

SECTION 2

MUNICIPAL JURISDICTIONS AND LAND USE

2.1 INTRODUCTION

Within the general study area shown on [Figure 2.1](#), there are two municipal jurisdictions: the City of Key West and the County of Monroe. In addition, the U.S. Navy has authority within the Naval Air Station Key West (NAS Key West) and all areas within the U.S. Military Reservation. In addition to the main air station on Boca Chica Key, NAS Key West includes several separate annexes in the Key West area.

The airport is within the jurisdiction of Monroe County, while areas surrounding the airport on the island of Key West are within the jurisdiction of the City of Key West. The portion of Stock Island located south of the Overseas Highway (US 1) is within the County's jurisdiction while the northern portion of the island is within the jurisdiction of the City of Key West.

The Detailed Study Area shown on [Figure 2.2](#) was defined to encompass areas most affected by aircraft noise.

This section describes the existing land uses, future land uses, and noise-sensitive sites in the vicinity of Key West International Airport (EYW). It also addresses the land use controls in the City of Key West and the County of Monroe.

2.2 EXISTING LAND USE

An inventory and review of the existing land use patterns and characteristics is strategic in determining the compatibility of an airport with the surrounding environment. Identifying residential and other noise-sensitive land uses is instrumental in this process.

Title 14 CFR, Aeronautics and Space, part 150, Airport Noise Compatibility Planning, Appendix A, §A150.101, Noise contours and land usages, requires the identification of noncompatible land uses, as well as noise sensitive public buildings (such as schools, hospitals, and health care facilities), and properties on or eligible for inclusion in the National Register of Historic Places (NRHP). Noncompatible land uses within the Day-Night Average Sound Level (DNL) 65 dB noise contour include, but are not limited to, all residential land uses. Land use compatibility guidelines are presented in Section 2.6.

The land use data in this section are based on digital land use maps obtained from the Monroe County Planning and Zoning Department in December 2020 and digital parcel data obtained from the Monroe County Property Appraiser's Office in January 2021 specifically for this NEM Update. Digital data was obtained from Ricondo & Associates that was compiled for the Environmental Assessment completed in January 2021. In addition to their generalized land use data, Ricondo & Associates also provided their historical resources, parks and recreation, and community facilities data. The existing land uses, location of noise sensitive public buildings, community facilities, and parks and recreational facilities within the Detailed Study Area were reviewed and verified via windshield or walking surveys in 2021. Corrections to the digital maps were made as needed. [Figure 2.3](#) depicts the existing land uses near EYW. The following subsections describe the existing land uses surrounding the airport.

2.2.1 Residential

Low-density residential land uses (including single-family and multi-family with less than 10 units) within the Detailed Study Area are located north and west of Runway 09-27. Riviera Shores Coral Estates, Key Estates, and Ser-Deb Estates Subdivisions are located north of the airport, between the airport and Flagler Avenue. Subdivisions north of Flagler Avenue include, but are not limited to, Lime Grove and Coral Reef Estates. There are also low-density residential land uses west of the airport.

There are several high-density residential land uses (including condominiums, townhouses, and multi-family with 10 units or more) within the Detailed Study Area. Key West by the Sea Condominiums is located at 2601 South Roosevelt Boulevard, southwest of the airport. Las Salinas Condominiums (3930 Seaside Drive), Seaside Key West Residences (1 Seaside Drive), Salt Ponds Condominiums (3675 Seaside Drive), and Ocean Walk Apartments (3900 South Roosevelt Boulevard) are all located west of South Roosevelt Boulevard, northeast of the airport. Flagler Court Townhomes are located at 3075 Flagler Avenue, north of the airport between 12th Street and Kennedy Drive. Approximately 24 single-family attached homes (single-family dwellings that are attached to other units by common walls) are located in the 1400 block of 12th Street and Sun Terrace. The Housing Authority of the City of Key West operates a public housing community located in the 1200 block of 1st Street, between Fogarty Avenue and Vivian Lane, which is located in the northwest corner of the Detailed Study Area.

Five hotels/resorts are located on South Roosevelt Boulevard within the Detailed Study Area: Doubletree Grand Key Resort (3990 South Roosevelt Boulevard), Sunrise Suites Resort (3685 Seaside Drive), Hampton Inn (3755 South Roosevelt Boulevard), Hyatt Windward Pointe Resort (3675 South Roosevelt Boulevard), and Margaritaville Beach House Key West (2001 South Roosevelt Boulevard). Hotels and resorts are designated as transient lodging, which is considered a residential land use for part 150 purposes.

2.2.2 Community Facilities

Key West High School is located at 2100 Flagler Avenue, which is immediately west of the airport, adjacent to the extended centerline of Runway 09-27. Grace Lutheran School is located at 2713 Flagler Avenue, on the northwest corner of Flagler and 10th Street.

The following seven daycares are located within the Detailed Study Area: Grace Lutheran Daycare (2713 Flagler Avenue), Key West Preschool Cooperative (2610 Flagler Avenue), Zoll Family Daycare Home (2019 Flagler Avenue), Smallbone Family Day Care Home (2115 Flagler Avenue), Segura Family Day Care Home (3018 Flagler Avenue), Lamadrid Family Day Care Home (1524 5th Street), and Martinez Family Day Care Home (1921 Venetia Street).

The following four places of worship are located within the Detailed Study Area: Peace Covenant Presbyterian Church (2610 Flagler Avenue), Grace Lutheran Church (2713 Flagler Avenue), Iglesia De Dios Restauración (Restoration Church of God) (1316 5th Street), and Key West Church of Christ (1700 Von Phister Street).

Catholic Charities of the Archdiocese of Miami is a non-profit social service agency serving those most in need in south Florida. St. Bede's Village, located at 2700 Flagler Avenue, was dedicated on March 15,

2021. It consists of a complex of housing modules and staff office space and includes 37 units of affordable housing. An additional 10 units are planned to be built.

The Monroe Association for ReMARCable Citizens is a non-profit agency that serves adult clients within Monroe County who have developmental disabilities. A group home for six clients is located at 1722 Von Phister Street with 24 hour a day supervision to assist the clients with daily activities.

The following six health care facilities are located within the Detailed Study Area: Fresenius Kidney Care Dialysis Center (3214 Flagler Avenue), Key West Medical Center (2505 Flagler Avenue), TCM Chinese Medicine & Acupuncture (2027 Flagler Avenue), Island Dental (1721 Flagler Avenue), Key West Urgent Care (1501 Government Road), and Key West Cannabis Clinic (1805 Staples Avenue).

These community facilities are shown on [Figure 2.4](#).

2.2.3 Parks and Recreational Properties

Nine parks and/or recreational properties are within the Detailed Study Area. These facilities are shown on [Figure 2.4](#) and are described below.

Smathers Beach is located on the Atlantic Ocean along South Roosevelt Boulevard and is owned by the City of Key West. It offers a beach, swimming area, picnic area, jet ski rentals, beach volleyball nets, volleyball courts and restroom/shower facilities.

Riggs Wildlife Refuge/Bridle Path is located on South Roosevelt Boulevard, across the street from Smathers Beach, and is owned by the City of Key West. The Bridle Path was constructed as a tourist attraction and is comprised of a 1.2-mile sandy path that runs along the Salt Ponds. It is no longer continuous and is often used for parking by visitors to the nearby beach. In addition, there is an observation deck overlooking the Salt Ponds.

Little Hamaca City Park, located on the north side of the airport on Government Road, is part of a former coastal defense missile site. The Park is owned by the City of Key West and has boardwalks and mulched trails.

Fran Ford White-crowned Pigeon Preserve at Little Hamaca Park is an undeveloped conservation area owned by the City of Key West (associated with Little Hamaca City Park) established in 2003.

Pines Park is a small County-owned public park located on airport property at 3501 South Roosevelt Boulevard at the entrance to the airport. The Park has several concrete picnic tables and benches but does not have recreational equipment or offer scheduled activities.

The 11th Street Public Boat Ramp, owned by the City of Key West, has a public boat ramp and a paved area for car and trailer parking. The boat ramp provides access to the Riviera Canal. It is located along the Riviera Canal at 11th Street and Riviera Drive north of the airport.

Florida Keys Overseas Paddling Trail (FKOPT) is a Florida Department of Environmental Protection (FDEP)-managed recreational paddling trail in the Atlantic Ocean that extends approximately 100 miles along the east side of the Florida Keys from Key Largo to Key West. The FKOPT is Segment 15 of the Florida Circumnavigational Saltwater Paddling Trail. Near the airport, the FKOPT is approximately 500 to 900 feet south of the shoreline.

Florida Keys Overseas Heritage Trail (FKOHT) is an FDEP-managed recreational pathway that provides more than 90 miles of paved pathway segments that are part of a planned 106-mile corridor from Key Largo to Key West. Near the airport, the FKOHT runs between South Roosevelt Boulevard and the Atlantic Ocean.

Wickers Sports Complex is a recreational area owned by the City of Key West located at the northeast corner of Flagler Avenue and Kennedy Drive. It is comprised of a softball field and a football field with games occurring throughout the year.

Blake Fernandez Skate Park is a modern 7,500 square foot facility owned by the City of Key West that includes open space for skateboards and in-line skates, as well as the following structures: grind rails, half and quarter pipes, jump boxes, and ramps. It is located at the corner of Flagler Avenue and 14th Street.

2.2.4 Historical Resources

A historical resources survey was conducted for the recently completed Environmental Assessment (*Cultural Resources Assessment Survey for the Key West International Airport Improvements*, Janus Research, June 2020, SHPO/FDHR Project File Number 2020-1109). Additional references, including documents and site file forms, obtained from the Florida Master Site File (FMSF) in Tallahassee, were consulted including *Cultural Resources Desktop Analysis and Reconnaissance of SR A1A/S Roosevelt Boulevard from Bertha Street to the East End of Smathers Beach in the City of Key West, Monroe County, Florida* (FMSF Manuscript No. 22767), *Key West Historic Resources Survey 2011, City of Key West Planning Department, Key West, Monroe County, Florida*, (FMSF Manuscript No. 19527), *A Cultural Resource Assessment Survey for North Roosevelt (SR5) and South Roosevelt (SR A1A) Boulevard from Jose Marti Street/Eisenhower Drive to Bertha Street in Monroe County, Florida* (FMSF Manuscript No. 5922), *An Architectural Inventory Naval Air Station Key West* (FMSF Manuscript No. 6771), *Site File form for Meacham Field/Key West Airport (8MO1888)*, and *Historic Resources Survey of Key West, Monroe County, Florida*. (FMSF Manuscript No. 11157).

The FMSF background search identified a total of 489 previously recorded historical resources within the Detailed Study Area and they are shown on [Figure 2.5](#). These include five resources within the boundaries of the Key West International Airport property: Meacham Field / Key West Airport (8MO1888), East Martello Tower (8MO211), East Martello Battery (8MO1877), Bravo Hawk Missile Site (8MO3611), and Driver's License Office (8MO2701). There are no National Register-listed historical districts within the Detailed Study Area.

In 1927, landowner Malcom Meacham leased acreage to Pan American World Airways for the construction of an airfield at the southeastern side of the island. A short dirt runway and hangar, known as Meacham Field, were constructed. Pan American operations at Meacham Field ceased in 1928 when the company relocated its headquarters to Miami. Between 1929 and 1941, the airstrip was used for private flights. Shortly after the Japanese attack at Pearl Harbor, the US Army constructed two paved runways. In late 1942, control of the field was assumed by the Navy, at which point it became a base for lighter-than-air craft (LTA), or blimps, which were used for coastal patrols. Local government took control of the airstrip in the 1950s, the runways were realigned and lengthened, and in 1957 a passenger terminal was constructed. Meacham Field was then renamed Key West International Airport. Because the historic elements of Meacham Field, including the original footprint of the runways and blimp pads, have been highly altered or

destroyed, the State Historic Preservation Officer (SHPO) determined that Meacham Field (8MO1888) is not eligible for listing in the NRHP on May 25, 2007.

The East Martello Tower is located at 3501 South Roosevelt Boulevard near the entrance to the airport. The East Martello Tower was originally constructed in the 1860s as a defense tower during the Civil War. However, construction was not completed, as this type of defense was proven obsolete before the end of the War. In 1950, the East Martello Tower was converted into an art and historical museum. The East Martello Tower (8MO211) was listed in the NRHP on June 19, 1972. The Tower is a publicly owned historical resource and is located on EYW property. The parcel containing the Tower is leased from the County by the Key West Art and Historical Society. Currently, the East Martello Tower houses a museum containing local artifacts, historical records, and military memorabilia.

The East Martello Battery and the Bravo Hawk Missile Site were recorded in 1995 by the U.S. Army Corps of Engineers as part of *An Architectural Inventory Naval Air Station Key West, Key West, Florida* (FMSF Manuscript No. 6771). This report dated the East Martello Battery (8MO1877) to the 1940s during the World War II period of significance for Naval Air Station Key West, however the Florida Master Site File (FMSF) form for the resource lists a year-built date of 1966. The East Martello Battery (8MO1877) was considered eligible for listing in the NRHP for its association with World War II defense systems in Key West. However, it has not been evaluated by the SHPO and no determination has been made regarding its National Register eligibility. The SHPO determined that the Bravo Hawk Missile Site (8MO3611) was ineligible for listing in the NRHP on June 29, 1995.

The Driver's License Office was recorded by Janus Research in 1997 as part of the *A Cultural Resource Assessment Survey for North Roosevelt (SR 5) and South Roosevelt (SR A1A) Boulevard from Jose Marti Street/Eisenhower Drive to Bertha Street in Monroe County, Florida* (FMSF Manuscript No. 5922). The SHPO determined that the Driver's License Office (8MO2701) was ineligible for listing in the NRHP on November 17, 1998. The building, located at 3439 South Roosevelt Boulevard, is currently in use as a Greyhound Bus Station.

A total of 484 previously recorded historical resources are located within the Detailed Study Area outside of the EYW property. A total of 480 of these 484 previously recorded historical resources have been determined ineligible for listing in the NRHP (439), or insufficient information was available to determine eligibility (41).

There are four previously recorded historical resources located within the Detailed Study Area outside of the Key West International Airport property that were considered eligible for listing in the NRHP but have not been evaluated by the SHPO. All are private residences. They are located as follows:

1. 1414 5th Street (MO04564)
2. 1528 12th Street (MO04581)
3. 2103 Flagler Avenue (MO04925)
4. 2106 Seidenberg Avenue (MO05753)

It should be noted that the private residence located at 2103 Flagler Avenue participated in the airport's Noise Insulation Program in 2006. Windows and doors were replaced, and hurricane shutters were

installed. These feature modifications which result in loss of integrity may result in the structure being ineligible for listing in the NRHP

2.3 FUTURE LAND USE

The City of Key West's Future Land Use Map (Map FLU-1, City of Key West – 2030 Future Land Use Map, (Ord. No. 17-14, Exh. A, 10-17-2017; Ord. No. 21-05 § 2, 2-18—2021)), which is included in their Comprehensive Plan, City of Key West, Florida (Codified through Ordinance No. 21-05, enacted February 18, 2021 (Supp. No. 2)), is shown on [Figure 2.6](#). According to the Comprehensive Plan, Objective 1-1.1, the Future Land Use Map depicts the City's vision for its future development through the provision and location of specific future land use districts. All development and redevelopment in the City shall be in accordance with the Map, as it may be amended from time to time. Policy 1-1.1.1, states that the Future Land Use Map shall contain an adequate supply of land in each district to meet the demands of the existing and future population, and the City shall ensure that infrastructure and services are or will be made available to meet the needs of this projected population.

2.4 DEMOGRAPHICS

Demographics data was compiled for Key West, Monroe County, the State of Florida, and the United States. As indicated in [Table 2.1](#), the population of Monroe County decreased by approximately 0.258 percent from 1990 to 2020, while the population of Key West increased by approximately 0.155 percent during the same period. The forecast for the next 10 years predicts a 2.057-percent increase in Monroe County's population. Data was not available for predicted population in Key West.

**TABLE 2.1
HISTORICAL AND ANTICIPATED FUTURE POPULATION LEVELS**

YEAR	U.S. POPULATION	FLORIDA POPULATION	MONROE COUNTY POPULATION	KEY WEST POPULATION
1990	248,709,873 ¹	12,938,071 ⁵	78,024 ⁵	24,832 ⁷
2000	281,421,906 ²	15,982,824 ⁵	79,589 ⁵	25,478 ⁸
2010	308,745,538 ³	18,802,847 ⁶	73,090 ⁵	24,649 ⁸
2020	332,639,000 ⁴	21,596,068 ⁶	77,823 ⁵	24,868 ⁵
2025	344,234,000 ⁴	23,138,553 ⁶	78,799 ⁶	NA
2030	355,101,000 ⁴	24,419,127 ⁶	79,424 ⁶	NA

Sources:

¹ [U.S. Department of Commerce. Census Bureau, 1990 Census of Population, General Population Characteristics, United States, 1990 CP-1-1, 1992.](#)

² [U.S. Department of Commerce. Census Bureau, U.S. Summary: 2000, Census 2000 Profile, C2KPROF/00-US, 2002](#)

³ [U.S. Department of Commerce. Census Bureau, United States Summary: 2010, Population and Housing Unit Counts, 2010 Census of Population and Housing, CPH-2-1, 2012](#)

⁴ [U.S. Department of Commerce. Census Bureau, 2017 National Population Projections Tables](#)

⁵ [Bureau of Economic and Business Research, Florida Population Studies. Florida Estimates of Population 2020, April 2020.](#)

⁶ [Bureau of Economic and Business Research, BEBR Bulletin 190, June 2021.](#)

⁷ [U.S. Department of Commerce. 1990 Census of Population, General Population Characteristics, Florida, Section 1 of 2. 1990 CP-1-11](#)

⁸ [Bureau of Economic and Business Research. Florida Population: Census Summary 2010, April 2011.](#)

Prepared by: Deborah Murphy Lagos & Associates

The Bureau of Economic and Business Research (BEBR) at the University of Florida produces population estimates for Florida and each of its cities and counties using the housing unit method. This is the most commonly used method for making local population estimates in the United States. BEBR defines households as housing units occupied by permanent residents. BEBR estimated that there were 35,320 households in Monroe County on April 1, 2020, with an average household size of 2.14. The estimates of households and average household size were produced prior to the release of Census 2020.

QuickFacts is a United States Census Bureau application that provides tables, maps, and charts of statistics from many censuses, surveys, and programs. QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.






The QuickFacts definition indicates a household includes all the persons who occupy a housing unit as their usual place of residence. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building, and which have direct access from outside the building or through a common hall. The



occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (People not living in households are classified as living in group quarters.)

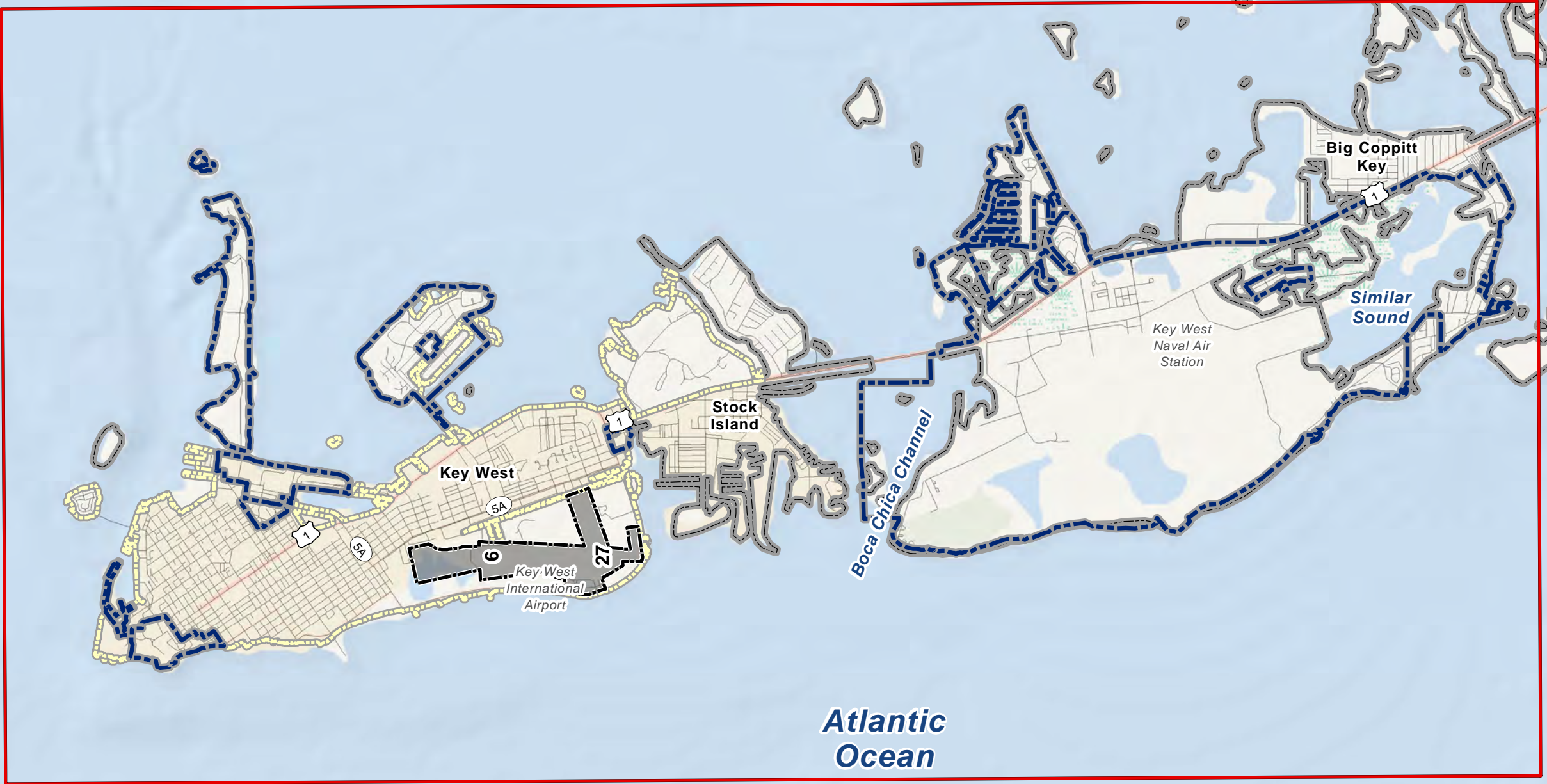
Persons per household, or average household size, is obtained by dividing the number of persons in households by the number of households (or householders). The QuickFacts source of information for households and persons per household is the U.S. Census Bureau, American Community Survey (ACS), 5-Year Estimates. The Survey is updated every year.

Data was retrieved for the Key West city, Florida. QuickFacts estimated that between 2015 and 2019 there were 10,501 households in Key West, with an average household size of 2.25. The land area is 5.59 square miles, and the population per square mile in 2010 was 4,411.8.

LEGEND

-  General Study Area
-  City of Key West Boundary
-  EYW Boundary
-  Monroe County Boundary
-  NAS Key West Boundary



Gulf of Mexico

Atlantic Ocean





**GENERAL STUDY AREA AND
MUNICIPAL JURISDICTIONS**


**FIGURE
2.1
Page 13**

Path: C:\Users\edgar_001\Dropbox\Deborah Murphy Lagos & Associates, LLC\Projects\Key West - NEM Update\maps\Figures\Figure 2-1 General Study Area and Municipal Jurisdictions.mxd, Date Saved: 8/20/2022 8:25:06 PM

Sources: Deborah Murphy Lagos & Associates, LLC, July 2021 (General Study Area); Martinez Geospatial, Basemap Planimetrics, November 2016 (Airport Property Line); Tiger/Line, June 2019 (NAS Key West Boundary); Monroe County, August 2017 (City of Key West Boundary); Monroe County, February 2020 (Monroe County Boundary)

LEGEND

-  Detailed Study Area
-  EYW Boundary
-  City of Key West Boundary
-  Monroe County Boundary



0 0.25 Miles

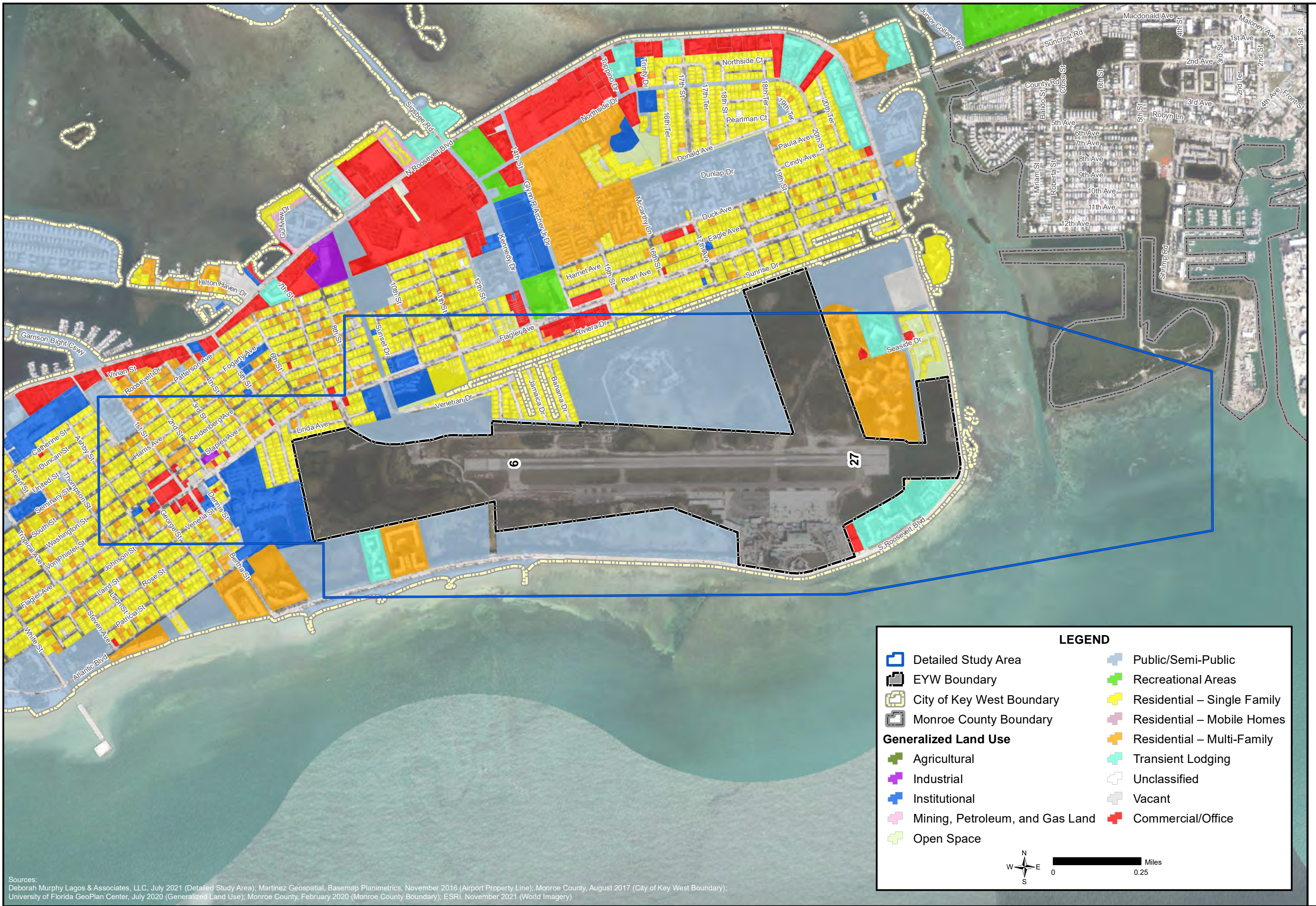


DETAILED STUDY AREA

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Sources:
Deborah Murphy Lagos & Associates, LLC, July 2021 (Detailed Study Area); Martinez Geospatial, Basemap Planimetrics, November 2016 (Airport Property Line); Monroe County, August 2017 (City of Key West Boundary); Monroe County, February 2020 (Monroe County Boundary); ESRI, November 2021 (World Imagery)

Path: C:\Users\edgar_0001\Dropbox\Deborah Murphy Lagos & Associates, LLC\Projects\Key West - NEM Update\maps\Figures\Figure 2-3 Existing Land Use.mxd, Date Saved: 8/20/2022 4:51:46 PM



Sources:
 Deborah Murphy Lagos & Associates, LLC, July 2021 (Detailed Study Area); Martinez Geospatial, Basemap Planimetrics, November 2016 (Airport Property Line); Monroe County, August 2017 (City of Key West Boundary);
 University of Florida GeoPlan Center, July 2020 (Generalized Land Use); Monroe County, February 2020 (Monroe County Boundary); ESRI, November 2021 (World Imagery)

LEGEND

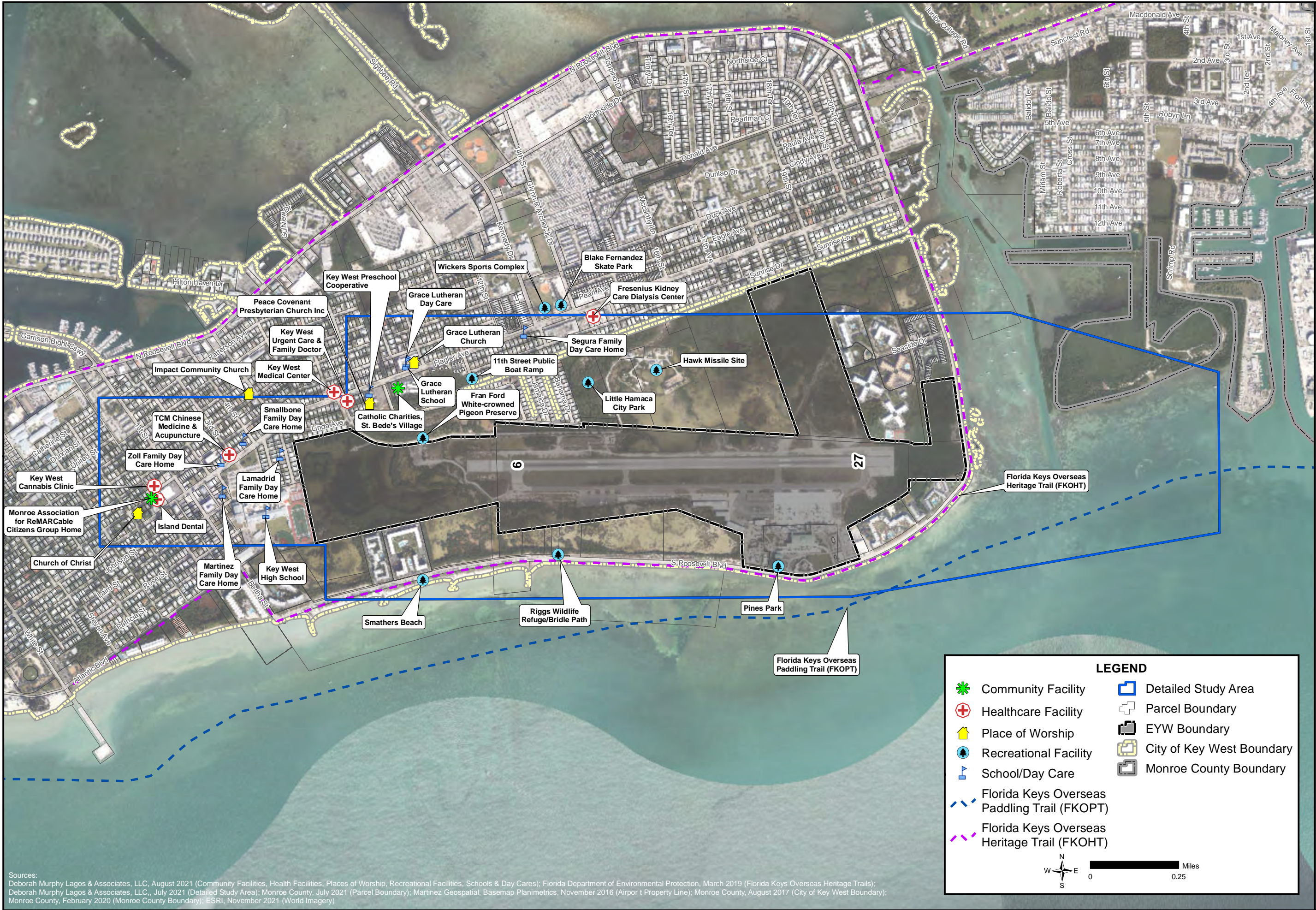
Detailed Study Area	Public/Semi-Public
EYW Boundary	Recreational Areas
City of Key West Boundary	Residential – Single Family
Monroe County Boundary	Residential – Mobile Homes
Generalized Land Use	Residential – Multi-Family
Agricultural	Transient Lodging
Industrial	Unclassified
Institutional	Vacant
Mining, Petroleum, and Gas Land	Commercial/Office
Open Space	

0 0.25 Miles

EXISTING LAND USE

FIGURE
 2.3
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Path: C:\Users\dale_e\OneDrive\Dropbox\Deborah Murphy Lagos & Associates, LLC\Projects\Key West - NEM Update\maps\Figures\Figure 2.4 Community and Recreational Facilities.mxd, Date Saved: 8/20/2022 4:57:04 PM



Sources:
 Deborah Murphy Lagos & Associates, LLC, August 2021 (Community Facilities, Health Facilities, Places of Worship, Recreational Facilities, Schools & Day Cares); Florida Department of Environmental Protection, March 2019 (Florida Keys Overseas Heritage Trails);
 Deborah Murphy Lagos & Associates, LLC., July 2021 (Detailed Study Area); Monroe County, July 2021 (Parcel Boundary); Martinez Geospatial, Basemap Planimetrics, November 2016 (Airport Property Line); Monroe County, August 2017 (City of Key West Boundary);
 Monroe County, February 2020 (Monroe County Boundary); ESRI, November 2021 (World Imagery)

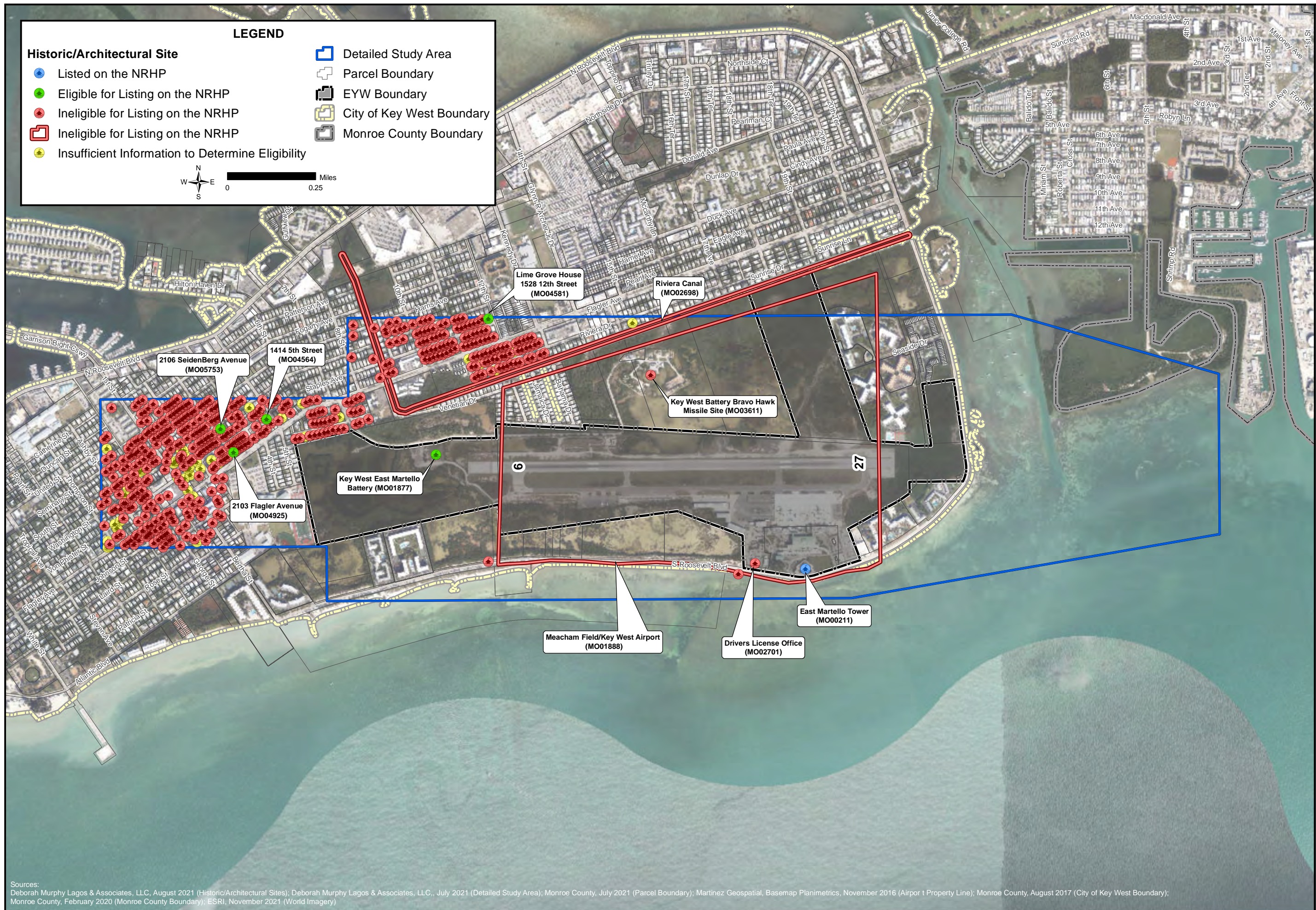
LEGEND

Community Facility	Detailed Study Area
Healthcare Facility	Parcel Boundary
Place of Worship	EYW Boundary
Recreational Facility	City of Key West Boundary
School/Day Care	Monroe County Boundary
Florida Keys Overseas Paddling Trail (FKOPT)	
Florida Keys Overseas Heritage Trail (FKOHT)	

0 0.25 Miles

COMMUNITY AND
 RECREATIONAL FACILITIES

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Sources: Deborah Murphy Lagos & Associates, LLC, August 2021 (Historic/Architectural Sites); Deborah Murphy Lagos & Associates, LLC., July 2021 (Detailed Study Area); Monroe County, July 2021 (Parcel Boundary); Martinez Geospatial, Basemap Planimetrics, November 2016 (Airport Property Line); Monroe County, August 2017 (City of Key West Boundary); Monroe County, February 2020 (Monroe County Boundary); ESRI, November 2021 (World Imagery)

HISTORICAL AND
ARCHITECTURAL RESOURCES

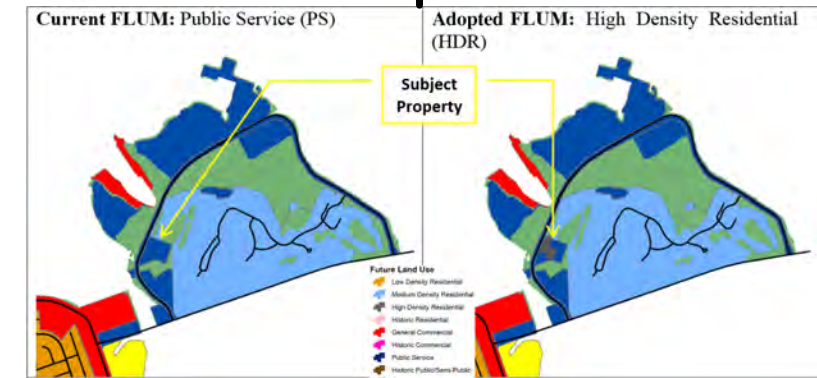
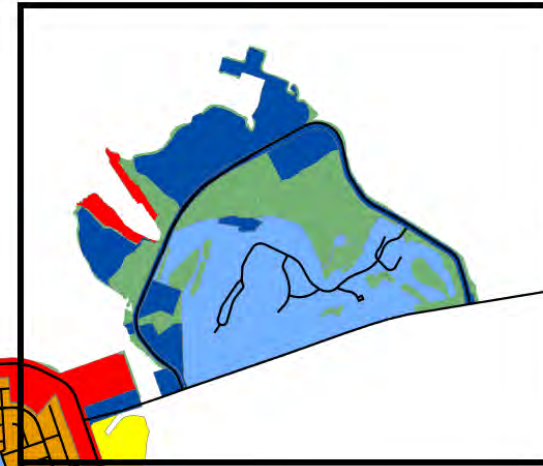
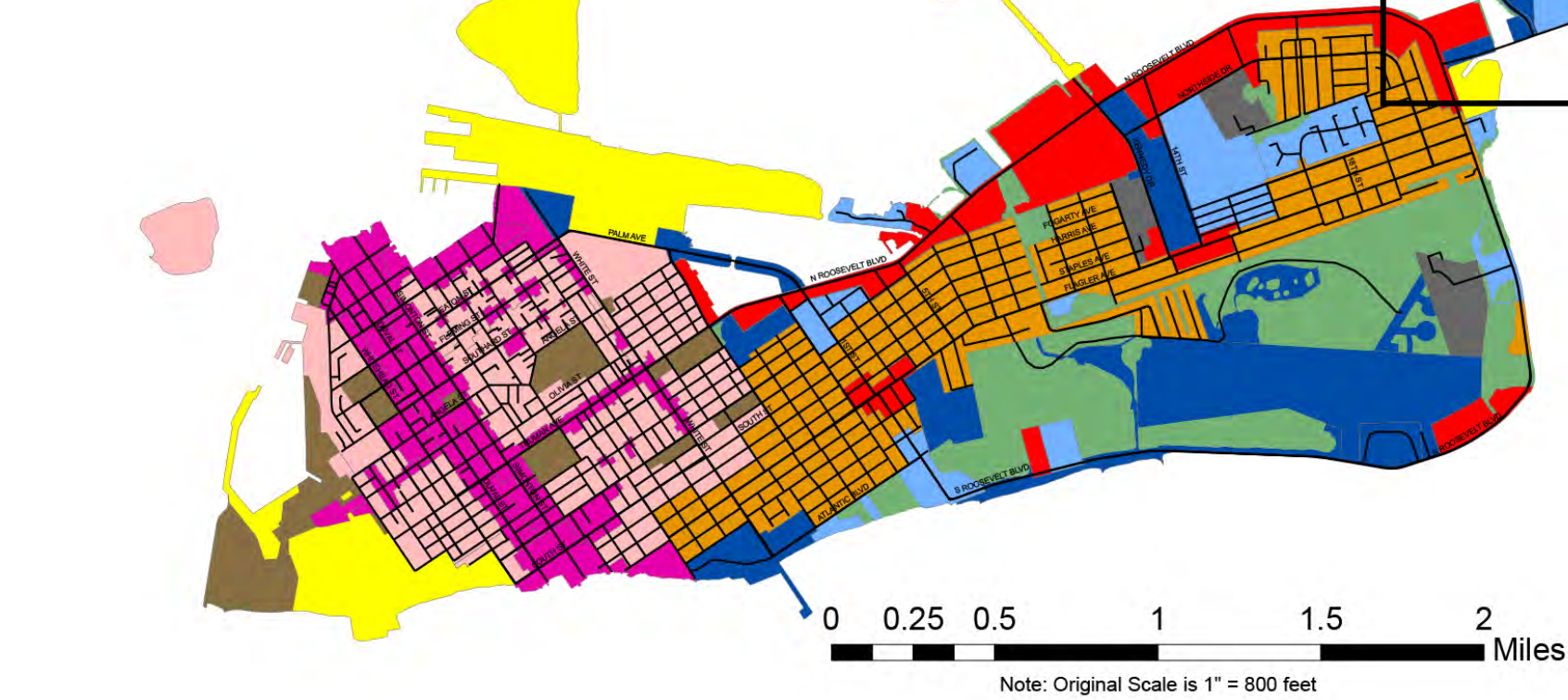
Path: C:\Users\stale_e\edgar\000\Dropbox\Deborah Murphy Lages & Associates, LLC\Projects\Key West - NEM Update\maps\Figures\Figure 2-6 City of Key West Future Land Use.mxd, Date Saved: 8/15/2022 8:11:46 PM

Legend

Future Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Historic Residential
- General Commercial
- Historic Commercial
- Public Service
- Historic Public/Semi-Public
- Conservation
- Military

Note: Rights-of-way are indicated on City Road Maps.



CITY OF KEY WEST FUTURE
LAND USE MAP

(Ord. No. 17-14, Exh. A, 10-17-2017; Ord. No. 21-05, § 2, 2-18-2021)

2.5 LAND USE CONTROLS

Land use planning and the adoption, administration, and enforcement of zoning regulations are an exclusive authority of Florida's local governments within each of their jurisdictions. This includes authority for airport-compatible land use planning. The FAA does not have the authority to exercise land use control in a local government's jurisdiction.

Airport-compatible land uses are defined as those uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or hazards (Transportation Research Board, Airport Cooperative Research Program, Report 27, *Enhancing Airport Land Use Compatibility*, Vol. 1, pg. 1.4).

Airport zoning regulations are intended to protect people on the ground and in the air. Noncompatible land uses around airports can adversely affect public safety and safe airport operations. The responsibility for protecting airports from noncompatible uses is shared between federal, state, and local governments. Each level of government has different regulatory and enforcement power: The federal government primarily has an advisory role, the state has a regulatory role, and the local government has an enforcement role. While the federal government may encourage certain land use restrictions, they ultimately do not have the power to enforce land use regulations. Florida state law grants such regulatory power to local governments. Therefore, it is critical that the federal government, state government, and local governments work together to promote compatible land uses near airports.

The Florida Department of Transportation (FDOT) prepared the *2020 Airport Airspace and Land Use Guidebook* to provide local government planners with the information necessary to adopt airport zoning regulations compliant with state law and federal regulations.

According to the Florida Department of Transportation's *2020 Airport Airspace and Land Use Guidebook* (page 7), the two main documents that provide guidance regarding compatible land uses near airports in Florida are:

1. Title 14 CFR, *Aeronautics and Space*, part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace* (part 77)
2. Title XXV, *Aviation*, Chapter 333, *Airport Zoning*, Florida Statutes (Chapter 333, FS).

The FAA also provides guidance on compatible land use specifically related to aircraft noise in part 150, *Airport Noise Compatibility Planning*, Appendix A, Table 1 as well as in Advisory Circular 150/5050-6, *Airport Land Use Compatibility Planning*.

The Federal Aviation Administration's (FAA's) primary guidance for the preservation and protection of national navigable airspace is part 77. Part 77, Subpart C establishes a series of "imaginary surfaces" around the runways at every airport. The primary function of these imaginary surfaces is to regulate obstructions to the navigable airspace surrounding airports.

In addition to promoting compatible land use through parts 77 and 150, the FAA also facilitates compatible uses and development by requiring airports to agree to special conditions when they accept FAA funding to complete projects such as runway extensions, navigational aids installations, and terminal improvements. These conditions are called grant assurances. Some grant assurances specifically relate to compatible land use issues, including obstructions and hazards to airport navigation, airport noise, wildlife

and bird hazard attractants, and protection of persons and property on the ground. The State of Florida has the authority to implement laws and rules for the operation and regulation of its airports. Florida accomplishes this through Chapter 333, FS, which establishes zoning requirements for each municipality that has an airport hazard area within its jurisdiction. Chapter 333, FS, was amended in 2016 (effective July 1, 2016) and details how comprehensive plan policies or a zoning ordinance must address the state's airport zoning regulations.

The local governmental authority is responsible for adopting, administering, and enforcing airport zoning regulations as mandated by state law. Effective coordination between local government officials and airport sponsors is vital to properly codify, implement, and enforce airport zoning regulations required by Chapter 333, FS. Local enforcement of land use requirements is exercised through two primary sources:

1. Comprehensive Plan
2. Zoning Ordinances

There are multiple elements in a comprehensive plan required by Title XI, *County Organizations and Intergovernmental Relations*, Section 163.3177, FS. Airports are most frequently included and addressed in one or more of the following elements:

- Transportation element (Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.)
- Future land use element (The compatibility of uses on lands adjacent to an airport as defined in § 330.35 and consistent with § 333.02.)
- Intergovernmental coordination element
- Capital improvements element.

At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under § 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable Metropolitan Planning Organization (MPO) long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon

receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. (§ 163.3177 FS, Subsection (6) (b) which addresses the transportation element, #4.)

Airport zoning regulations must address the:

- Permitting process for obstructions (pursuant to § 333.03 (1)(c)1.-5.)
- Prohibition of landfills near airports (pursuant to § 333.03 (2)(a) and (b))
- Prohibition of certain land uses within noise contours surrounding airports (pursuant to § 333.03 (2)(c))
- Prohibition of certain land uses within runway protection zones (RPZs) (pursuant to § 333.03 (2)(e))
- Adoption of either an interlocal agreement or a joint airport protection zoning board with neighboring communities (pursuant to § 333.03 (1)(b)).

Existing comprehensive plans and zoning ordinances for the City of Key West and Monroe County have been reviewed to determine if either or both of these documents address airport zoning and land use requirements and if they meet the current state and federal requirements.

2.5.1 City of Key West

The City of Key West's Code of Ordinances was adopted by the City Commission on May 21, 2002, by Ordinance 02-14 and became effective June 10, 2002. Since that time, 80 supplements have been adopted. This Code constitutes a recodification of the land development, general and permanent ordinances of the City of Key West, Florida. Subpart B, *Land Development Regulations*, Chapter 122, *Zoning*, Article IV, *Districts*, Division 14, *Airport District (A)*, § 122-1046, *Intent*, (a) states, "The purpose and intent of the Airport District (A) is to provide a management framework for implementing comprehensive plan policies for the Key West International Airport which is designated "A" on the future land use map. All development proposed for Airport District (A) shall comply with the comprehensive plan and performance criteria in chapters 94, 102 and 106; articles I and III through IX of chapter 108; and chapters 110 and 114, as well as other applicable land development regulations."

The Future Land Use Map for the City of Key West is shown on **Figure 2.6**. EYW is shown as Public Service, while most of the adjacent land within the airport boundary is shown as conservation.

Airspace protection and compatible land use for public safety are addressed in Subpart B, *Land Development Regulations*, Chapter 122, *Zoning*, Article V, *Supplementary District Regulations*, Division 9, *Airport Restrictions*. § 122-1436, *Height Limitations*, states, "No structure shall be erected within the approach zones of an active runway on the Key West International Airport with a height in excess of those permitted by the Federal Aviation Administration or by the city commission. All structures shall comply with the city comprehensive plan and this division." § 122-1438 delineates airport zones and height limitations. § 122-1439 delineates airport land use restrictions.

The City of Key West's Adopted Comprehensive Plan is codified through Ordinance No. 19-38, enacted December 3, 2019. The City's Comprehensive Plan addresses airports in *Chapter 1: Future Land Use Element, §1-1: Future Land Use Goals, Objectives and Policies*, Policy 1-1.1.13: - *Airport Land Use Designation*, which states: The City shall continue to enforce performance criteria which require that land

use changes adjacent to the Key West International Airport do not encroach on to the airport hazard zone. Furthermore, land uses proposed within noise impact areas defined in the FAA noise control regulations shall comply with FAA guidelines for managing noise impacts through land use regulation. The City's Land Development Regulations shall continue to establish the permitted uses and applicable restrictions within the air operations area.

It appears that the City's Code of Ordinances does not include the following components as required by § 333.03 FS, *Requirement to adopt airport zoning regulations*:

- Requirement for a permit for the construction or alteration of any structure which may affect navigable airspace
- Requirement that each person applying for a permit for the construction or alteration of any structure which may affect navigable airspace must provide documentation they have filed a *Notice of Proposed Construction or Alteration (FAA Form 7460-1)* with the FAA and received a valid aeronautical study from the FAA
- Requirement for consideration of the criteria in s. § 333.025 (6), when determining whether to issue or deny a permit
- Requirement that the approval of a permit not be based solely on the determination by the FAA that the proposed structure is not an airport hazard
- Regulations must, at a minimum, address the prohibition of new landfills and the restriction of existing landfills within the specified areas
- Prohibition of noncompatible land uses within the noise contours established by the 14 CFR part 150 study for Key West International Airport
- Restriction of new noncompatible uses, activities, or substantial modifications to existing noncompatible uses within Runway Protection Zones.

2.5.2 County of Monroe

The *Monroe County Year 2030 Comprehensive Plan*, as amended, revised and restated in its entirety, was adopted by the Board of County Commissioners on April 13, 2016, by Ordinance 005-2016, and became effective on June 20, 2016. Since that time, six Supplements have been adopted. The Policy document states, "Monroe County shall provide aviation facilities in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the comprehensive plan, including exercising its planning and land use authorities on County-owned airport properties within incorporated areas of the County" (Goal 501). "Airports and airstrips shall operate in the manner to maximize safety and least adverse impact on the community." (Objective 501.3)

Airspace protection is addressed in Policies 501.1.2, 501.1.3, and 501.1.7 of the *Comprehensive Plan*. "Monroe County shall continue to prohibit structures and activities that interfere with the operation of aircraft at airports and airstrips whether public or private. Such structures and activities include but are not limited to tall structures, smoke, tall trees, and electromagnetic radiation." "Monroe County shall consider adopting an ordinance regulating incompatible uses such as the operation of ultralights, balloons, parachutes, kites, banner towing, model airplanes and similar activities within the proximity of the public airports or private

airstrips to the extent legally possible.” The EYW Airspace Plan is incorporated by reference and shown on Figure 6-2 in the *Monroe County 2030 Comprehensive Plan Technical Document dated May 2011*.

Airport noise compatible land use is addressed in Policy 501.3.2 of the *Comprehensive Plan*, and states “Monroe County shall maintain and update the Key West International and Marathon Noise Exposure Maps and implement measures to minimize the adverse impacts of noise on the surrounding community.”

Public safety compatible land use is addressed in Policies 501.1.1 and 501.1.4 of the *Comprehensive Plan*. “Monroe County shall maintain aviation related land uses adjacent to the public airports and additionally prohibit intrusion into all airport zones.” “Monroe County shall continue to include existing airports and airstrips in airport land use districts that only permit airport related land uses including those the County owns and operates within incorporated areas of the County.”

The *Monroe County Year 2030 Comprehensive Plan* addresses intergovernmental coordination in Policy 1301.1.5. “Monroe County shall coordinate with the Community Services, Public Works and Planning offices of each municipality within Monroe County regarding the following fourteen topics:

1. Land Use/Development Impact Review
2. Transportation Management
3. Affordable Housing
4. Public Facilities
5. Public Safety
6. Solid Waste (to include recycling)
7. Recreation and Open Space
8. Potable Water
9. Drainage
10. Natural Groundwater Aquifer Recharge
11. Conservation
12. Coastal Management
13. Permit Allocation
14. Hurricane Evacuation and Recovery.”

The *Monroe County Code of Ordinances*, Supplement 23 Update 3, codified through Ordinance No. 018-2021, was adopted June 16, 2021. Airspace protection is addressed in Chapter 130, *Land Use Districts*, § 130-75, *Airport District (AD)*, §§ 130-75 (d), *Airport Height Overlay Zones and Restrictions*.

Based on a review of the County’s Code of Ordinances, it appears that the following components as required by § 333.03 FS, *Requirement to adopt airport zoning regulations*, are not included:

- Requirement for a permit for the construction or alteration of any structure which may affect navigable airspace;
- Requirement that each person applying for a permit for the construction or alteration of any structure which may affect navigable airspace must provide documentation they have filed a

Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the FAA and received a valid aeronautical study from the FAA;

- Requirement for consideration of the criteria in § 333.025 (6), when determining whether to issue or deny a permit
- Requirement that the approval of a permit not be based solely on the determination by the FAA that the proposed structure is not an airport hazard
- Regulations must, at a minimum, address the prohibition of new landfills and the restriction of existing landfills within the specified areas
- Prohibition of noncompatible land uses within the noise contours established by the 14 CFR part 150 study for Key West International Airport
- Restriction of new noncompatible uses, activities, or substantial modifications to existing noncompatible uses within Runway Protection Zones.

2.6 LAND USE COMPATIBILITY GUIDELINES

The FAA has guidelines regarding the compatibility of land uses with various DNL contour ranges (e.g., 65-70, 70-75, 75+). These guidelines are included in Title 14 CFR, *Aeronautics and Space*, part 150, *Airport Noise Compatibility Planning*, Appendix A, Table 1 (part 150 Table 1) and are shown in [Table 2-2](#). Currently, neither the City of Key West nor Monroe County have adopted stricter land use compatibility guidelines than those provided for in the part 150 regulations; therefore, the determination of compatible / incompatible land uses in the NEMs will be based on the part 150 Table 1 guidelines.

As [Table 2.2](#) indicates, all land uses are considered compatible with noise levels of less than DNL 65 dB. Noise-sensitive land uses, such as residences and schools, are considered noncompatible with noise levels of DNL 65 dB or greater unless otherwise determined by local guidelines. Where the community determines that residential or school uses must be allowed at DNL levels greater than 65 dB, acoustical treatments designed to achieve indoor levels of 45 dB or less should be incorporated into the structures. Other noise-sensitive land uses, such as churches, hospitals, and nursing homes, are considered generally compatible with noise levels of DNL 65 to 70 dB, provided that their structure is designed with, or contains, adequate measures to achieve reduction in noise levels (i.e., soundproofing). Land uses that are less sensitive to noise, such as office buildings, are considered compatible with noise levels of DNL 65 without sound insulation and up to DNL 75 dB with sound insulation.

The part 150 definition of noise-sensitive public buildings includes schools, hospitals, and health care facilities. Properties listed in, or eligible to be listed in, the NRHP are also considered noise sensitive.

TABLE 2.2
TITLE 14 CFR PART 150 LAND USE COMPATIBILITY GUIDELINES

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (DNL) IN DECIBELS						
	BELOW 65	65-70	70-75	75-80	85-90	OVER 85
<u>Residential</u>						
Residential (Other than mobile homes & transient lodges)	Y	N ¹	N ¹	N	N	N
Mobile Home Parks	Y	N	N	N	N	N
Transient Lodging	Y	N ¹	N ¹	N ¹	N	N
<u>Public Use</u>						
Schools	Y	N ¹	N ¹	N	N	N
Hospitals, Nursing Homes	Y	25	30	N	N	N
Churches, Auditoriums, Concert Halls	Y	25	30	N	N	N
Governmental Services	Y	Y	25	30	N	N
Transportation	Y	Y	Y ²	Y ³	Y ⁴	Y ⁴
Parking	Y	Y	Y ²	Y ³	Y ⁴	N
<u>Commercial Use</u>						
Offices, Business & Professional	Y	Y	25	30	N	N
Wholesale & Retail Building Mtls, Hardware & Farm Equipment	Y	Y	Y ²	Y ³	Y ⁴	N
Retail Trade - General	Y	Y	25	30	N	N
Utilities	Y	Y	Y ²	Y ³	Y ⁴	N
Communications	Y	Y	25	30	N	N
<u>Manufacturing & Production</u>						
Manufacturing, General	Y	Y	Y ²	Y ³	Y ⁴	N
Photographic and Optical	Y	Y	25	30	N	N
Agriculture (Except Livestock) & Forestry	Y	Y ⁶	Y ⁷	Y ⁸	Y ⁸	Y ⁸
Livestock Farming & Breeding	Y	Y ⁶	Y ⁷	N	N	N
Mining & Fishing, Resource Production & Extraction	Y	Y	Y	Y	Y	Y
<u>Recreational</u>						
Outdoor Sports Arenas, Spectator Sports	Y	Y ⁵	Y ⁵	N	N	N
Outdoor Music Shells, Amphitheaters	Y	N	N	N	N	N
Nature Exhibits & Zoos	Y	Y	N	N	N	N
Amusement, Parks, Resorts, Camps	Y	Y	Y	N	N	N
Golf Courses, Riding Stables, Water Recreation	Y	Y	25	30	N	N

Source: Title 14 CFR, *Aeronautics and Space*, part 150, *Airport Noise Compatibility Planning*, Appendix A, Table 1

NOTE: The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State or Local law. The responsibility for determining the acceptable and permissible land use remains with the local authorities. FAA determinations under part 150 are not intended to substitute federally determined land use for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise-compatible land uses.

TABLE 2.2 (CONTINUED)
TITLE 14 CFR PART 150 LAND USE COMPATIBILITY GUIDELINES

KEY TO TABLE:

SLUCM	Standard Land Use Coding Manual.
Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into design and construction of the structure.
25, 30 or 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 must be incorporated in design and construction of structure.

¹ Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor NLR of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assumes mechanical ventilation and closed windows year-round. However, the use of NLR criteria will not eliminate outdoor noise problems.

² Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

³ Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

⁴ Measures to achieve NLR of 35 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

⁵ Land use compatible provided special sound reinforcement systems are installed.

⁶ Residential buildings require a NLR of 25.

⁷ Residential buildings require a NLR of 30.

⁸ Residential buildings not permitted.

 Noncompatible land uses