

EXHIBIT 11

**APPENDIX F. AIRPORT HAZARD ZONING REGULATIONS****I. Definitions.**

Throughout these regulations, the following words and phrases shall have the meanings indicated unless the text of the ordinance clearly indicates otherwise:

*Airport* means those areas of land or water designed or set aside for the landing and taking-off of aircraft utilized, or to be utilized, in the interest of the public for such purpose, and validly licensed by the State of Florida Department of Transportation (FDOT) as a "Public Airport" known as the Gainesville Regional Airport.

*Airport hazard* means any structure, object of natural growth, or use of land that would exceed the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) Part 77, ss. 77.21, 77.23, 77.25, 77.28, and 77.29 and that obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport; or may otherwise be hazardous to or interfere with taking off, maneuvering or landing of aircraft.

*Airport reference point* means the approximate geometric center of the runways of an airport, expressed by its latitude and longitude, as shown on the approved airport layout plan of the Gainesville Regional Airport, and identified as the "future airport reference point."

*Avigation easement* means the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property.

*Day/night average sound level (Ldn)* means the day/night average sound level estimated by the Federal Aviation Administration Integrated Noise Model from input assumptions contained in the approved airport master plan of each publicly-owned airport, including but not limited to, the type and amount of aircraft activity, the time of day such activity occurs, runway utilization, flight track geometry, and take-off and landing profiles.

*Nonconforming use* means any existing structure, object of natural growth, or use of land that is inconsistent with the provisions of these regulations as of May 10, 1999.

*Nonprecision instrument runway* means any runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned.

*Object of natural growth* means any organism of the plant kingdom, including trees.

*Occupied rooms* means rooms within enclosed structures that are, or may reasonably be expected to be, used for human activities including, but not limited to, sound communications, education or instruction, sleeping, eating, entertainment, or the use of telephones and other audio devices.

*Occupied structure* means a structure with at least one occupied room. See "Occupied Rooms."

*Other-than-utility runway* means any existing or planned runway that is constructed for, and intended to [be] used by, all types of aircraft, including those having gross weights greater than 12,500 pounds.

*Person* means individual, firm, partnership, corporation, company, association, joint stock association, or political body, including the trustee, receiver, assignee, administrator, executor, guardian, or other representative.

*Precision instrument runway* means a runway having an existing instrument approach procedure utilizing an Instrument Landing System, Microwave Landing System, or a Precision Approach Radar, or any runway for which a precision approach system is planned.

*Runways* means those existing or planned portions of the airport prepared for the landing and take-off of aircraft, as shown on the approved airport layout plan of the Gainesville Regional Airport, or those portions of each privately-owned airport prepared for the landing and take-off of aircraft, and identified as such by the Florida Department of Transportation.

*Runway end elevation* means the elevation at each runway end centerline, expressed in "feet Above Mean Sea Level (AMSL)," as shown on the approved airport layout plan of the Gainesville Regional Airport. For each airport runway, the runway end elevation is that value reported by the Florida Department of Transportation for each respective runway.

*Sound level* means the quantity, in decibels, measured by an instrument satisfying the requirements of the American Standard Specification for Type I sound level meters. The sound level is the frequency-weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic characteristic "SLOW."

*Noise level reduction (NLR)* means a measurement standard for the reduction in sound level transmission between two designated locations for a stated sound frequency band. NLR standards are used to evaluate the effectiveness or establish the requirements of techniques to limit sound level transmission in order to prevent or mitigate adverse noise impacts.

*Statute mile* means a distance of 5280 feet.

*Structure* means any temporary or permanent object constructed or installed by man, including but not limited to antennae, buildings, cranes, towers, smoke stacks, utility poles and overhead transmission lines.

*Utility runway* means any existing or planned runway that is constructed for and intended to be used by only propeller driven aircraft having gross weights less than or equal to 12,500 pounds.

*Visual runway* means any runway intended solely for the operation of aircraft using visual approach procedures and for which no straight-in instrument approach procedure exists, or is planned, and is so indicated on the approved airport layout plan of the Gainesville Regional Airport.

(Ord. No. 981149, § 2, 5-10-99)

## **II. Airport Zones of Influence.**

The City of Gainesville hereby adopts three airport zones of influence. These zones are established to regulate land development in relation to the Gainesville Regional Airport as licensed for public use. 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 city commission of the City of Gainesville.

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 the City of Gainesville. The airport zones of influence established in these regulations include:

the Airport Height Notification Zone;

the Airport Runway Clear Zone; and

the Airport Noise Zone.

A. *Airport Height Notification Zone and Regulations.*

1. *Establishment of Zone.* The Airport Height Notification Zone is hereby established as an overly zone on the adopted city zoning map atlas. The Airport Height Notification Zone is established to regulate the height of structures and objects of natural growth in areas around the Gainesville Regional Airport. The Airport Height Notification Zone consists of two subzones, defined as follows:

*Airport Height Notification Subzone 1:* The area surrounding the Gainesville Regional Airport extending outward 20,000 feet from the ends and each side of all active runways.

*Airport Height Notification Subzone 2:* The area within the city limits not within Airport Height Notification Subzone 1.

For the Gainesville Regional Airport 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.

Refer to the Airport Height Notification Zoning maps attached and made a part of these regulations in Attachment 1. The boundary of the Airport Height Notification Zone shall be amended as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based.

In the event a discrepancy arises between an Airport Height Notification Zone boundary depicted on the maps attached at Attachment 1 and an Airport Height Notification Zone 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.

2. *Airport Height Notification Regulations.*

a. All development proposals for land lying within an Airport Height Notification Zone shall be reviewed for conformance with the federal obstruction standards contained in Title 14 of the Code of Federal Regulations (CFR), Part 77, for civil airports.

b. A proposed development shall be considered a "potential airport obstruction," if the proposed development would result in a structure or object of natural growth having a height that would exceed:

an imaginary surface extending outward and upward from the ends and sides of a runway at a slope of one foot vertically for every 100 feet horizontally, for a distance of 20,000 feet, in Airport Height Notification Subzone 1; or

200 feet above ground level in Airport Height Notification Subzone 2.

c. The applicant for any land development proposal determined to result in a structure or object of natural growth that constitutes a "potential airport obstruction" shall be issued a Notice of Potential Airport Obstruction during the development review process by the Planning Division. 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 city manager or designee;  
or

The Board of Adjustment grants an Airport Obstruction Variance, if applicable.

d. Any land development proposal that has been determined to include no "potential airport obstruction" is exempt from any Airport Height Notification Zone

permitting and variance requirements contained herein.

3. *Airport Obstruction Permit Procedures and Criteria for Approval.* Any applicant receiving a Notice of Potential Airport Obstruction may apply to the Planning Division for an Airport Obstruction Permit.

a. *Procedures for Obtaining an Airport Obstruction Permit.*

i. The applicant shall submit a completed Airport Obstruction Permit application, as provided by City, and shall provide documentation that the required Notice of Proposed Construction or Alteration has been filed with the Federal Aviation Administration (FAA). The city manager or designee may consider permit requests concurrent with the development plan approval consideration.

ii. Prior to any such permit request being scheduled for consideration by the city manager or designee, the applicant shall submit a copy of the final written Determination, as issued by the FAA based on its review of the applicant's Notice of Proposed Construction or Alteration, in accordance with the provisions of 14 CFR Part 77.

b. *Criteria for Granting an Airport Obstruction Permit.*

i. If the FAA has reviewed a proposed land development and determined it would not exceed any federal obstruction standard contained in 14 CFR Part 77, the city manager or designee shall grant an Airport Obstruction Permit for the proposed development. The permit shall include conditions 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 by either Chapter 14-60, Florida Administrative Code, or by the FAA 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.

ii. Where the FAA has reviewed a proposed land development and determined it would exceed the federal obstruction standards contained in 14 CFR Part 77, no Airport Obstruction Permit shall be granted by the city manager or designee. In order for the proposed land development to proceed, an applicant must apply for and obtain an Airport Obstruction Variance from the Board of Adjustment of the City of Gainesville.

4. *Airport Obstruction Variance Procedures and Criteria for Approval.*

a. *Procedures for Obtaining an Airport Obstruction Variance.*

i. The applicant shall submit to the Planning Division a completed Airport Obstruction Variance application, as provided by the City. At the time of filing an Airport Obstruction Variance application, the applicant must provide proof to the city that a copy of said application has been forwarded by certified mail, return receipt requested, to the Florida Department of Transportation (FDOT) Central Aviation Office in Tallahassee, Florida. The FDOT shall have 45 days from the receipt of the application to provide comments to the Board of Adjustment, after which time its right is waived. The Board of Adjustment may approve, deny or approve the application with conditions.

ii. Prior to the variance request being scheduled for consideration by the Board of Adjustment, comments must be received from the FDOT or the applicant must submit a copy of the return receipt showing that the FDOT

has waived its right to comment. In addition, the applicant shall submit to the Planning Division the following:

a copy of the notice of proposed construction form submitted to the FAA; and

a copy of the final written Determination issued by the FAA, based on its review of the applicant's Notice of Proposed Construction or Alteration, in accordance with the provisions of 14 CFR Part 77.

b. *Criteria for Granting an Airport Obstruction Variance.*

i. The Board of Adjustment shall consider the criteria enumerated in Section 333.025(6), Fla. Stat., in its consideration of an Airport Obstruction Variance request.

ii. The Board of Adjustment may grant an Airport Obstruction Variance if it determines that:

a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and that the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these regulations and ch. 333, Fla. Stat., and

the proposed development can be accommodated in navigable airspace without adverse impact to Gainesville Regional Airport aviation operations.

iii. In granting an Airport Obstruction Variance, the Board of Adjustment may prescribe appropriate conditions, requirements and safeguards in conformity with these regulations and the intent hereof, including avigation easements if deemed necessary.

B. *Airport Runway Clear Zone and Regulations.*

1. *Establishment of Zone.* There is hereby established the Airport Runway Clear Zone as an airport zone of influence. The Airport Runway Clear 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 the Gainesville Regional Airport. Within the Airport Runway Clear 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 Runway Clear Zone includes the area over which aircraft routinely operate at altitudes of 50 feet or less above the runway end elevation, and is defined as follows:

That portion of the Approach Surface, as defined by 14 CFR Part 77.25(d), that extends outward from, and perpendicular to, its common boundary with the Primary Surface, as defined in 14 CFR Part 77.25(a), for a horizontal distance of:

1,000 feet for utility/visual runways,

1,700 feet for nonprecision instrument/other-than-utility runways, and

2,500 feet for precision instrument runways.

The Airport Runway Clear Zone is shown on the maps attached as Attachment 2. In the event a discrepancy arises between an Airport Runway Clear Zone boundary

depicted on the maps attached as Attachment 2 and an Airport Runway Clear Zone 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.

2. *Airport Runway Clear Zone Regulations.*

a. *Prohibited uses.* The following types of land uses shall be prohibited within the established Airport Runway Clear Zone:

educational facilities (including all types of schools, pre-schools, and child-care facilities);

hospitals, medical and health-related facilities;

places of religious assembly;

hotels and motels (including transient lodging, recreational vehicle and mobile home parks); and

other similar land uses wherein or whereabouts persons are concentrated or assembled;

b. *Allowable uses.* Any use that is not prohibited in an Airport Runway Clear Zone as determined above, is allowable within such zone, subject to compliance with applicable Airport Noise Zone and zoning district regulations.

C. *Airport Noise Zone and Regulations.*

1. *Establishment of Zone.* There is hereby established the Airport Noise Zone as an airport zone of influence. The Airport Noise Zone is established around the Gainesville Regional Airport to regulate land uses sensitive to sound levels generated by the routine operation of the Airport. Within the Airport Noise Zone, land use restrictions and special construction standards are established to minimize impacts of airport-generated noise. The Airport Noise Zone consists of three subzones, defined as follows:

*Airport Noise Subzone A:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 75 Ldn.

*Airport Noise Subzone B:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 70 Ldn, excluding Subzone A.

*Airport Noise Subzone C:* The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 65 Ldn, excluding Subzones A and B.

For the Gainesville Regional Airport, the boundary of the Airport Noise Zone established in these regulations is based on the forecast of day/night average sound levels documented in its approved airport master plan or airport layout plan, or both.

Refer to the Airport Noise Zone maps attached and made a part of these regulations as Attachment 3. The boundary of any Airport Noise Zone shall be amended as necessary to reflect any changes in the documentation of forecast day/night average sound levels on which said zone is based. Notwithstanding other provisions of this section, should the Gainesville Regional Airport amend its official 14 CFR Part 150 study, the boundaries of the Airport Noise Zones shall be modified to comply with the amended official noise study.

2. *Airport Noise Zone Land Use Regulations.* The provisions of this section shall apply to the construction, expansion, alteration, moving, repair, replacement, use, and changes of use or occupancy of any occupied structure located within any Airport Noise

Zone defined by these regulations. Said structures include those that exist within any Airport Noise Zone as of May 10, 1999, those which are thereafter moved into or within any Airport Noise Zone, and those proposed to be constructed within any Airport Noise Zone.

a. *Existing Structures.* Structures located within any Airport Noise Zone at the time of the adoption of these regulations to which additions, expansions, alterations, repairs, replacement, and changes of use or occupancy are made shall comply with the requirements of these regulations, with the following exceptions:

Structures for which the cost of such additions, alterations, or repairs made within any five year period does not exceed 50 percent of the value of such structures;

Nonstructural alterations or repairs of such structures for which the cost of such alterations or repairs does not exceed 50 percent of the value of such structures may be made with the materials of which such structures are constructed, if otherwise allowed; or

Structures for which no more than 50 percent of the roof covering of such structures is replaced within any three-year period.

b. *Moved Structures.* Structures moved into or within any Airport Noise Zone defined by these regulations shall comply with requirements of these regulations before permanent occupancy is permitted.

c. *New Structures.* New structures proposed within any Airport Noise Zone defined by these regulations shall comply with the requirements of these regulations before permanent occupancy is permitted.

d. *Permitted Uses.* The following uses shall be permitted within the established noise overlay zone, unless prohibited by Airport Runway Clear Zone or zoning district regulations:

Governmental Services

Transportation

Off-Street Parking

Offices, business and professional

Wholesale and retail building materials, hardware and farm equipment

Retail trade - general

Utilities, Heavy or Limited

Communications

Manufacturing - general

Photographic and optical services

Mining and fishing, resource production and extraction

Nature exhibits and zoos

Amusement parks, resorts and camps

Golf courses, riding stables and water recreation

Agricultural operations

Similar uses, as determined by the city manager or designee



e. *Restricted Uses and Criteria.* The following uses shall be permitted within the established noise overlay zone, (unless prohibited by Airport Runway Clear Zone or zoning district regulations) only if the proposed development complies with the applicable criteria described below and is compatible with the Official 14 CFR Part 150 study:

i. *Child Care, Transient Lodgings, Educational Centers, Residential (other than mobile homes), and similar uses.* Developers of proposed child care facilities, transient lodgings, educational centers and residential uses (other than mobile homes) shall verify to the city in writing that proposed buildings are designed to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels. (Normal residential construction can be expected to provide an NLR of 20-25 decibels).

ii. *Hospitals, Homes for the Aged, Places of Religious Assembly, Auditoriums, Concert Halls and similar uses.* Hospitals, homes for the aged, places of religious assembly, auditoriums and concert halls shall verify to the city in writing that proposed buildings are designed to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels.

iii. *Outdoor Sports Arenas, Spectator Sports and similar uses.* Outdoor sports arenas and spectator sports facilities must be constructed with special sound reinforcement systems consistent with building code regulations.

In lieu of providing written verification that a proposed building is designed for an NLR of 25 decibels (as stated in i and ii above), a developer may execute and record an avigation easement as provided in subsection i. below.

f. *Prohibited Uses.* Uses that are not specified in this subsection as permitted or restricted are prohibited within the Airport Noise Zone.

g. *Appeals.* Determinations by the community development director, relating to use interpretations involving sections "d." or "e." or "f." above, may be appealed to the Board of Adjustment by an applicant or any aggrieved person, taxpayer affected, governing body of a political subdivision, or FDOT. All such appeals to the Board of Adjustment shall be filed, reviewed, and heard in a manner consistent with sections 333.08 and 333.10 of the Florida Statutes.

h. *Avigation Easements.* An avigation easement is a legal document that grants to the owner/operator of a nearby airport a right to continue to operate the airport in a manner similar to current operations, despite potential nuisance effects upon uses that are being established in close proximity to the airport. Applicants choosing to provide an avigation easement shall execute said easement to the Gainesville-Alachua County Regional Airport Authority. The easement shall be in a form acceptable to the city attorney and airport authority and shall be executed in a recordable form by the property owner:

prior to release of a development site plan,

prior to or via recording of a final plat, or

prior to issuance of a building permit, as applicable.

The property owner shall record the easement and provide a copy of it to the city and to the airport authority.

(Ord. No. 981149, § 2, 5-10-99)

### III. Special Requirements.

Notwithstanding any of the provisions of this section, no use of land, air or water shall be made in such a manner to interfere with the operation of any airborne aircraft or aircraft operation at the Gainesville Regional Airport. The following special requirements shall apply to proposed developments.

A. *Aircraft Bird Strike Hazard.* No land use shall be permitted to store, handle, or process organic or any other materials that foster or harbor the growth of insects, rodents, amphibians, or other similar organisms, in such a way as to significantly increase the potential for aircraft bird strike hazard to aircraft operations at the Gainesville Regional Airport:

within 10,000 feet of the nearest point of any runway used or planned to be used by turbine powered aircraft;

within 5,000 feet of the nearest point of any runway used or planned to be used only by conventional piston engine powered aircraft;

within the lateral limits of the airport imaginary surfaces defined in 14 CFR Part 77.25; or

in locations where the passage of a significant volume of bird traffic originating from or destined to bird feeding, watering, or roosting areas is induced across any Primary Surface or Approach Surface, as defined in 14 CFR Part 77.25 (c) and 14 CFR Part 77.25 (d), respectively, of the airport.

B. *In-Flight Visual or Electronic Interference.* No land use shall produce smoke, steam, glare, or other visual impairment within three statute miles of any runway of the Gainesville Regional Airport. Furthermore, no land use shall:

produce electronic interference with navigation signals or radio communications of any airborne aircraft or aircraft operations at the airport;

utilize high energy beam devices that interfere with aircraft operations at the airport, and for which such energy transmission is not fully contained within a structure, or absorbing or masking vessel; or

utilize lights or illumination arranged or operated in such manner that either misleads or obscures the vision of pilots during take-off and landing stages of aircraft operations at the airport.

Proposed developments which produce light or illumination, smoke, glare or other visual hazards, or produce electronic interference with airport/airplane navigation signals are subject to the standards specified in the FAA Procedures Manual 7400-2C, consistent with Chapter 333.03(3), Fla. Stat., as may be applied and enforced by the state and/or federal governments.

C. *Restrictions on the Educational Facilities of Public and Private Schools.*

1. *Educational Facilities Restricted.* The construction of any educational facility of a public or private school, with the exception of aviation school facilities, is restricted within an area that extends five miles out from either end of any runway, along the extended runway centerline, and which has a width measuring one-half the length of the longest runway of the Gainesville Regional Airport. Refer to the Restrictions on the Educational Facilities of Public and Private Schools map attached and made a part of these regulations in Attachment 4.

2. *Existing Educational Facilities.* These restrictions shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on May 10, 1999, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 235.19, Florida Statutes, as of May

10, 9999 [1999].

3. *Exceptions.* Exceptions approving construction of an educational facility within the delineated area(s) shall only be granted when the Board of Adjustment makes specific findings detailing how public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

4. *Criteria for Granting Exceptions.* The Board of Adjustment shall consider, at a minimum, the following criteria in determining whether or not to grant exceptions approving construction of educational facilities within the delineated area(s):

Physical attributes of the proposed site, including the nature of the terrain and topography, and the density of planned/existing land uses;

Situation of the proposed site relative to other geographic features, either natural or man-made, and other planned/existing land uses and activities;

Public and private interests and investments;

Safety of persons on the ground and in the air;

Any other applicable airport zoning restrictions;

Availability of alternate sites;

Any unique attributes of the proposed site;

Planned approach type of the runway: either precision instrument, nonprecision instrument, or visual;

Type(s) of aircraft using the runway, including the number and type of engine(s) used by, and gross weight of, aircraft; and

Inbound approach or outbound departure bearing relative to the extended runway centerline.

(Ord. No. 981149, § 2, 5-10-99)

#### **IV. Determination of Boundaries.**

In determining the location of airport zone of influence 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 on May 10, 1999, shall be the airport zone boundary;

Where boundaries are shown to enter or cross platted lots, property lines of lots as they exist on May 10, 1999, 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 acres in area, provisions of the more restrictive airport zone shall apply; and

Where boundaries are shown on unsubdivided property of five or more acres in area, the location shall be determined by the Airport Noise Zone boundary shown in Attachment 3, or the Airport Height Notification Zone or Airport Runway Clear Zone boundary located by application of the definition of said zone boundaries set forth in these regulations.

(Ord. No. 981149, § 2, 5-10-99)

**V. Nonconforming uses.**

No land use may be permitted in any airport zone of influence unless it conforms to the specific limitations set forth in these regulations. The requirements of these regulations shall not be construed to necessitate the removal, lowering, alteration, or other change of any nonconforming use existing as of May 10, 1999. Any nonconforming use that is an object of natural growth shall not be allowed to exceed the height of said object as it was on May 10, 1999, unless permitted by the city manager or designee. Nothing in these regulations should be construed to require sound conditioning or other alteration of any nonconforming use.

The provisions of Section 30-346 of the land development regulations also apply to non-conformities.

(Ord. No. 981149, § 2, 5-10-99)

**VI. Future Uses.**

No change shall be made in the use of land, and no structure shall be altered or otherwise established in any airport zone of influence created by these regulations except in conformance with the requirements of this section.

(Ord. No. 981149, § 2, 5-10-99)

**VII. Judicial Review.**

Any person aggrieved by any decision of the Board of Adjustment regarding these regulations may appeal to the Circuit Court as provided by Section 333.11, Fla. Stat.

(Ord. No. 981149, § 2, 5-10-99)

**VIII. Conflicting Regulations.**

Where there exists a conflict between any of the requirements or limitations prescribed in these regulations and any other requirements, regulations or zoning applicable to the same area, whether the conflict be with respect to the height of structures or objects of natural growth, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. The variance to or waiver of any such more stringent limitation or requirement shall not constitute automatic variance or waiver of the less stringent limitations or requirements of these regulations.

(Ord. No. 981149, § 2, 5-10-99)

**IX. Severability.**

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations that can be given effect without the invalid provisions or applications, and to this end the provisions of these regulations are declared to be severable.

(Ord. No. 981149, § 2, 5-10-99)

**X. Penalties.**

In addition to other remedies for violation of these regulations provided in the Land Development Code, the City may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of chapter 333, Fla. Stat, these regulations, or any order or ruling made in connection with their administration or enforcement. The court shall adjudge to the City 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 ch. 333, Fla. Stat. and of these regulations, and the orders and rulings made pursuant thereto.

(Ord. No. 981149, § 2, 5-10-99)

EXHIBIT 12



EXHIBIT 13



Petition 23LUC-07PB

204.43 acres of SF affected.  
154.60 acres of IND affected.

Murphree Water Plant

**LUP Category**

- IND
- SF

**Petition Area**

**LDN's**

**City Limits**

Prepared by the Dept. of Comm. Dev.  
GIS File: 23LUC-07PB\_LDN65\_B&W\_071007.mxd

NE 53RD AVENUE

NE 15TH STREET

NE 39TH AVENUE

WALDO RD

65

70

75

