airport zoning regulations adopted under Chapter 333, F.S., or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.
  3. The Department may institute a civil action for injunctive relief in the appropriate circuit court to prevent violation of any provision of this chapter.

702 **Section 3. FISCAL IMPACT STATEMENT.**

703  
704 The amendment to the Land Development Code included in this Ordinance should have  
705 a negligible effect upon property owners relative to the cost of compliance.  
706

707 **Section 4. APPLICABILITY.**

708  
709 This Ordinance shall be effective within the unincorporated areas of Flagler County,  
710 Florida, and shall include such incorporated areas of Flagler County if provisions of this  
711 Ordinance are specifically recognized through one or more interlocal agreements as  
712 applicable and enforceable within such incorporated areas.  
713

714 **Section 5. CODIFICATION.**

- 715  
716 A. Only Section 2 of this Ordinance shall be codified and included within the Code of  
717 Ordinances of Flagler County, Florida.  
718  
719 B. It is the intent of the Board of County Commissioners that the provisions of this  
720 Ordinance shall become and be made a part of the Flagler County Code of  
721 Ordinances, and that the sections of this Ordinance may be renumbered or relettered  
722 and the word “ordinance” may be changed to “section,” “article,” “regulations,” or such  
723 other appropriate word or phrase in order to accomplish such intentions.  
724

725 **Section 6. SEVERABILITY.**

726  
727 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason,



728 declared by the courts to be unconstitutional or invalid, such decision shall not affect the  
729 validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

730

731 **Section 7. EFFECTIVE DATE.**

732

733 A. This Ordinance shall become effective upon filing of this Ordinance with the  
734 Department of State.

735

736 B. A certified copy of this Ordinance shall be filed with the Department of State within ten  
737 (10) days after enactment by the Board of County Commissioners.

738

739 **PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
740 **FLAGLER COUNTY, FLORIDA, UPON SECOND AND FINAL READING THIS 17TH**  
741 **DAY OF MARCH, 2025.**

742

**BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA**

743

744

745

746

747

\_\_\_\_\_  
Andrew S. Dance, Chair

748

749

**ATTEST:**

**APPROVED AS TO FORM:**

750

751

752

753

\_\_\_\_\_  
Tom Bexley, Clerk of the  
Circuit Court and Comptroller

\_\_\_\_\_  
Al Hadeed, County Attorney

754

755

756

757

758

759

760

Edits:

761

10/31/2023 – removed references to ASR-9 radar site

762

01/08/2025 – changed ordinance year in heading from 2023 to 2025

763

01/08/2025 – changed Chair from Hansen to Dance

764

02/06/2025 – revised ordinance to FDOT model ordinance text as provided on pages 70-77 in the [FDOT Aviation Airport Land Use Compatibility Guidebook](#) published in 2024.

765

766

767

768

769

770

771

Serial Number  
25-00016F

# Observer

You. Your Neighbors. Your Neighborhood.  
Palm CoastObserver.com

Palm Coast Observer  
Published Weekly  
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Hailey McMillan who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Meeting

in the matter of February 11th, March 3rd & March 17th

in the Court, was published in said newspaper by print in the

issues of 1/23/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

*Hailey McMillan*  
Hailey McMillan

Sworn to and subscribed, and personally appeared by physical presence before me,

23rd day of January, 2025 A.D.

by Hailey McMillan who is personally known to me.

*Tanya Vrieseema*

Notary Public, State of Florida  
(SEAL)



### NOTICE OF ADOPTION OF AMENDMENT TO THE FLAGLER COUNTY LAND DEVELOPMENT CODE

Pursuant to Chapter 123.66, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt an Ordinance affecting the actual list of permitted, conditional, or prohibited uses within the unincorporated area of Flagler County and titled similar to: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING THE FLAGLER COUNTY LAND DEVELOPMENT CODE (APPENDIX C TO THE FLAGLER COUNTY CODE OF ORDINANCES), BY AMENDING SECTION 3.06.09, SPECIAL PROVISIONS OTHER, ARTICLE III, ZONING DISTRICT REGULATIONS, BY ESTABLISHING AIRPORT PROTECTION AND LAND USE COMPATIBILITY OVERLAY ZONE REGULATIONS; PROVIDING FOR FISCAL IMPACTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearings on the ordinance will be held in the location listed below at the dates and times provided:

PLANNING AND DEVELOPMENT BOARD - Public Hearing - Tuesday, February 11, 2025 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - First Reading - Monday, March 3, 2025 at 9:30 a.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - Second Reading and Adoption - Monday, March 12, 2025 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning and Zoning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planning@flaglercounty.gov. Copies of the proposed ordinance, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning and Zoning Department, 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110, Monday through Friday (except holidays) from 9:00 am to 5:00 pm.

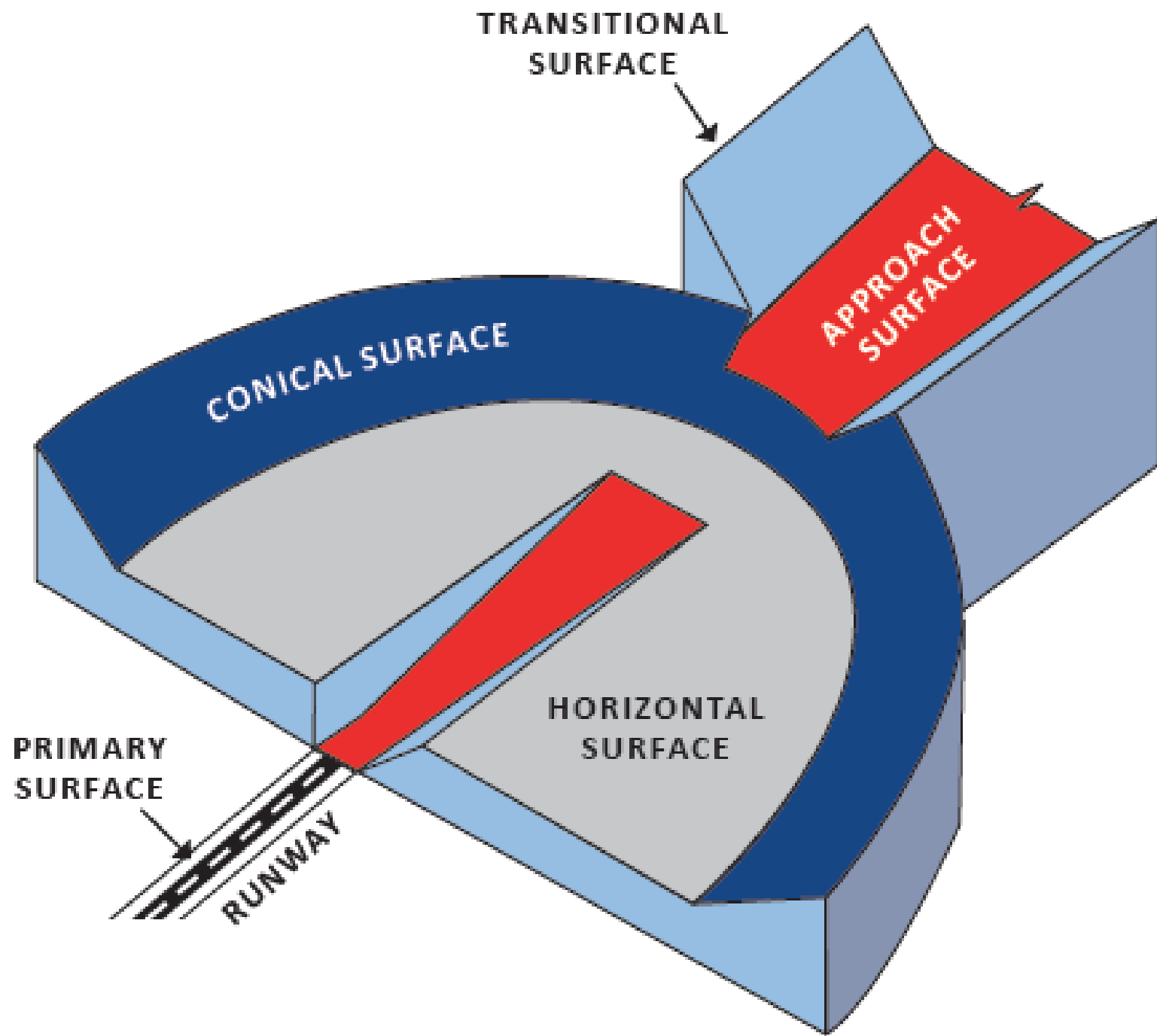
IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE COUNTY ADMINISTRATION AT (386) 313-4001 AT LEAST 48 HOURS PRIOR TO THE MEETING.

Jan. 23 25-00016F



# Airport Zoning Regulations

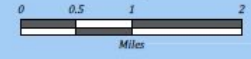


## 14 CFR Part 77

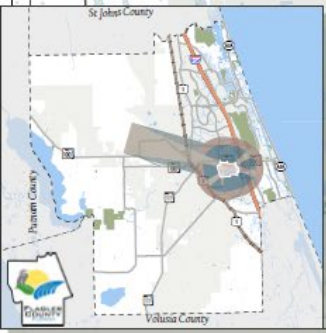
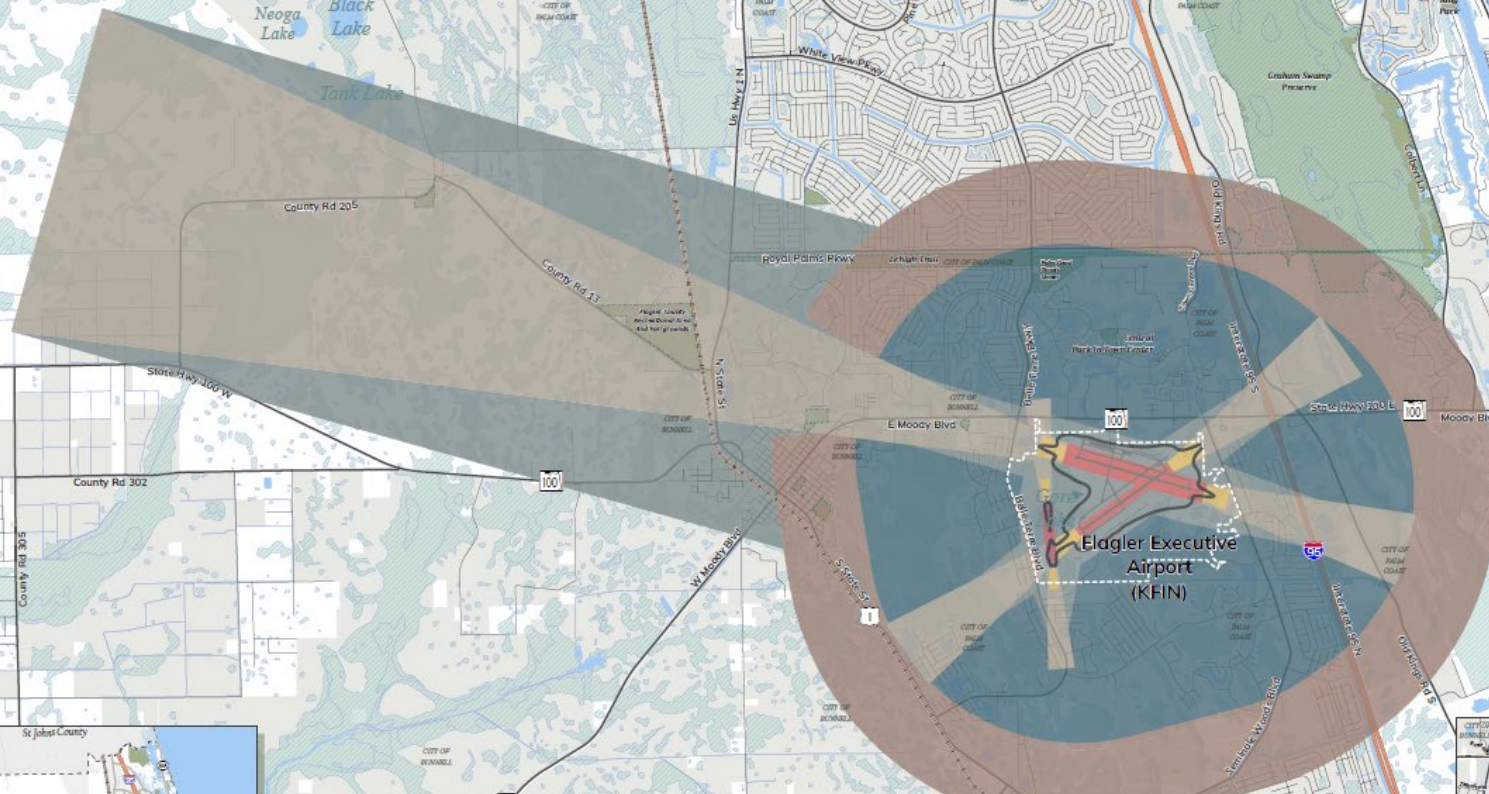
- **Horizontal Surface.** A flat plane extending 150 feet above the airport, encompassing a larger area for larger runways.
- **Conical Surface.** An outward sloping zone from the horizontal surface, providing additional clearance.
- **Primary Surface.** A centered area along the runway, extending slightly beyond each end. The width varies based on the runway type and approach procedures.
- **Approach Surface.** An extended area beyond the runway end, ensuring a clear path for landing aircraft. The width and length depend on the approach precision (visual or instrument). Precision runways have much larger approach surfaces.
- **Transitional Surfaces.** Sloped areas connecting the other surfaces, ensuring a smooth transition between them.

# Airport Protection Overlay Zone

## Flagler Executive Airport (KFIN)



Map Created January 2025  
Flagler County GIS | #1131



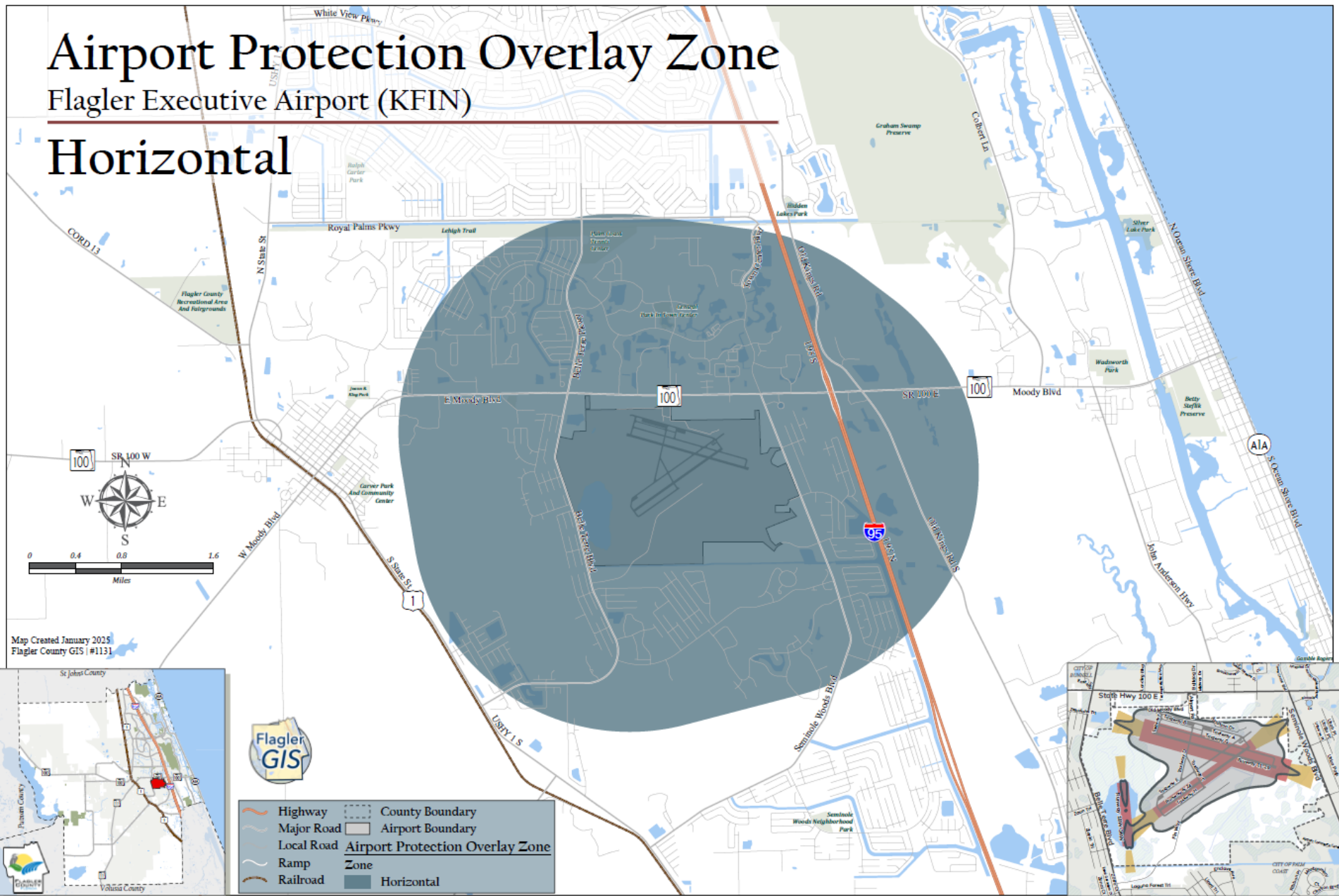
	Highway	<b>Airport Protection Overlay Zone</b>	
	Major Road		
	Local Road	<b>Zone Surfaces</b>	
	Railroad		Approach
	County Boundary		Conical
	Cities		Horizontal
	Wetlands		Primary
	Parks and Preserves		Runway Protection
	Airport Boundary		Transitional
			65 dB Day Night Average Sound Level (DNL)



# Airport Protection Overlay Zone

## Flagler Executive Airport (KFIN)

### Horizontal



Map Created January 2025  
 Flagler County GIS | #1131



	Highway		County Boundary
	Major Road		Airport Boundary
	Local Road		Airport Protection Overlay Zone
	Ramp		Zone
	Railroad		Horizontal







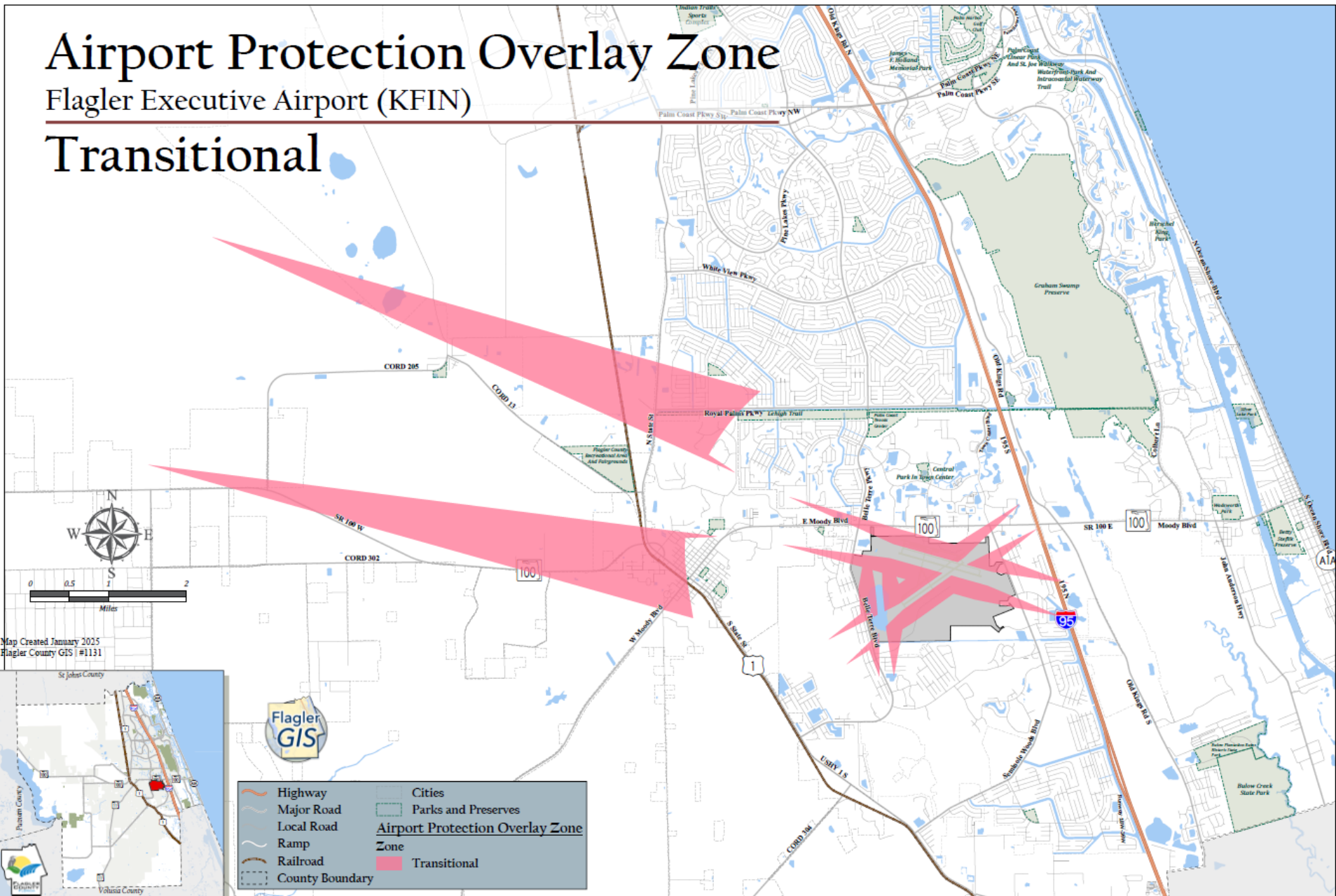




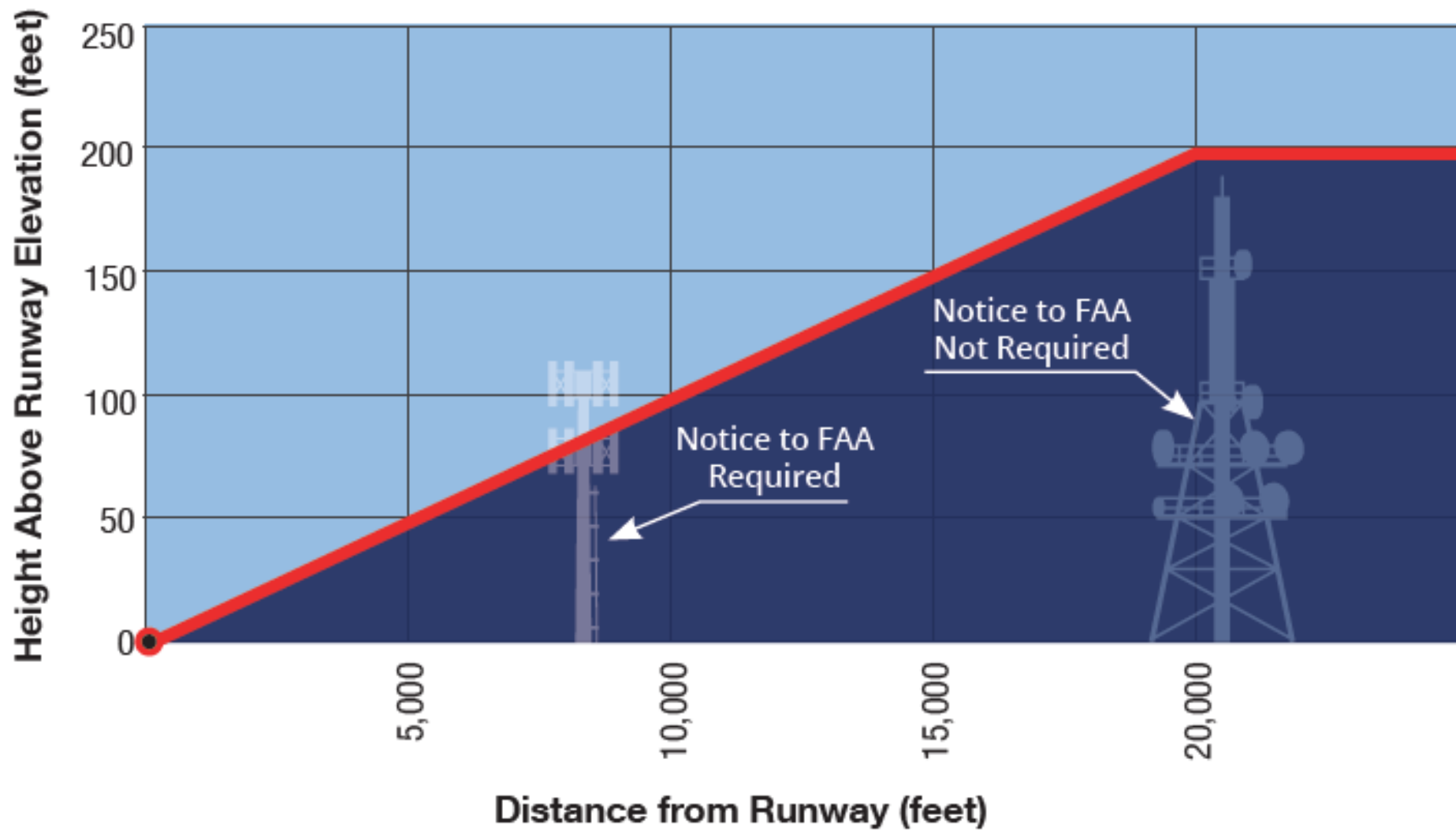
# Airport Protection Overlay Zone

Flagler Executive Airport (KFIN)

## Transitional



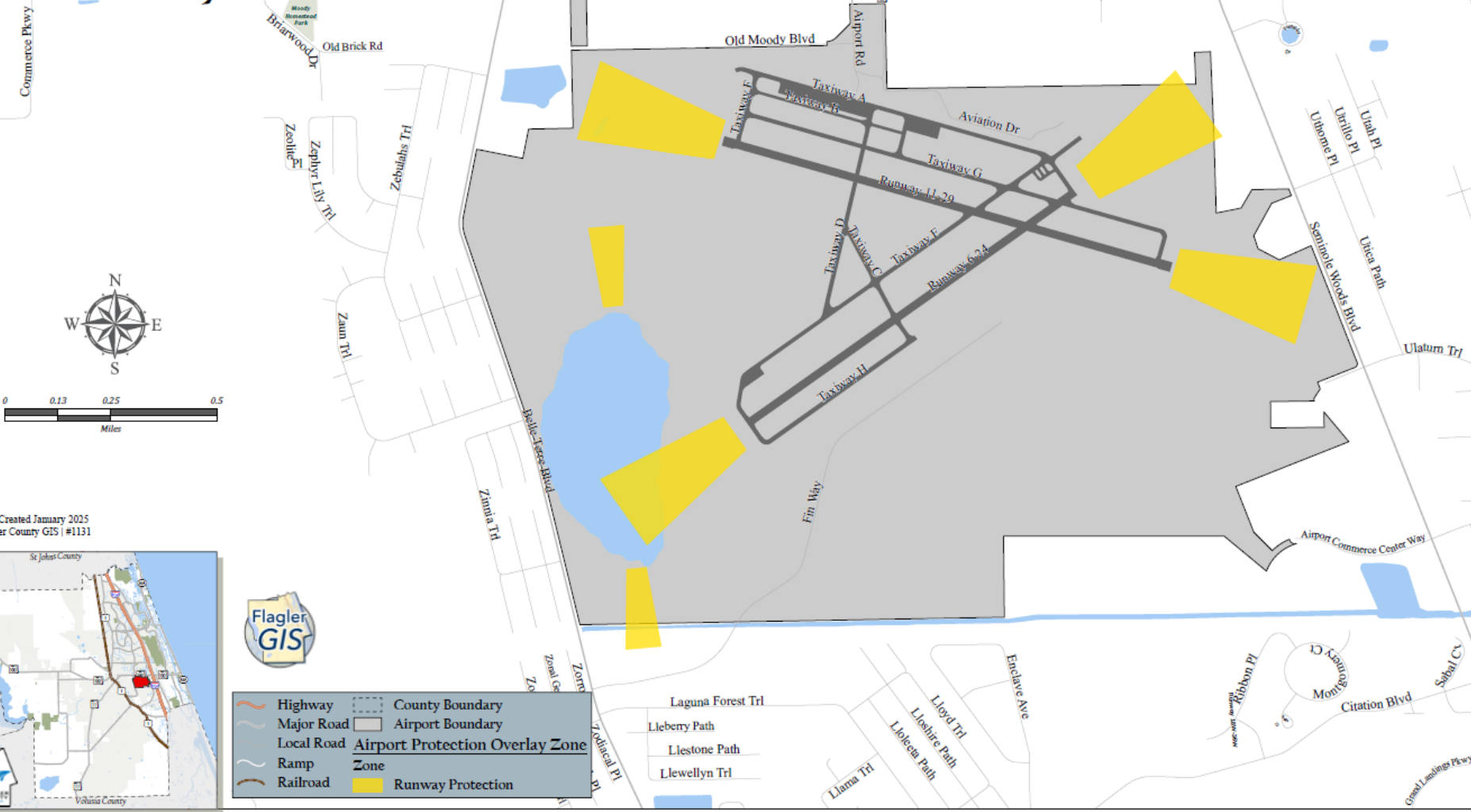
## Part 77 100:1 Notification Surface



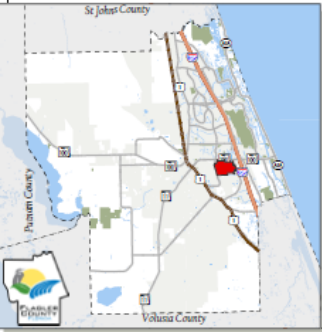
# Airport Protection Overlay Zone

## Flagler Executive Airport (KFIN)

### Runway Protection



Map Created January 2025  
 Flagler County GIS | #1131

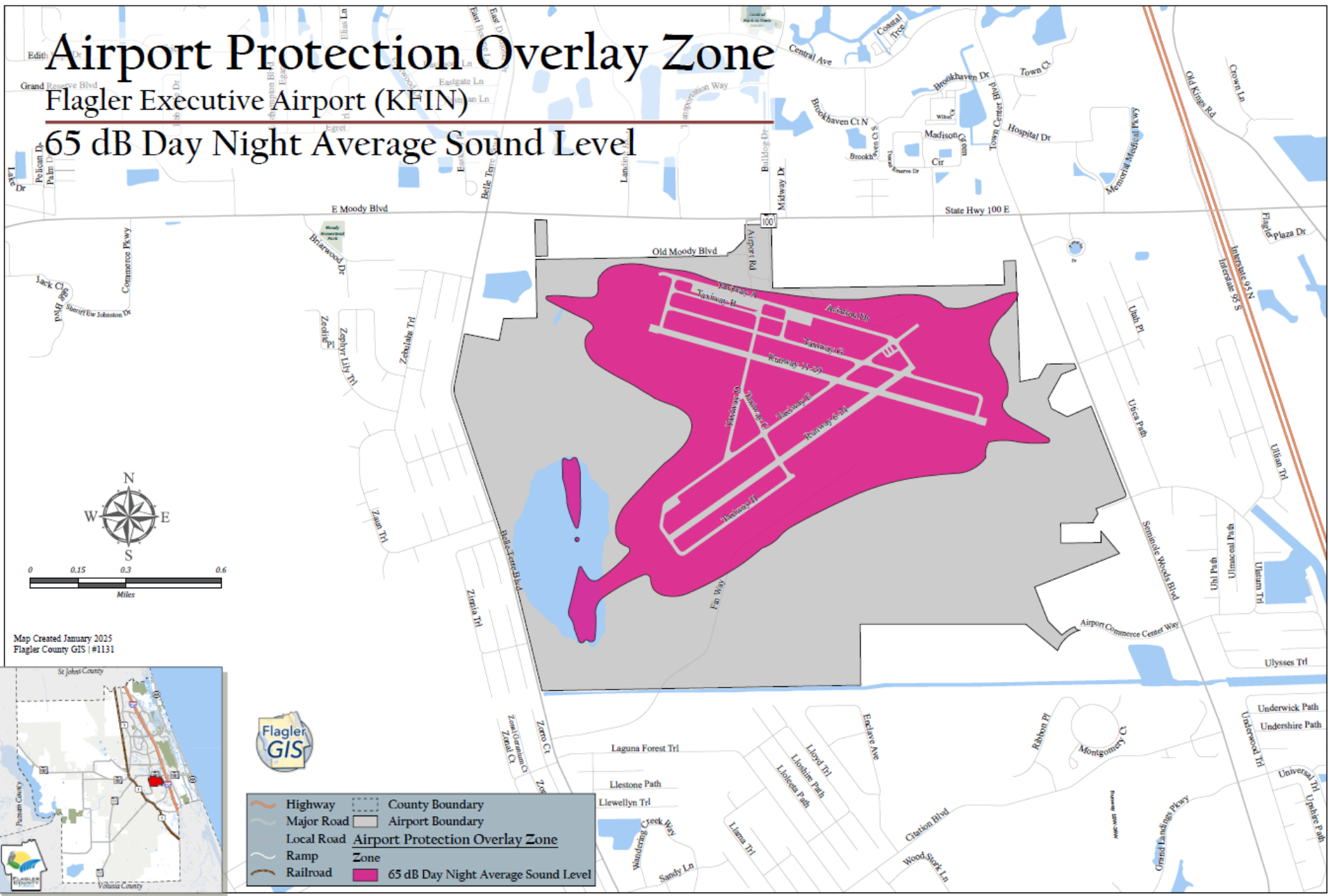


- Highway
- Major Road
- Local Road
- Ramp
- Railroad
- County Boundary
- Airport Boundary
- Airport Protection Overlay Zone
- Zone
- Runway Protection

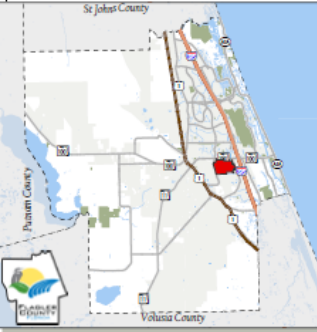
# Airport Protection Overlay Zone

## Flagler Executive Airport (KFIN)

### 65 dB Day Night Average Sound Level

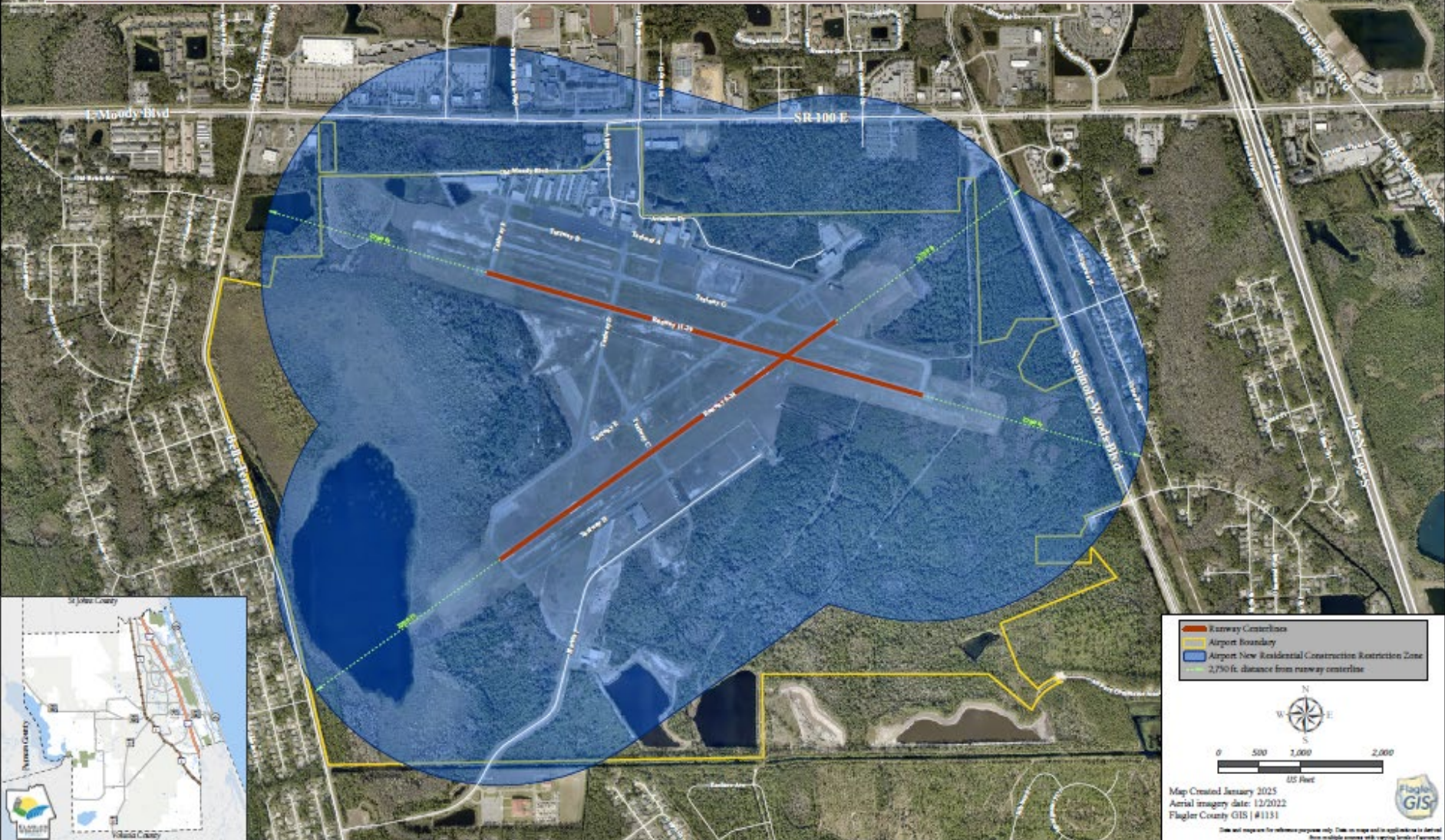


Map Created January 2025  
Flagler County GIS | #1131

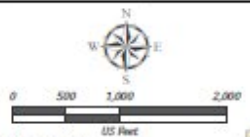


# Airport New Residential Construction Restriction Zone

## Flagler Executive Airport (KFIN)



- Runway Centerlines
- Airport Boundary
- Airport New Residential Construction Restriction Zone
- 2,750 ft. distance from runway centerline



Map Created January 2025  
Aerial imagery date: 12/2022  
Flagler County GIS | #1131

Data and maps are for reference purposes only. Data on maps used in applications is derived from multiple sources with varying levels of accuracy.



## By the Numbers

- **16,120 total parcels are within one of the zones**
  - 9,495 parcels are coded as single family
  - 46 parcels are manufactured homes
  - 3,450 parcels are vacant
  - 278 parcels are municipal
  - 121 parcels are county
  - 454 parcels are drop lots
  - 442 parcels are multi-family (<10 units)
  - 6 parcels are multi-family (>10 units)
  - 21 parcels are churches
  - 4 parcels are homes for the aged

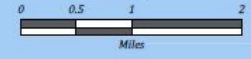


# By the Numbers

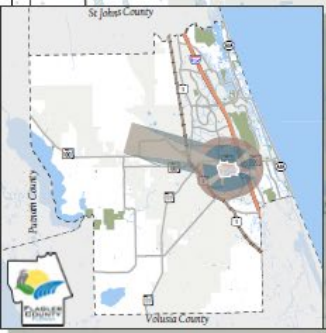
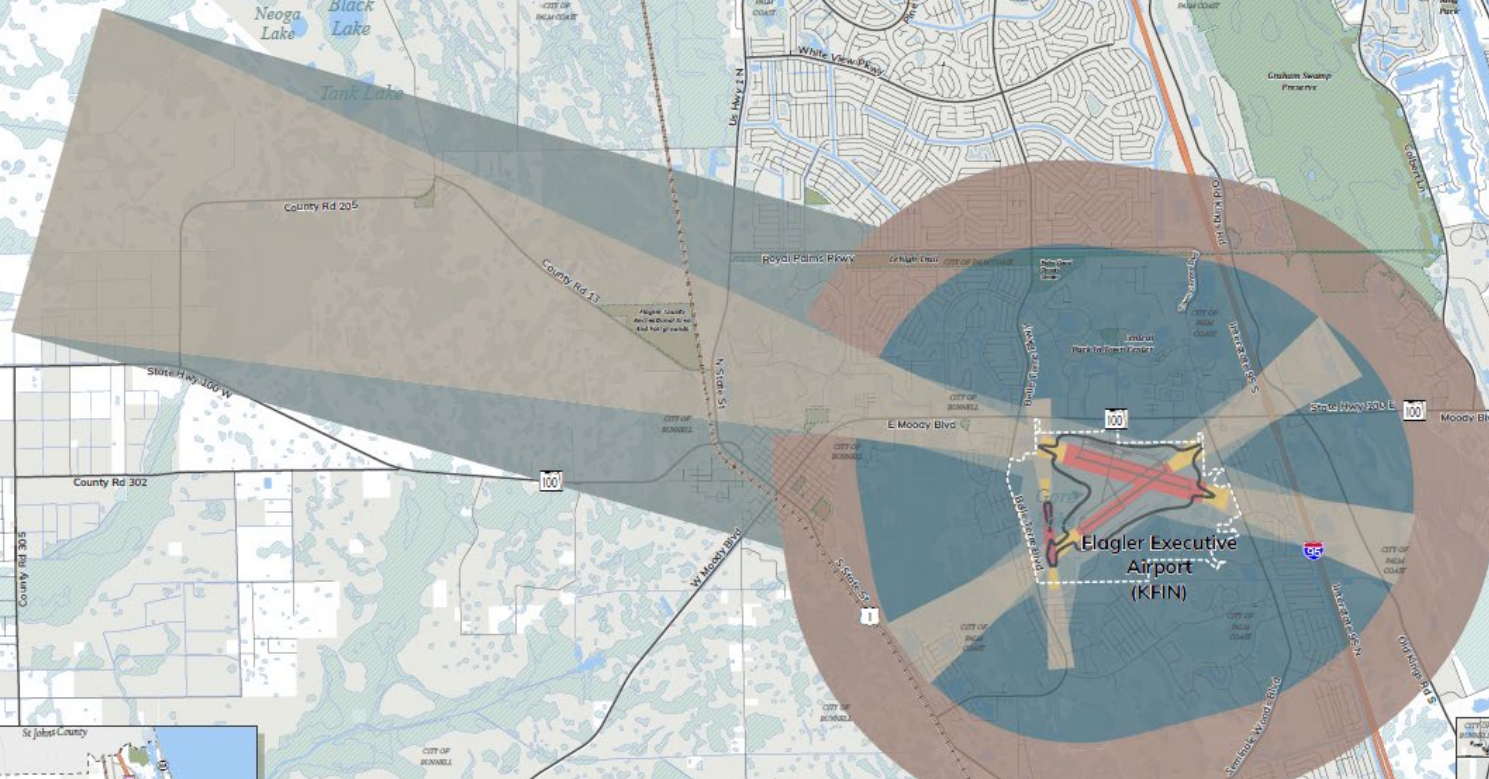
- **Population Estimates (2024 data)**
  - 10,686 population within horizontal zone
  - 23,086 population within conical zone
  - 5 population within primary zone
  - 4,188 population within approach zone
  - 3,487 population within transitional zone
  - 0 population within runway protection zone
  - 5 population within noise zone

# Airport Protection Overlay Zone

## Flagler Executive Airport (KFIN)



Map Created January 2025  
Flagler County GIS | #1131



	Highway	<b>Airport Protection Overlay Zone</b> <b>Zone Surfaces</b> Approach Conical Horizontal Primary Runway Protection Transitional 65 dB Day Night Average Sound Level (DNL)
	Major Road	
	Local Road	
	Railroad	
	County Boundary	
	Cities	
	Wetlands	
	Parks and Preserves	
	Airport Boundary	
	Flagler GIS	

