



**AGENDA ITEM SUMMARY SHEET
CITY COUNCIL REGULAR**

MEETING DATE: January 18, 2022

AGENDA ITEM NO. 5.2

WARD: All

QUASI-JUDICIAL: No

PUBLIC HEARINGS

MOTION: Adopt Ordinance No. 3934 amending the City Code, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Section 118.4.5 Airport Compatibility Regulations

MANAGEMENT RECOMMENDATION:
Adopt

FUNDING SOURCE:

N/A

FISCAL IMPACT (\$):

N/A

One-Time Cost:

No

Budget Year:

2021-2022

Budgeted Item:

N/A

Person Initiating Request: Steve Belden, AICP, Community Development Director

Department: Community Development - Admin

BACKGROUND INFORMATION:

City staff in coordination with the Lee County Port Authority propose an amendment to Chapter 118 Land Use Regulations, Section 118.4.5 Airport Compatibility Regulations.

Florida Statute Chapter 333 requires every affected jurisdiction to adopt, administer and enforce airport zoning regulations by interlocal agreement. Because the City of Fort Myers has airport hazard areas within its territorial limits, it is an “affected jurisdiction” and an interlocal agreement is needed between the City and the Lee County Port Authority.

The Lee County Port Authority has jurisdiction over nearby Page Field and the Southwest Florida International Airport.

For consistency with changes adopted in Florida Statutes in 2016, an amendment is needed to the City’s Land Development Code Section 118.4.5 Airport Hazard, which identifies that the City will use the regulations governing airport compatibility as adopted in the Lee County Land Development Code. Lee County amended its regulations related to airport compatibility for consistency with Florida Statutes in 2019.

The recommended changes include change of the title (Airport Compatibility Regulations); correction to the code reference to the Lee County Land Development Code; and broadening the review to ensure compliance with current airport compatibility regulations in coordination with the Port Authority at time of review and permitting for projects that could impact safe operation of aircraft including: construction in runway protection zones, residential and educational uses

in protection zones near airports, prevention of wildlife attractants near airports, and tall structure review by the Port Authority.

PLANNING BOARD: At their regular public hearing December 1, 2021 , the Planning Board members voted unanimously (7-0) to recommend approval of an amendment to Chapter 118 Land Use Regulations, Section 118.4.5 Airport Compatibility Regulations, finding the request consistent with the Comprehensive Plan and the Land Development Code, and recommended approval to the City Council.

ATTACHMENTS:

[PTA 1-18-21 ORD 3934 Airport Hazard Ch118docx.pdf](#)

[Ordinance 3934 AirportHazardCh118.pdf](#)

[Airport Hazard LDC Amendment Support Material.pdf](#)