

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 14, 2018

☒

Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: The Interlocal Agreement with the City of Belle Glade regarding airport zoning regulations.


**Summary:** This Interlocal Agreement with the City of Belle Glade allows for the adoption of consistent airport zoning ordinances regulating certain land development activity in the vicinity of Belle Glade State Municipal Airport, pursuant to Chapter 333 of the Florida Statutes. Countywide (LB)

**Background and Justification:** The Florida Legislature recently amended Florida Statutes Chapter 333, which now requires every political subdivision having an airport hazard area (any area where an airport hazard/obstruction might be established) within its territorial limits to adopt, administer, and enforce local airport zoning regulations. The law also requires affected governments to utilize a common set of airport zoning regulations, and adopt interlocal agreements to insure coordinated application of these laws.

In order to abide by the recent changes to the Florida Statutes, the County adopted amendments to its airport zoning regulations to reflect the changes in state law. As such, the County has reached out to the affected municipalities in an effort to encourage them to adopt the appropriate portions of the County’s airport zoning regulations and enter into an interlocal agreement with the County to meet the new statutory requirements. This Interlocal Agreement is the third of several which will be entered into to meet the new requirements.

Attachments:


- 1. Interlocal Agreement with the City of Belle Glade – 3 originals
- 2. Resolution No. 2018-3415 of the City of Belle Glade
- 3. Ordinance No. 18-01 of the City of Belle Glade

Recommended By: 

Department Director

7/12/18

Date

Approved By: 

County Administrator

8/8/18

Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Operating Costs	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
External Revenues (Grants)	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Program Income (County)	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
In-Kind Match (County)	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
NET FISCAL IMPACT	<u>          *          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

Is Item Included in Current Budget? Yes        No   X    
Does this item include the use of federal funds? Yes        No   X  

Budget Account No: Fund        Department        Unit        Object         
Reporting Category                                 

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\*There is no Fiscal Impact for this item.

C. Departmental Fiscal Review:           CM Sumner          

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

          Lisa Poma           7/23/18  
OFMB                      7/23/18

          A. S. Jacobson           8/31/18  
Contract Dev. and Control

**B. Legal Sufficiency:**

          [Signature]            
Assistant County Attorney

**C. Other Department Review:**

    
Department Director

**INTERLOCAL AGREEMENT  
BETWEEN PALM BEACH COUNTY  
AND THE CITY OF BELLE GLADE  
REGARDING AIRPORT ZONING REGULATIONS**

This **INTERLOCAL AGREEMENT** is made and entered between the CITY OF BELLE GLADE, Florida, (hereafter the “City”) and PALM BEACH COUNTY, Florida, (hereafter, the “County”) (jointly, the “parties hereto”), this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

WHEREAS, Section 163.01, Florida Statutes, authorizes local governments to enter into interlocal agreements providing for the joint exercise of any power, privilege or authority which the public agencies involved share in common and which each might exercise separately; and

WHEREAS, pursuant to Section 333.03(1)(a), Florida Statutes, the City has adopted airport zoning ordinances regulating certain land development activity at and in the vicinity of the Belle Glade State Municipal Airport (hereinafter “City Airport”), and it desires to administer and enforce the regulations in a coordinated manner with the County as set forth in this Interlocal Agreement (hereinafter “Agreement”); and

WHEREAS, the City and the County are required by Section 333.03(1)(b), Florida Statutes, to either: 1) enter into an interlocal agreement in accordance with Section 333.03(1)(b)(1), Florida Statutes, or 2) by ordinance or resolution create a joint airport zoning board pursuant to Section 333.03(1)(b)(2), Florida Statutes; and

WHEREAS, the City and the County have determined that the requirements of Section 333.03(1)(b), Florida Statutes, can best be met by entering into this Agreement.

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises as contained herein, the sufficiency of which are hereby acknowledged, the City and the County agree as follows:

1. Maintenance and Enforcement of Zoning Regulations – The City and the County shall enforce their airport zoning regulations as they now exist, or as they may be hereafter amended or established from time to time, within their respective jurisdictional boundaries. The City and the County shall assure compliance with the minimum requirements set forth in Section 333.03(1)(c), Florida Statutes, and make clear their intent to prevent encroachment into the City Airport operational area or the FAA, Title 14, CFR, Part 77, airspace surfaces.
2. Notification Provided to the City:– The County shall, in writing, notify the City of each and every one of the following:
  - A. Amendments – Any proposed amendment to the County’s Land Development Code or Comprehensive Plan that may directly or indirectly affect any property within the airport surfaces and zones as depicted in the City’s airport zoning regulations, or the Airport Hazard Area as defined in Section 333.01(4), Florida Statutes, shall be disclosed to the City no later than thirty (30) calendar days prior to the date set for the initial Local Planning Agency public hearing to consider such amendments.
  - B. Applications – Obstacle Hazards to Air Navigation – Any Application for development activity, including any building permit, development order, subdivision approval, rezoning, conditional use, comprehensive plan amendment, non-conforming petition,

- variance, or any other official action of the County that will have the effect of permitting the development or alteration of land or a structure (hereinafter, "Application") for any property owned or controlled by any petitioner required to provide notice or prevent a hazard defined by Section 333.025, Florida Statutes, and/or Title 14, CFR Parts 77.13, 77.17, 77.21, 77.23, 77.25, and 77.29, which include notice requirements and technical definitions for obstacles dangerous to air navigation, shall be disclosed to the City within ten (10) calendar days of the filing of such Application.
- C. Application – Noise Compatible Land Use – Any Application for development activity for any property within the zones as designated in the airport zoning regulations, including any building permit, development order, subdivision approval, rezoning, conditional use, comprehensive plan amendment, non-conforming petition, variance or any other action of the County which would have the effect of permitting development or alteration of land structure, shall be disclosed to the City within ten (10) calendar days of the filing of such Application.
  - D. Application – Education Facilities Near Airports – Any Application for a public or private educational facility, with the exception of an aviation school, within any area starting at any end of the City Airport runway, within an area contiguous to the City Airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline, shall be disclosed to the City within ten (10) calendar days of the filing of such Application.
  - E. Applications – Landfill – Any Application for a landfill as defined by s. 403.703, F.S., within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft, or outside the perimeters defined herein, but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19, shall be disclosed to the City within ten (10) calendar days of the filing of such Application.
  - F. Applications – Staff Discretion – Any Application for development activity that could reasonably be expected to have an impact on the City Airport shall be disclosed to the City within ten (10) calendar days of the filing of such Application. Applications expected to have an impact on the City Airport include, without limitation, any Application reflecting a potential hazard to air navigation or a potential land use that is incompatible with normal airport operations or endangers that public health, safety or welfare, and any Application for activities such as sanitary landfills, bird and other wildlife attractants, congregations of people, or emissions of light, smoke or other impairments to visibility, and landfills not otherwise prohibited by the airport zoning regulations.
  - G. Correspondence regarding the City Airport – When the County corresponds with the FAA or the FDOT regarding City Airport operations, including maintenance, planning, evaluation, reporting, permitting and/or construction at, or for, the City Airport which could reasonably be expected to affect the interests of the County, the County shall simultaneously provide the City with a copy of said correspondence.
3. City Comments – The City may provide comments on any Code or Plan amendment or Application for which notice provided as required in Section 2, above, within fourteen (14) calendar days of receipt of notice as to any building permit and within thirty (30) calendar days of receipt of notice as to all other Applications. The County must consider, but shall

not be bound by, all City comments before making its final decision regarding each such amendment or Application.

4. Notification Provided to the County – The City shall provide the following to the County:
  - A. Correspondence to and from FAA and FDOT – The City shall copy the County with all correspondence to and from the FAA and FDOT Aviation relating to operation, maintenance, planning, evaluation, reporting, permitting and/or construction at, or for, the City Airport which could reasonably be expected to affect the interests of the County.
  - B. Airport Master Plan -The City shall provide the County with copies of all correspondence concerning the Airport Master Plan and shall provide the County with copies of all Airport Master Plan or amendment drafts, upon request. The City shall provide copies to the County of the final version of any proposed amendments or updates to the Airport Master Plan pursuant to Section 333.06(4), Florida Statutes.
  - C. Change in Use, Activities or Operations – The City shall provide written notice to the County of any change in City Airport use, activities or operations which may reasonably be expected to have a material impact on County adjacent and nearby land uses. Such notice shall be in writing and provided at least ten (10) calendar days before the change is implemented.
5. Enforcement of Agreement – Each party hereto may enforce this Agreement by any legal means whatsoever. However, if there is a disagreement regarding the interpretation and or enforcement of the agreement, the parties, through their respective city manager and county administrator, agree to discuss and attempt to mediate the disagreement at least thirty (30) days before entering into a formal dispute process or filing legal action.
6. Recording and Filing – This Agreement (and all future amendments hereto, if any) shall be recorded in the Public Records of Palm Beach County, Florida.
7. Amendment– This Agreement may be amended from time to time, as deemed desirable or necessary, and shall be amended, to the extent required by law.
8. Term of Agreement and Termination – This Agreement shall be for a term of five (5) years and will be automatically renewed every five (5) years for additional five-year terms. Any objection by one party to renewal of this Agreement must be sent in writing to the other party at least ninety (90) days prior to the end of the term. This Agreement shall be terminated by mutual written agreement of both parties.
9. Governing Statutes – Chapter 333, Florida Statutes, Airport Zoning, and Title 14, CFR, Part 77, Objects Affecting Navigable Airspace, subparts A, B, and C shall be utilized to clarify ambiguities, if any, with regard to relevant aspects of the Agreement, including its scope use, obstruction standards and definitions. Future amendments to Chapter 333 or Part 77 may also be utilized to clarify ambiguities with respect to the interpretation of this Agreement.
10. Sovereign Immunity – The Parties agree that nothing contained herein is intended to, nor shall be construed as, a waiver of the County's or City's rights and immunities provided under Section 768.28, Florida Statutes, as may be amended from time to time.

11. Construction – The Parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any provision of this agreement.
12. Notice – Any official notice or correspondence, copy of correspondence, copy of Application, copy of Airport Master Plan and/or Airport Layout Plan amendment or update, copy of report, request for comment, or other written communication that is required by the terms of this Agreement by either the City or the County shall be provided to the following:

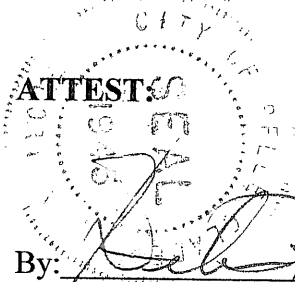
To the County:            Jerry L. Allen, AAE  
Deputy Director Palm Beach County Department of Airports  
846 Palm Beach International Airport  
West Palm Beach, FL 33406  
(561) 471-7400  
[jallen@pbia.org](mailto:jallen@pbia.org)

To the City:             Annette J. Parchment  
Director of Planning & Community Redevelopment  
Services  
City of Belle Glade  
110 Dr. Martin Luther King, Jr. Blvd., West  
Belle Glade, FL 33430  
(561) 992-1618  
[aparchment@belleglade-fl.com](mailto:aparchment@belleglade-fl.com)

13. Execution in Counterparts – This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.

SIGNATURES ON FOLLOWING PAGE(S)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and entered into as of the day and year written above.

ATTEST:  
  
By: Debra R. Buff  
Debra R. Buff, MMC, City Clerk

CITY OF BELLE GLADE, FLORIDA

By: Steve Wilson  
Steve Wilson, Mayor

ATTEST:

SHARON R. BOCK  
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Melissa McKinlay, Mayor

(SEAL)

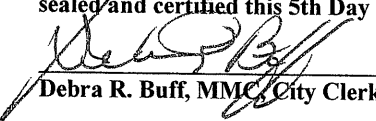
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By: \_\_\_\_\_  
County Attorney

By: Sam Bell  
Department of Airports

I, Debra R. Buff, City Clerk of the City of Belle Glade, Florida, do hereby certify this document is a true and correct copy of Resolution No. 2018-3415, relating to Interlocal Agreement with Palm Beach County regarding Airport Zoning Regulations, as adopted in Special Commission Meeting on June 4, 2018, on file in the Office of the City Clerk. Signed, sealed and certified this 5th Day of June, 2018.

  
Debra R. Buff, MMC, City Clerk

RESOLUTION NO. 2018-3415

SEAL

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, GRANTING APPROVAL TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, FLORIDA, REGARDING AIRPORT ZONING REGULATIONS; GRANTING AUTHORITY FOR THE MAYOR TO EXECUTE SAID AGREEMENT; DIRECTING THE CITY CLERK TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO PALM BEACH COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 163.01, Florida Statutes, authorizes local governments to enter into Interlocal agreements providing for the joint exercise of any power, privilege or authority which the public agencies involved share in common and which each might exercise separately; and

**WHEREAS**, pursuant to Section 333.03(1)(a), Florida Statutes, the City of Belle Glade (City) has adopted airport zoning ordinances regulating certain land development activity at and in the vicinity of the Belle Glade State Municipal Airport; and

**WHEREAS**, the City and Palm Beach County (County) are required by Section 333.03(1)(b), Florida Statutes, to either enter into an Interlocal agreement in accordance with Section 333.03(1)(b)(1), Florida Statutes, or, by Ordinance or Resolution, create a joint Airport Zoning Board pursuant to Section 333.03(1)(b)(2), Florida Statutes; and

**WHEREAS**, the City and the County have determined that the requirements of Section 333.03(1) (b), Florida Statutes, can best be met by entering into an Interlocal agreement which has been drafted by the parties.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Belle Glade, Florida, that:

**Section 1.** The City Commission of the City of Belle Glade, Florida, hereby grants approval to enter into the Interlocal Agreement with the County regarding airport zoning regulations.

**Section 2.** The Mayor is authorized to execute the Interlocal Agreement on the City's behalf.

**Section 3.** The City Clerk is hereby directed to send a copy of this Resolution and two original executed Interlocal Agreements to Palm Beach County for its execution, and thereafter to send the complete documents to the State of Florida for its records.

**Section 4.** That all Resolutions or parts of Resolution in conflict herewith, are repealed to the extent of such conflict.



**Section 5.** Should any section or provision of this Resolution or portion hereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Resolution.

**Section 6.** This Resolution shall become effective upon passage.

**DONE and RESOLVED** at <sup>Special</sup>~~Regular~~ Session of the City Commission of the City of Belle Glade, Florida, this 4th day of June, 2018.

	AYE	NAY	
Mayor Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Steve Wilson</u>
Vice Mayor Wilkerson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Larry Paul Wilkerson</u>
Commissioner Burroughs, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>[Signature]</u>
Commissioner Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>[Signature]</u>
Commissioner Underwood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Larry Underwood</u>

[MUNICIPAL SEAL]

Attest:

[Signature]  
Debra R. Buff, MMC City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

Not present  
Glen J. Torcivia, City Attorney

ORDINANCE NO. 18-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, AMENDING CHAPTER 31 "ZONING", ARTICLE III "SUPPLEMENTARY REGULATIONS", OF THE CITY CODE OF ORDINANCES BY CREATING SECTION 31-300, "AIRPORT OVERLAY ZONING DISTRICT REGULATIONS," TO FACILITATE COMPATIBILITY STANDARDS WITH AIRPORT OPERATIONS IN THE CITY OF BELLE GLADE AND TO MINIMIZE HAZARDS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Belle Glade, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Commission desires to amend its Code of Ordinances to create an overlay district to facilitate proper land use planning and zoning compatibility with airport operations in the City of Belle Glade as it relates to the Belle Glade State Municipal Airport (X10), to establish regulations to prevent or minimize the creation of hazards and the placement of inappropriate land uses in the vicinity of existing airports, and to ensure that future airports are not incompatible with existing land uses and structures; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission finds that the amendment to its Code is consistent with the City's Comprehensive Plan, will serve a public purpose, will promote the public health, safety and welfare of its citizens, and be in the best interests of the City of Belle Glade.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, THAT:

**Section 1.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Commission of the City of Belle Glade.

**Section 2.** Chapter 31 "Zoning", Article III, "Supplementary Regulations" is hereby amended by CREATING a new Section 31-300, "Airport Overlay Zoning District Regulations" as follows:

**Sec. 31-300. Airport Overlay Zoning District Regulations**

**(a) Purpose and Intent.**

The purpose of this overlay district is to facilitate proper land use planning and zoning compatibility with airport operations in the City of Belle Glade. Airports may produce noise levels that are not compatible with residential and educational uses and certain commercial and industrial uses. Hazards reduce the size of the area available for the landing, take off and

maneuvering of aircraft, which impairs the viability of the airport. In the interest of the public health, safety, and welfare it is appropriate to establish regulations to prevent or minimize the creation of hazards and the placement of inappropriate land uses in the vicinity of existing airports, and to ensure that future airports are not incompatible with existing land uses and structures.

The Airport Overlay Zoning District (AO) is comprised of two primary components based on the category of airport and adopted standards for noise compatibility. Additional standards may be required for those lands and uses located in proximity to the Belle Glade State Municipal Airport (X10) within the surfaces as defined below. Subsection (c) of these regulations generally applies to land use and noise considerations ("Noise") including the airport surfaces as defined herein. Additional standards and provisions in and around Belle Glade's Airport may be found in Federal Aviation Regulation (FAR) 14 C.F.R. part 77 and Chapter 333, Florida Statutes.

**(b) Definitions.**

- **Airport** – Belle Glade State Municipal Airport (X10).
- **Airport Elevation** - The highest point of the Airport usable landing area measured in feet above mean sea level.
- **Airport Hazard** - An obstruction to air navigation that affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.
- **Airport hazard area** – Any area of land or water upon which an airport hazard might be established.
- **Airport layout plan** – A set of scaled drawings that provides a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.
- **Airport protection zoning regulations** – Airport zoning regulations governing airport hazards.
- **Airspace Drawings** – Federal Aviation Administration (FAA) approved Airport Layout Plan Set drawings depicting the airport imaginary surfaces and the application of the Federal obstruction standards contained in 14 C.F.R. ss. 77.13, 77.17, 77.19, 77.21, and 77.23, to the conditions at the Airport.
- **Approach Surface** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in subsection (c), below.

In plain view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

- **Approach, Transitional, Horizontal, and Conical Zones** - These zones are set forth in subsection (c) of these regulations.
- **Board of Adjustment** – The City of Belle Glade Board of Adjustment as identified in Chapter, 31, Article IV of the City’s Zoning Code. The Board of Adjustment shall have and exercise the powers to hear and decide appeals from any order, requirement, decision, or determination made by the Local Government in the enforcement of these airport zoning regulations, as provided in s. 333.09(3), Florida Statutes.
- **Conical Surface** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- **Department or FDOT** - The Florida Department of Transportation.
- **Development Permit (or Permit)** - Any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of Local Government issued in accordance with its land development regulations adopted pursuant to s. 163.3202, Florida Statutes, and having the effect of permitting the development of land.
- **Educational facility** – Any structure, land, or use thereof that includes a public or private K-12 school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.
- **Hazard to Navigation** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- **Height** - For the purpose of determining the height limits in all zones set forth in this regulation and shown on the zoning map, and as defined in the City’s Zoning Code Sec. 31-4 “Building Height”.
- **Horizontal Surface** - A horizontal plane 150 feet above the established Airport Elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- **Landfill** – has the same meaning as provided in s. 403.703, Florida Statutes.
- **Local Government** – The county or municipality exercising land use jurisdiction under s. 163.3171, Florida Statutes, as to the use and development of lands within its territorial limits. For purposes of these airport zoning regulations the Local Government shall be the City of Belle Glade.

- **Maps** – A graphic or series of graphics illustrating the respective airport surfaces and/or zones surrounding the Airport. Maps, as they may be amended from time to time, are maintained within the City of Belle Glade’s Department of Planning and Community Redevelopment Services.
- **Non-Precision Instrument Runway** - A runway having an instrument approach procedure utilizing air navigational facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- **Nonconforming Use** - Any pre-existing structure, object of natural growth, or use of land which lawfully exists at a specific height at the time these regulations were adopted, but which existence or height is inconsistent these regulations in their present form.
- **Obstruction** – may also be referred to as Airport Obstruction; means any object of natural growth or terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus, or alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein, existing or proposed which exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C.
- **Person** - Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- **Precision Instrument Runway** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- **Primary Surface** - A surface longitudinally centered on a runway, extending 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 3 of this regulation. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- **Public-use airport** – An airport, publicly or privately owned, licensed by the state, which is open for use by the public. Belle Glade State Municipal Airport (X10) is a public-use airport.
- **Runway** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- **Runway Protection Zone** - An area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground (formerly the clear zone).

The Runway Protection Zone ("RPZ") is trapezoidal in shape and centered about the extended runway center lines of each of the runways, and begins 200 feet beyond the end of the area suitable for takeoff and landing.

- **Structure** - Any object constructed, erected, altered, or installed including, without limitation, buildings, towers, smoke stacks, utility poles, power generation equipment, and overhead transmission lines.
- **Substantial modification** – Any repair, reconstruction, rehabilitation, or improvement of a structure the actual cost of which equals or exceeds 50 percent of the market value of the structure.
- **Transitional Surface** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**(c) Belle Glade State Municipal Airport (X10).**

Lands adjacent to and surrounding the Airport as identified below and referenced in Maps within the municipal boundaries of the City of Belle Glade are subject to subsection (c)(1) below; lands located within the surfaces and zones below but not within the City (i.e., unincorporated Palm Beach County) are regulated by Palm Beach County.

**(1) Airport Surfaces.**

Airspace Height Limitations. Buildings, structures or similar shall not be permitted within the surfaces identified below except as may be permitted in subsection (2), below.

- a. **Airport Surfaces.** Airspace height limitations shall apply to all sites lying beneath the primary, approach, transitional, horizontal and conical surfaces. An area located in more than one of the described surfaces is considered to be only in the surface with the more restrictive height limitation. The various surfaces and height restrictions are as follows, and are generally depicted on the drawing designated as Figure 31-300.1, "Civil Airport Imaginary Surface."
- b. **Primary Surface (PS).** An area located at each end of a runway which is longitudinally centered on each runway, extending two hundred (200) feet beyond each end of that specially prepared hard surface runway with the width specified for the most precise approach existing or planned for either end of that runway. The primary surface ends at each runway end for all runways without a specially prepared hard surface. The width of each primary surface is as follows:
  - i. **Public Utility Visual Runways:** 250 feet.

- ii. Private Utility Visual Runways: 100 feet.
- c. Horizontal Surface (HS). An area around each airport, at a fixed elevation of one-hundred and fifty (150) feet Above Ground Level (AGL) with an outer boundary the perimeter of which is constructed by swinging arcs or specified radii from the center of each end of the primary surface of the airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: (1) five thousand (5,000) feet for all runways designated as utility or visual; and (2) ten thousand (10,000) feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The airport elevation is based on information obtained from the Florida Aviation Database (FAD) which is subject to periodic adjustment.
- d. Conical Surface (CS). An area extending outward from the periphery of the airport's horizontal surface for a distance of four thousand (4,000) feet.
- e. Approach Surface (AS). An area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach surface area and height restrictions are designated for each runway based upon the type of approach available or planned for that runway end, as follows:
  - i. Approach Surface Width. The inner edge of the approach surface is the same width as the primary surface. The outer width of the approach surface is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:
    - a) For a Non-Precision Instrument Runway other than a Utility Runway, a maximum width of three thousand five hundred (3,500) feet.
    - b) For a Utility Visual Runway, a maximum width of one thousand two hundred fifty (1,250) feet.
    - c) For a Utility Non-Precision Instrument Runway, a maximum width of two thousand (2,000) feet.
  - ii. Approach Surface Length. The approach surface extends from the end of the runway primary surface for a horizontal distance of:
    - a) For a Visual or Non-Precision Instrument Utility Runway, a distance of five thousand (5,000) feet.
- f. Transitional Surface (TR). These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach

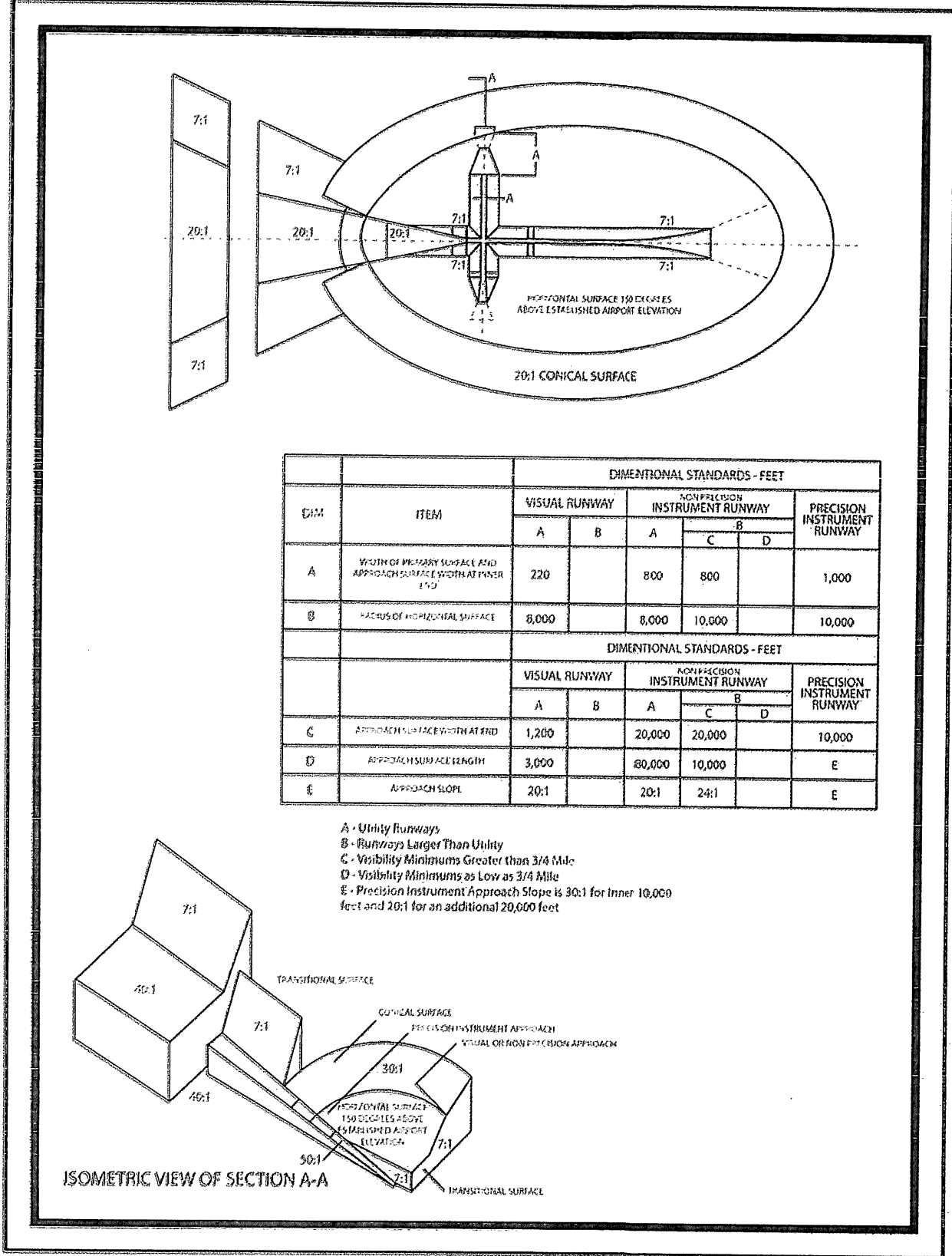
surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

- g. Height Limitations. No structure or obstruction, including, without being limited to, wireless communications tower or antenna, shall be erected to a height which would cause such structure to exceed any of the above defined surfaces.

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Figure 31-300.1: Civil Airport Imaginary Surface



**(2) Land Use.**

Land Use and Noise are understood to include regulations based on the potential impacts from noise and land use compatibility on lands within the surfaces defined herein.

- a. Notwithstanding any other provisions of the overlay, no use may be made of land or water within any zone established by this Code in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

Except as otherwise provided herein, the following land uses, structures or activities shall be prohibited:

- i. Any sanitary landfill:
  - a) located within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft at the Airport;
  - b) within 5,000 feet from the nearest point of any runway used only by nonturbine aircraft;
  - c) outside the perimeters defined in subparagraphs i.(a) and i.(b) above but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.79;
  - d) located more than 10,000 feet from the nearest point of any runway at the Airport, but still within the lateral limits of the civil airport imaginary surfaces depicted in the Airspace Drawings; or
  - e) where any landfill is located and constructed so that it attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The operator of such landfill must be required to incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
- ii. Restricting new incompatible uses, activities, or substantial modifications to existing incompatible uses within the Airport's Runway Protection Zones.
- iii. Non-compatible land uses, except where such land use is specifically contemplated therein, with appropriate mitigation or similar techniques described therein.
- iv. Residential construction and any educational facility, with the exception of aviation school facilities, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

- v. New incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones. This standard 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 facility or site in existence on July 1, 1993.

**(3) Permits Required.**

- a. Permits shall be required from the FAA, FDOT-Central Aviation Division, City of Belle Glade, and Palm Beach County, as may be applicable, for the following activities. Applications for development or redevelopment shall be provided to FDOT-Central Aviation Office within 15 days of receipt by the City and may be submitted via the following: DOTAirportZoning@dot.state.fl.us.
  - i. A person proposing to construct, alter, or allow an airport obstruction in an airport hazard area in violation of the airport protection zoning regulations adopted under this subsection must apply for a permit. A permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.
  - ii. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. Vertical height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.
  - iii. If it is determined that a nonconforming obstruction has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, a permit may not be granted if it would allow the obstruction to exceed the applicable height limit or otherwise deviate from the airport protection zoning regulations. Whether or not an application is made for a permit under this subsection, the owner of the nonconforming obstruction may be required, at his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current airport protection zoning regulations. If the owner of the

- nonconforming obstruction neglects or refuses to comply with such requirement for 10 days after notice, the administrative agency, including but not limited to FAA and/or FDOT, may report the violation to the City of Belle Glade and/or Palm Beach County, as applicable.
- iv. Owner(s) of the obstruction shall be required to install, operate, and maintain thereon, at the owner's expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration.
- b. Consideration of Issuing Permits. The following items shall be taken into consideration by the Planning Board and the City Commission during the review, including subsequent approval and or denial, of any permits within the AO Airport Overlay Zoning District. The City Commission may defer review and approval or deny an application pending information from the Applicant and from FDOT and/or FAA, as may be applicable, and may consider the following in its review:
- i. The safety of persons on the ground and in the air.
  - ii. The safe and efficient use of navigable airspace.
  - iii. The nature of the terrain and height of existing structures.
  - iv. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Chapter 330, Florida Statutes, and regulations adopted thereunder.
  - v. The character of existing and planned flight operations and developments at public-use airports.
  - vi. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
  - vii. The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.
  - viii. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.
  - ix. Additional requirements as may be adopted within these regulations pertinent to evaluation and protection of airspace and airport operations.
- c. Appeals of permits shall be heard by the Board of Adjustment. An appeal shall be filed and subsequently heard consistent with the provisions in s. 333.09, Florida Statutes, and consistent with Chapter 31, Article IV of the City of Belle Glade Zoning Code.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 5.** Specific authority is hereby granted to codify this ordinance.

**Section 6.** This ordinance shall take effect immediately upon final adoption.

The foregoing ordinance was moved by Vice Mayor Wilkerson, seconded by Commissioner Burroughs, and upon being put to the vote, the vote was as follows:

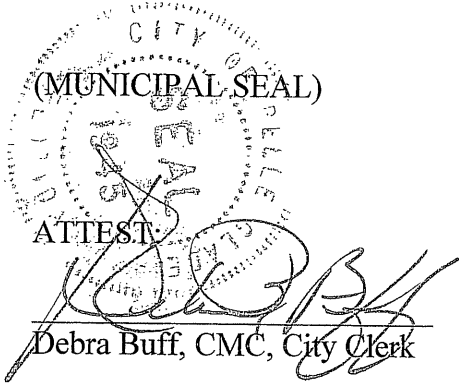
	AYE	NAY
Mayor Wilson	<u>✓</u>	<u>    </u>
Vice Mayor Wilkerson	<u>✓</u>	<u>    </u>
Commissioner Burroughs	<u>✓</u>	<u>    </u>
Commissioner Martin	<u>absent</u>	<u>    </u>
Commissioner Underwood	<u>absent</u>	<u>    </u>

PASSED on first reading at Special Session of the City Commission held on February 26, 2018.

The foregoing ordinance was moved by Commissioner Burroughs, seconded by Commissioner Underwood, and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	<u>✓</u>	<u>    </u>
Vice Mayor Wilkerson	<u>✓</u>	<u>    </u>
Commissioner Burroughs	<u>✓</u>	<u>    </u>
Commissioner Martin	<u>absent</u>	<u>    </u>
Commissioner Underwood	<u>✓</u>	<u>    </u>

PASSED on second and final reading at Regular Session of the City Commission held on March 19, 2018.  
(Signature page to follow)



Debra Buff, CMC, City Clerk

CITY OF BELLE GLADE, FLORIDA

Steve B. Rice  
Mayor-Commissioner

Mary Ann Wilkerson  
John D. Dugan  
Tommy Woodward

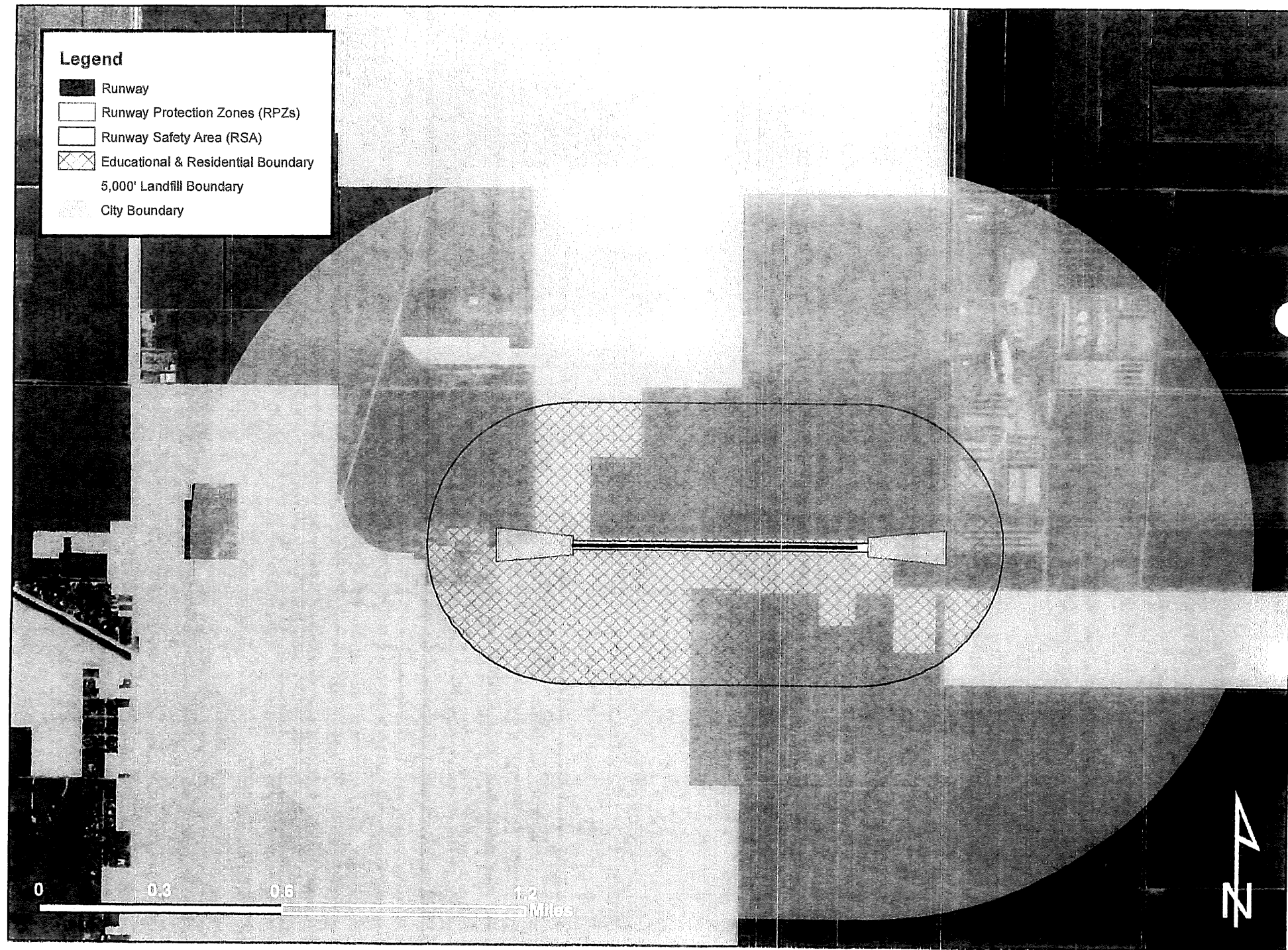
Commissioners

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Panel H. Ryan for  
Glen J. Torcivia, City Attorney

# Legend

- Runway
- Runway Protection Zones (RPZs)
- Runway Safety Area (RSA)
- Educational & Residential Boundary
- 5,000' Landfill Boundary
- City Boundary

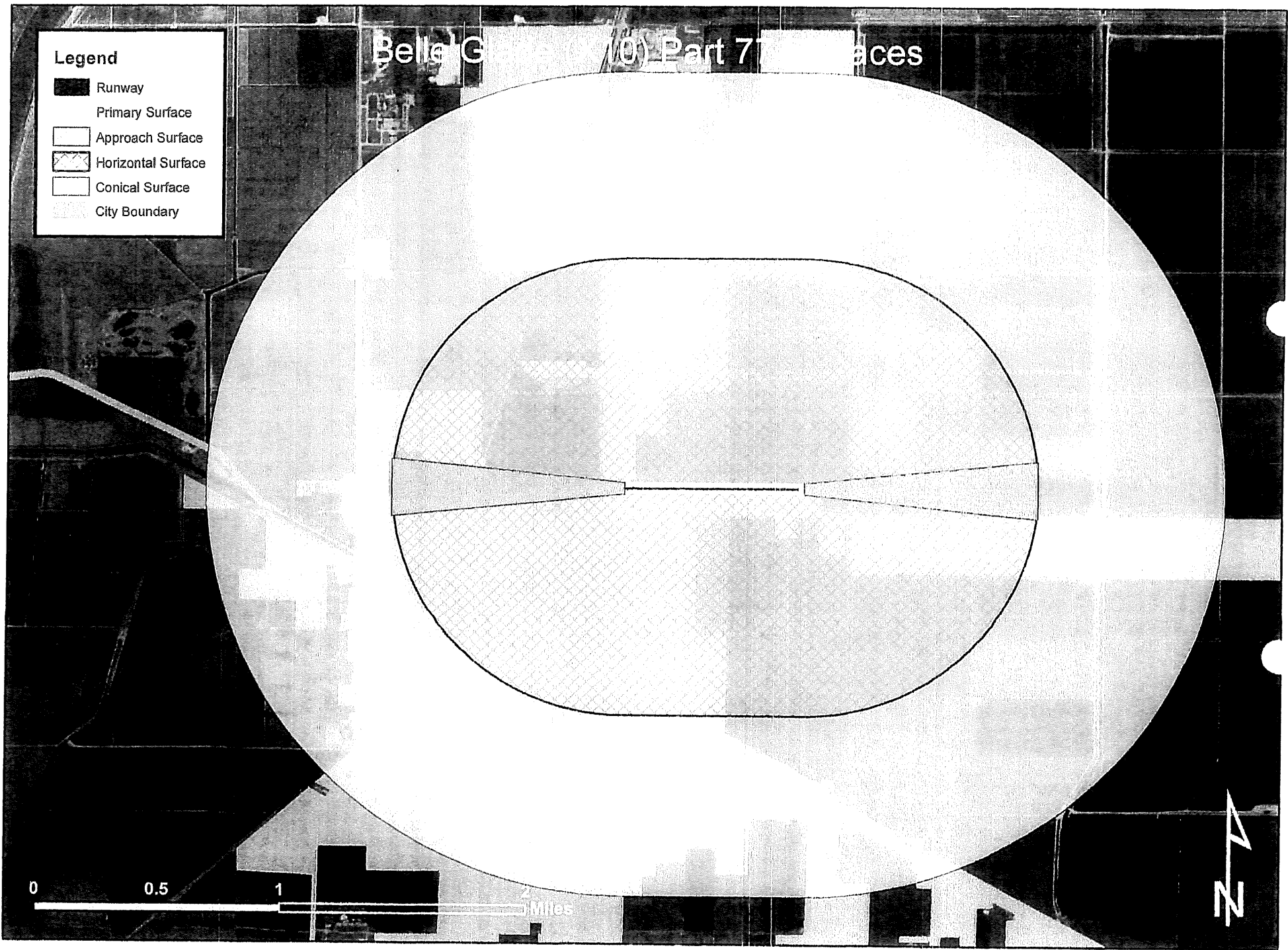




# Belle Glade (0) Part 7 Surfaces

## Legend

- Runway
- Primary Surface
- Approach Surface
- Horizontal Surface
- Conical Surface
- City Boundary



0 0.5 1 2 Miles

