



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
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**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney *DR*  
**DATE:** June 26, 2017  
**SUBJECT:** Airport Zoning Regulations Interlocal Agreement – City of Sebastian

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**BACKGROUND.**

The City of Sebastian (the “City”) owns and operates the Sebastian Municipal Airport (the “Airport”), which is located entirely within the City and is bordered by unincorporated Indian River County (the “County”). Chapter 333, Florida Statutes, implemented by the Florida Department of Transportation (the “Department”), regulates various aspects of the Airport and requires protection of airport operations from encroachment or conflicts arising from development that occurs in the vicinity of the Airport. In 1992, with the assistance of the Department, the County created and adopted an airport zoning regulations section of the County’s zoning code. Section 911.17 of the Indian River County Code of Ordinances is attached. Those regulations provide protections for the Vero Beach, Sebastian and New Hibiscus airports, the three general aviation airports in the County. Protections include provisions for preventing and mitigating hazards from tall structures and conflicts relating to noise. The County’s regulations were used as a “model ordinance” by the Department.

Recently, changes were made to Chapter 333, Florida Statutes, that require County action. Now, pursuant to section 333.03(1)(b), Florida Statutes, if an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport, the political subdivisions are required to either, 1) enter into an interlocal agreement to adopt, administer, and enforce a set of airport protection zoning regulations; or 2) create a joint airport protection zoning board to adopt, administer, and enforce such airport protection zoning regulations.

In order to meet this statutory requirement, City and County staff have prepared the attached proposed Interlocal Agreement Between City of Sebastian and Indian River County Airport Zoning Regulations Chapter 333 Florida Statutes (the “Airport Zoning Regulations Interlocal Agreement”). The Airport Zoning Regulations Interlocal Agreement is in the same format as that approved on June 13, 2017, by the Indian River County Board of County Commissioners with the City of Vero Beach for the Vero Beach Regional Airport.

Under the Airport Zoning Regulations Interlocal Agreement, the City and the County are required to proceed to concurrently develop, administer, and enforce updated airport protection zoning regulations and airport land use compatibility zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of the Airport, in compliance with Chapter 333, Florida Statutes. Per the Airport Zoning Regulations Interlocal Agreement, the County will be required to notify the City of any development permit applications having potential to create any new airport hazards or new incompatible use of land described in Chapter 333, Florida Statutes. In fact, such notification is already provided by planning staff under section 911.17, of the Indian River County Code of Ordinances and has been in place since 1992. Notification will be accomplished by the County's Technical Review Committee requesting input from the City during the application review process. Such requirement is consistent with section 902.10(2)(h) of the Indian River County Code of Ordinances, which already allows for input from other governmental agencies such as municipalities.

Under the proposed Airport Zoning Regulations Interlocal Agreement, both the City and the County will be required to file their respective airport zoning codes, rules, and regulations, and any amendments and variances with the Department within 30 days after they are adopted. Staff supports the proposed Airport Zoning Regulations Interlocal Agreement and notes that no variances have been needed since 1992.

The City Council for the City of Sebastian will be considering the Airport Zoning Regulations Interlocal Agreement at its regularly scheduled meeting on June 28, 2017.

**FUNDING.**

The cost for recording the Airport Zoning Regulations Interlocal Agreement will be \$44.00. The cost of recording will be split evenly between the City and the County. Funding for the County's portion of the expenditure, \$22.00, is available from Account No. 00110214-034830 (General Fund/County Attorney/Recording Fees).

**RECOMMENDATION.**

The County Attorney's Office recommends that the Board vote to approve the Airport Zoning Regulations Interlocal Agreement and authorize the Chair to execute the Airport Zoning Regulations Interlocal Agreement.

**ATTACHMENT(S).**

Indian River County Airport Zoning Regulations, Section 911.17 of the Indian River County Code of Ordinances  
Proposed Airport Zoning Regulations Interlocal Agreement