

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: January 7, 2025

SUBJECT: Helicopter Landings in the Town

Background: There have been recent inquiries from property owners and/or potential purchasers of property within the Town as to whether helicopters are permitted to land on properties within the Town. The Town does not have any specific regulations with respect to helicopters landing, taking off, or being stored in the Town. The Town has informally approved emergency landings for trauma hawk and sheriff's helicopters at the Sod Farm property and the owners of that property will allow such landings and take offs, but there was no formal application or review approving that activity. The Federal Aviation Administration (FAA) does not prohibit landings in open areas deemed safe by pilots of helicopters so it is not unusual for polo fields or golf courses or other similarly open areas to occasionally allow helicopter landings and takeoffs with the owner's consent from such properties.

The Florida Department of Transportation has the authority in conjunction with the FAA to regulate private and public airports in the State of Florida. All airports including helipads and heliports are required to get site approval from the state. The governing statutes and regulations are found in Chapter 330 F.S. and Chapter 14-60 Florida Administrative Code.

From a technical standpoint, landings and take offs other than on an emergency basis should not occur from a location that does not have FDOT approval. Staff contacted David Roberts the State Aviation Manager with FDOT and he confirmed that under state regulations a site that allows even one non-emergency landing is subject to site approval by the state.

Part of FDOT's site approval process for private airports (which includes helipads and heliports) includes a zoning compliance report. The Town's ULDC states that if a use is not listed as a permitted or conditional/special exception use it is not permitted. Generally, a helipad or heliport would be considered a use and regular landings would not be permitted. The question that arises is whether occasional or intermittent landings would be considered a use and therefore prohibited. Based on the state's position that all landing areas, even if intermittent or occasional, require site approval, it is recommended that such occasional or intermittent landings and takeoffs, be

considered a use. If it is considered a use of land and prohibited the landing would be subject to code enforcement matter and subject to the code enforcement process. The difficulty in enforcing the code against intermittent or occasional landings are obvious, given the limited time and speed in which landings and takeoffs can take place, having a code enforcement officer in the vicinity to view the takeoff and/or landing is unlikely. Enforcement would then require the cooperation and testimony of property owners who actually witnessed the activity.

Neighboring jurisdictions have mixed regulations on the subject. Royal Palm Beach had a regulation relating to airports and helipads until 1989, but no longer addresses the subject in their land development regulations. They, as most jurisdictions take the position that if some use is not permitted it is prohibited. Wellington has a provision in its code that allows up to 18 landings and takeoffs from a site during a year on properties in their EOZD area or on properties 60 acres or larger in size. The County allows helipads as set forth in 4.B.8.C.2 "Heliport or Vertiport". (A copy of the relevant section is attached). Of particular relevance in comparing County allowance to circumstances in Loxahatchee Groves are that on agriculturally classified use properties containing a minimum of 10 acres a heliport is permitted by right and as an accessory use to Single Family on properties zoned AR a heliport is permitted subject to a class A conditional use application.

At this time the Town's position would be that helicopter landings and takeoffs are not permitted under the zoning code. If the Council wishes to allow such use, it would be subject to FDOT site approval as well as any zoning regulations the Council determined were appropriate and necessary.

Direction is sought on whether the Town Council wishes to permit helicopters and under what circumstances in general and whether the specific use at the Sod Farm property should be addressed, at least with confirmation of approval of the site by FDOT.

Recommendation: Council discussion and direction.