

# ARTICLE 16

## AIRPORT REGULATIONS

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# **ARTICLE 16**

## **AIRPORT REGULATIONS**

### **CHAPTER A GENERAL**

#### **Section 1 Purpose and Intent**

These provisions are intended to regulate permitted construction to promote the maximum safety of aircraft arriving at and departing from the publicly-owned airports within PBC; to promote the maximum safety of residents and property in areas surrounding PBC airports; to promote the full utility of PBC airports and public-use airports; to provide structure height standards for airport hazards and uses within airport primary, horizontal, conical, approach, and transitional surfaces so as to encourage and promote compatible development of land beneath said areas; and, to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones. [Ord. 2017-025]

#### **Section 2 Short Title and Authority**

- A. This Article shall be known and cited as the “Airport Zoning Ordinance.”
- B. This Article is enacted pursuant to the provisions of Art. VIII, § 1(g), Fla. Const., F.S. ch. 125 (1995), F.S. ch. 333 (2016), or as amended. [Ord. 2017-025]

#### **Section 3 Applicability**

- A. This Article regulates height and land uses around publicly-owned airports in PBC. The height standards for structures or obstructions provide maximum height limits and a review procedure to determine if structures or obstructions will have an adverse impact on safe and efficient airspace use. The land use standards provide restrictions and a review procedure within four nautical miles of publicly-owned airports to determine if the land use is compatible with normal airport operation and Federal Aviation Administration (FAA) guidelines. The land use standards apply to the most restrictive airport hazard areas and Noise Zones, and limit uses which include, but are not limited to, hazardous material storage, emissions of light or smoke, or uses which attract concentrations of people or birds. [Ord. 2017-025]
- B. This Article applies to all land in unincorporated PBC.
- C. This Article also applies to all municipalities that may elect to participate through interlocal agreement, pursuant to F.S. ch. 163 and F.S. § 333.03(1)(b)1. [Ord. 2017-025]
- D. These regulations supplement other land development regulations in this Code.
- E. Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

#### **Section 4 Definitions and Acronyms**

See Art. 1.H, Definitions and Acronyms.

#### **Section 5 Appendices**

Maps and related information contained in Appendices 1 through 15 are incorporated herein by reference and are available for review at the Department of Airports or may be obtained from their website. [Ord. 2017-025]

## **CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS**

### **Section 1 Airspace Height Regulations**

#### **A. General**

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map, Appendix 1, and a procedure to review and permit obstructions has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of F.A.R. 14 CFR § 77.17. [Ord. 2017-025] [Ord. 2019-005]

#### **B. Regulated Obstructions**

For purposes of this Section, obstructions include but are not limited to, any existing or proposed permanent or temporary object, natural growth or structures, or adding height to any existing structure and shall include the location of derricks, draglines, cranes, and other boom-equipped machinery. Obstruction does not include any development which does not have the effect of adding height to the land or other structure, such as paving, draining, or roofing. [Ord. 2017-025]

#### **C. Regulated Areas**

The various surfaces displayed as Zone 1 and Zone 2 on the PBC "Airspace Notification Map" are defined below. Penetration of one of these zones shall require a technical analysis by FAA and obtaining a Permit for Obstruction from the DOA following a review by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article. [Ord. 2017-025]

##### **1. Publicly-Owned, Public-Use Airports**

###### **a. Zone 1**

That area within the County limits extending outward 20,000 feet from the nearest point of the nearest runway of each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 1. This zone depicts an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet. [Ord. 2019-005]

###### **b. Zone 2**

That area within the County outside the limits of Zone 1 as depicted on the Airspace Notification Map. The height for Zone 2 is 200 feet above ground level (AGL). [Ord. 2019-005]

- c. Any construction or alteration of a height greater than an imaginary surface extending outward and upward for a distance of 20,000 feet from the reference point of any Terminal Navigational Aid Facility up to a height of 200 feet above ground level.

##### **2. All Heliports/Vertiports**

Any construction or alteration of a height greater than an imaginary surface extending outward and upward from any point of any public or private State-licensed heliport for a distance of 5,000 feet up to a height of 200 feet above ground level. [Ord. 2017-025]

##### **3. Terminal Navigational Aid Notification Areas**

Any construction or alteration within 5,000 feet of any Navigational Aid Facility; and

##### **4. Other Areas**

Any construction or alteration of a height greater than 200 feet above ground level.

#### **D. Airport Zones Established**

Primary, Horizontal, Conical, Approach, and Transitional Airport Zones are shown on maps described below. These maps are available online utilizing the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. These maps are also included by reference and attached as Appendices 2 through 7, available at the Department of Airports. [Ord. 2019-005]

1. Map A – PBIA (Appendix 2)
2. Map B – PBC Park Airport (Lantana) (Appendix 3)
3. Map C – PBC Glades Airport (Pahokee) (Appendix 4)
4. Map D – Belle Glade Municipal Airport (Appendix 5)
5. Map E – Palm Beach North County Airport (Appendix 6)
6. Map F – Boca Raton Airport (Appendix 7)

#### **E. Airport Runway Categories Defined**

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. The zones associated with each airport in this Article correspond to the civil airport imaginary surfaces defined in F.A.R. 14 CFR § 77.17, and are contained within the Airport Layout Plan for each airport, available at the

Department of Airports, and provided graphically on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. [Ord. 2019-005]

## **F. Airport Height Limitations**

### **1. General**

Where any two limitations in this Article are in conflict, the more stringent applies. Except as otherwise provided in this Section, no obstruction including any structure or object of natural growth, shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstacle to air navigation, as defined in this Article, or of a height greater than: [Ord. 2017-025]

- a. 500 feet above ground level at the site of the object;
- b. 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500 feet, at a slope of one foot vertically for every 100 feet horizontally, for a distance of 50,000 feet; or,
- c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Director of Airports, or designee, to be a hazard to the safe and efficient use of airspace around an airport. [Ord. 2019-005]

## **G. Airport Height Zone Definitions and Limitations**

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. General definition and height limitations are described in the Subsections to follow. [Ord. 2019-005]

### **1. Primary Zone Definition**

An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

#### **a. Primary Zone Height Limitations**

No structure or obstruction will be permitted within the Primary Zone that is not part of the landing, maneuvering, and taking-off facilities and is of a greater height than the nearest point of the runway centerline.

#### **b. Primary Zone Width for Each Specific Airport**

The specific width of each Primary Zone for each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. [Ord. 2019-005]

### **2. Horizontal Zone Definition**

The area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value 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 Zone.

#### **a. Horizontal Zone Height Limitations**

Only structures or obstructions for which the FAA has issued a determination of no hazard, will be permitted in the Horizontal Zone. [Ord. 2019-005]

#### **b. Horizontal Arc Radius for Each Specific Airport**

The specific horizontal arc radius of each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. [Ord. 2019-005]

### **3. Conical Zone Definition**

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. [Ord. 2019-005]

#### **a. Conical Zone Height Limitation**

Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Conical Zone. [Ord. 2019-005]

#### **4. Approach Zone Definition**

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

##### **a. Approach Zone Height Limitations**

Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Approach Zone. [Ord. 2019-005]

##### **b. Approach Zone Horizontal Distance for Each Specific Airport**

The specific Approach Zone dimensions for each airport are contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>. [Ord. 2019-005]

#### **5. Transitional Zone Definition**

The area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same as the Primary Zone or Approach Zone at the boundary line where these zones meet (i.e., level with the nearest point on the runway centerline) and increase at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the Horizontal Zone, the Conical Zone, or for a horizontal distance of 5,000 feet from the side of the part of the Precision Approach Zone that extends beyond the Conical Zone.

##### **a. Transitional Zone Height Limitation**

Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted within the Transitional Zone. [Ord. 2017-025] [Ord. 2019-005]

#### **6. Terminal Navigational Aid Obstruction Zone**

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse effect on the safe and efficient operation of navigational facilities. A Navigational Aid Obstruction Zone has been established extending outward 3,500 feet from the nearest point of the nearest runway of each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 1. This zone is shown on the Airspace Notification Map, Appendix 1. [Ord. 2017-025] [Ord. 2019-005]

##### **a. Terminal Navigational Aid Obstruction Zone Limitation**

No construction or alteration or installation of any electromagnetic device shall be permitted within this Navigation Aid Obstruction Zone without prior technical review by the FAA. If deemed necessary by the results of the FAA review, a Permit for Obstruction must be obtained from DOA following a review by the DOA and PZB. [Ord. 2017-025]

#### **7. Heliport/Vertiports**

##### **a. Primary Zone Definition**

The Primary Zone coincides in size and shape with the designated take-off and landing area of a heliport/vertiport.

##### **1) Primary Zone Limitation**

This Primary Zone height limitation is described by a horizontal plane at the elevation of the established elevation.

##### **b. Approach Zone Definition**

The Approach Zone begins at each end of the heliport/vertiport Primary Zone with the same width as the Primary Zone and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.

##### **1) Approach Zone Height Limitation**

The Approach Zone height limitation is a slope of one foot vertically for every eight feet horizontally.

##### **c. Transitional Zone Definition**

The Transitional Zone extends outward and upward from the lateral boundaries of the Primary Zone and from the Approach Zone for a distance of 250 feet measured horizontally from the centerline of the Primary and Approach Zones.

##### **1) Transitional Zone Height Limitation**

The Transitional Zone has a height limitation at a slope of one foot vertically for every two feet horizontally.

## **H. Airspace Height Review**

All new construction, reconstruction, or alteration that adds height to any obstruction within areas shown on the Airspace Notification Map, Appendix 1, shall be reviewed for compliance with the standards of this Section. [Ord. 2017-025] [Ord. 2019-005]

### **1. General**

No Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB, and County Attorney. No Development Permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or is determined a hazard by the Federal Aviation Regulations (Part 77) or other applicable Federal or State rules or regulations. [Ord. 2017-025] [Ord. 2019-005]

#### **a. Exemption**

A permit is not required for existing structures that received construction permits from the Federal Communications Commission for structures exceeding Federal obstruction standards before May 20, 1975; a permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged. [Ord. 2019-005]

### **2. Review Procedures**

An application for the construction, reconstruction, or alteration of any obstruction must be reviewed in accordance with the development review procedures in Art. 2, Application Processes and Procedures, prior to certification or approval of an application by DRO or issuance of a Building Permit for a permanent or temporary obstruction located within areas regulated by this Article. [Ord. 2017-025] [Ord. 2019-005]

#### **a. FAA Review**

- 1) The Applicant must utilize the FAA's Notice Criteria Tool found on the FAA's Obstruction Evaluation/Airport Airspace Analysis website at <https://oeaaa.faa.gov/> and submit the results to DOA. This tool will inform the Applicant that review by the FAA is required if the proposed obstruction represented in the application may exceed: [Ord. 2017-025] [Ord. 2019-005]
  - a) The structure will exceed 200 feet above ground level; [Ord. 2019-005]
  - b) The structure will be in proximity to an airport and will exceed the slope ratio of 100 to one; [Ord. 2019-005]
  - c) The structure involves construction of a traverseway (i.e., highway, railroad, waterway, etc.) and once adjusted upward with the appropriate vertical distance would exceed a standard of F.A.R. 14 CFR § 77.9(a) or § 77.9(b); [Ord. 2019-005]
  - d) The structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy; [Ord. 2019-005]
  - e) The structure will be in an instrument approach area and might exceed F.A.R. 14 CFR 77, Subpart C; [Ord. 2019-005]
  - f) The proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception; [Ord. 2019-005]
  - g) The structure will be on an airport or heliport; or, [Ord. 2019-005]
  - h) A filing has been requested by the FAA. [Ord. 2019-005]
- 2) If the results of the Notice Criteria Tool indicate that the Applicant must file, the FAA must review and issue a determination of the proposal's effect on navigable airspace where such notification under F.A.R. 14 CFR 77 is required. PZB shall suspend any review of any Development Permit application process until FAA findings of aeronautical effect are determined. [Ord. 2019-005]
  - a) **Responsibility of the Applicant**
    - (1) The Applicant shall submit FAA Form 7460-1 electronically via the FAA's website at <https://oeaaa.faa.gov/>. [Ord. 2017-025] [Ord. 2019-005]
    - (2) When the results are received, the Applicant shall submit in person or forward by certified mail, return receipt requested to the DOA the FAA's determination of aeronautical effect, including a valid aeronautical study number and a copy of the original electronic submittal of FAA Form 7460-1. [Ord. 2017-025] [Ord. 2019-005]

**b. DOA Review**

- 1) No application for development shall be approved solely on the basis that the FAA has issued a determination of no hazard to air navigation under a valid aeronautical study. Following receipt of the FAA determination, if required, the DOA shall consider the following criteria when determining whether to recommend certification or approval of a development application with or without conditions of approval; or recommend issuance or denial of a Building Permit with or without conditions. [Ord. 2017-025] [Ord. 2019-005]
  - a) The safety of persons on the ground and in the air; [Ord. 2017-025]
  - b) The safe and efficient use of navigable airspace; [Ord. 2017-025]
  - c) The nature of the terrain and height of existing structures; [Ord. 2017-025]
  - d) The effect of the construction or alteration on the State licensing standards for a public-use airport contained in F.S. ch. 333 and rules adopted thereunder; [Ord. 2017-025]
  - e) The character of existing and planned flight operations and developments at public-use airports; [Ord. 2017-025]
  - f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA; [Ord. 2017-025]
  - g) The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport; [Ord. 2017-025]
  - h) The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area; and, [Ord. 2017-025]
  - i) Any additional Code requirements pertinent to evaluate and protect airspace and airport operations. [Ord. 2019-005]

**2) FDOT Review**

Following receipt of a complete application indicating that the proposed construction or alteration could be an obstruction, the DOA shall provide a copy of the application to the FDOT Aviation Office for their review and evaluation pursuant to F.S. § 333.025. [Ord. 2019-005]

**3) Structure(s) Not Exceeding Obstruction Standards or Other Provisions**

DOA shall review the FAA's determination issued in response to the Applicant's FAA Form 7460-1, any comments received from FDOT, and the permit application. If the proposed construction or alteration is not a hazard, the DOA shall recommend certification or approval of an application by the DRO with or without Conditions of Approval or issuance of a Building Permit with or without conditions so that the proposed structure may be erected in accordance with permitting requirements of PZB. PZB may certify the development application or issue a Building Permit, as applicable. The Applicant shall present a copy of the permit to PZB with the development application or Building Permit application. [Ord. 2017-025] [Ord. 2019-005]

**4) Structure(s) Exceeding Obstruction Standards or Other Provisions**

DOA shall review the FAA's determination issued in response to the Applicant's FAA Form 7460-1, any comments received by FDOT, and the permit application. If the proposed obstruction is a hazard, then the DOA shall deny the permit. The notice shall state the reasons for denial and inform the Applicant that they may appeal the decision pursuant to Art. 16.C.5, Appeals. [Ord. 2017-025] [Ord. 2019-005]

**c. Building Permit Requirement**

The Applicant shall present a copy of the permit, along with all Development Order comments and Conditions of Approval, to the Building Director in order to ensure that any conditions are adequately addressed prior to the issuance of a Building Permit, including obstruction marking and lighting conditions, if applicable. [Ord. 2017-025] [Ord. 2019-005]

**d. Obstruction Marking and Lighting**

The owner shall mark and light the structure in accordance with the provisions of F.S. ch. 333; Rules of Florida Department of Transportation, Chapter 14-60, F.A.C., and the FAA Advisory Circular 70/7460-1L, *Obstruction Marking and Lighting*, as may be amended from time to time. The permit may be conditioned to require the Applicant to mark and light the structure, at Applicant's own expense, or to allow DOA to install, operate, and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted. [Ord. 2019-005]



## CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

### Section 1 Airport Land Use Regulations

#### A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones, which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport, and within Zone 3. All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9 through 14 are subject to review and technical analysis by DOA, and other applicable governmental agencies, in consultation with PZB, in accordance with this Article. [Ord. 2017-025] [Ord. 2019-005]

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule, Appendix 8, maps, and review procedures have been established. [Ord. 2019-005]

#### B. Regulated Land Use

Notwithstanding any other provisions of this Article, no use may be made of land or water within the RPZ in such manner as to interfere with the operation of an airborne aircraft. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine additional land development requirements for uses identified in Art. 4, Use Regulations. Those activities and land uses not specifically listed in the Airport Land Use Compatibility Schedule are permitted or restricted based on their similarity to noise tolerance and compatibility with normal airport operations as exhibited by the activities and land uses which are listed in the Schedule.

##### 1. Construction, Defined

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, underground utility infrastructure, or similar types of improvements. [Ord. 2017-025] [Ord. 2019-005]

##### 2. Review Procedure for Regulated Land Use

All new construction or reconstruction for temporary or permanent uses shall be reviewed for compliance with the standards of this Section in accordance with the development review procedures in Art. 2, Application Processes and Procedures, or at the time of application for a Building Permit. Prior to issuance of a Development Order or a Building Permit, the DOA, in consultation with PZB, shall review the application for compliance with this Article. [Ord. 2017-025]

#### C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, an Off-Airport Land Use Compatibility Schedule, maps, and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport operations within these zones. [Ord. 2017-025] [Ord. 2019-005]

##### 1. Runway Protection Zone (RPZ)

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/>, or on the Airport Layout Plan for all County-owned airports in PBC, available at the Department of Airports. [Ord. 2019-005]

##### 2. Airport Land Use Noise Zones (ALUNZ)

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps on the County's myGeoNav application at <http://maps.co.palm-beach.fl.us/mygeonav/> for all airports in PBC. [Ord. 2019-005]

##### 3. Zone 3

That area within the County limits extending outward 10,000 feet from the nearest point of the nearest runway for each County-owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 3. [Ord. 2019-005]

#### D. Airport Land Use Noise Zone(s) Established

All land uses shall be permitted within ALUNZ as provided in the Off-Airport Land Use Compatibility Schedule, Appendix 8.

##### 1. Airport Land Use Noise Zones for Airports which have completed F.A.R. Part 150 Noise and Land Use Compatibility Studies

Several airports within PBC have completed a noise study in accordance with F.A.R. 14 CFR 150. Land uses within the area contiguous to these airports, within an area defined as the outer noise contour, or

equivalent thereof shall be consistent with the type of use listed in Airport Land Use Compatibility Schedule. [Ord. 2017-025]

**a. Palm Beach International Airport (PBIA)**

The Palm Beach International ALUNZ has been established and is incorporated herein as Appendix 9. This zone is created based on yearly averaged, 24-hour day/night average noise level projections arising from aircraft flight operations at PBIA.

**1) Palm Beach International Airport Land Use Noise Zone (ALUNZ) Defined**

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Palm Beach International Airport Land Use Noise Zone Map. The boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 65 L<sub>dn</sub>. [Ord. 2017-025]

**b. Boca Raton Airport**

The Boca Raton ALUNZ has been established and is incorporated herein as Appendix 10. This zone is created based on projections of aircraft flight operations at Boca Raton Airport.

**1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined**

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Boca Raton Airport Land Use Noise Zone Map. The outer boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 60 L<sub>dn</sub> or greater.

**2. ALUNZs for Airports which have not completed an F.A.R. Part 150 Noise and Land Use Compatibility Study**

An overlay Land Use Noise Zone has been established for the civil airports which have not completed an F.A.R. Part 150 Noise and Land Use Compatibility Study. This zone is created as an area beneath the standard VFR traffic pattern and buffer airspace established in FAA Order 7400.2D, *Procedures for Handling Airspace Matters*, which underlies the majority of recurring aircraft flight paths. Land uses within this zone may be subject to aircraft noise that may be considered objectionable.

**a. Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport**

Land Use Noise Zones for these airports are established as the land lying within parallel lines 9,108 feet in both directions from the approach and departure end of each runway, the runway centerline, and all airspace in between. These zones are established and attached as Appendices 11 through 14.

**E. General Land Use Regulations – Off-Airport Land Use Compatibility Schedule (Appendix 8)**

**1. The Off-Airport Land Use Compatibility Schedule (Appendix 8)**

Lists land uses as defined below:

**a. Land Uses Compatible without Restriction (“P”)**

Uses noted with a “P” may develop pursuant to the development review procedures in the Use Matrices in Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 2, Application Processes and Procedures, and are not required to comply with the conditional requirements set forth in the Off-Airport Land Use Compatibility Schedule, Appendix 8. [Ord. 2017-025]

**b. Land Uses Qualified As Compatible Only If In Compliance With Conditional Requirements (“Q”)**

Uses noted with a “Q” may develop pursuant to the development review procedures in the Use Matrices in Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 2, Application Processes and Procedures, if regulated and constructed in accordance with the conditional notes in Appendix 8. [Ord. 2006-036] [Ord. 2017-025]

**c. Incompatible Land Uses (“N”)**

Uses noted as an “N” are considered to be incompatible in the Regulated Areas. These uses shall not be allowed in the Runway Protection Zone (RPZ) and Variance relief is not available. [Ord. 2017-025]

**2. Prohibited Land Uses**

a. In no case shall a new Limited or General Day Care, Elementary or Secondary School, or College or University, with the exception of aviation school facilities, be permitted 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. [Ord. 2011-016] [Ord. 2017-025] [Ord. 2019-005]

**1) Exemption**

For Palm Beach International Airport (PBIA) and Boca Raton Airport that have completed Federal Aviation Regulation 14 CFR 150 Noise and Land Use Compatibility Studies, educational land uses within Regulated Areas defined in Art. 16.C.1.D.1.a, Palm Beach

International Airport (PBI) and Art. 16.C.1.D.1.b, Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 CFR 150, Appendix A. [Ord. 2019-005]

- 2) Nothing in Art. 16.C.1.E.2.a above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (or later version), is encouraged.
- 3) The language in Art. 16.C.1.E.2.a above shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion of any Limited or General Day Care use in existence, or real property in use, or with a valid Development Order prior the effective date of this Ordinance. Expansion or alterations of a Day Care located within the runway area that represents an increase in the number of occupants shall be prohibited. [Ord. 2011-016]
- b. In no case shall new residential construction be permitted 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 unless it meets the conditional notes in the Off-Airport Land Use Compatibility Schedule, Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10 through 14.
  - 1) **Exemption**

For Palm Beach International Airport (PBI) and Boca Raton Airport that have completed Federal Aviation Regulation 14 CFR 150 Noise and Land Use Compatibility Studies, residential land uses within Regulated Areas defined in Art. 16.C.1.D.1.a, Palm Beach International Airport (PBI) and Art. 16.C.1.D.1.b, Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 CFR 150, Appendix A. [Ord. 2019-005]
- c. In no case shall a new Landfill be permitted, or an existing Landfill expanded, within 10,000 feet from the nearest point of any Airport runway used by only turbine aircraft; within 5,000 feet from the nearest point of any Airport runway used by only non-turbine aircraft; or, within the lateral limits of the civil airport imaginary surfaces. [Ord. 2017-025] [Ord. 2019-005]

### 3. **Additional Use Regulations**

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule, Appendix 8, all uses within Regulated Areas shall comply with the following provisions: [Ord. 2019-005]

#### a. **Lights and Illuminations**

All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof.

#### b. **Electronic Devices**

No application, use, or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft, the airport tower, or other air traffic control facility.

#### c. **Obscuration**

No operations of any type shall produce smoke, glare, or other obscuration. [Ord. 2019-005]

#### d. **Bird Concentrations**

No use of any type shall be permitted that attracts or sustains hazardous bird movements, feeding, water, or roosting areas into or across an airport's runways' approach and departure pattern.

#### e. **Disclosure**

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed, or altered, as provided in this Article, proposed to be located within Regulated Areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

### F. **Review Procedure for Airport Land Use Noise Zones (ALUNZ)**

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a Development Order or issuance of a Building Permit, the DOA, in consultation with PZB, shall review the application for compliance with this Article. [Ord. 2017-025]

## **1. Noise Level Reduction (NLR) Requirements**

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

### **a. Exemptions**

Land uses within Regulated Areas defined in Art. 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

### **b. Use and Occupancy**

Buildings or structures supporting a legal use(s) which existed prior to June 16, 1992, may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

### **c. Relocated Buildings**

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

### **d. Proposed or Newly Constructed Buildings**

Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of this Article, as long as the Building Permit has not been amended or expired. [Ord. 2017-025]

### **e. Design Requirements**

The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials, and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]

## **Section 2 Non-Conforming Uses**

Uses non-conforming to the Airport regulations shall be administered in accordance with the provisions identified within this Article and Art. 1.F, Non-Conformities. [Ord. 2017-025]

## **Section 3 Administration**

- A. This Article of the ULDC shall be interpreted by the Director of Airports. DOA, in consultation with the PZB, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by interlocal agreement with any jurisdiction which has permitting authority may administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Permit for Obstruction is required, then the DOA may administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. [Ord. 2008-003] [Ord. 2017-025] [Ord. 2019-005]
- B. In the event that any violation of the requirements of this Article is found, the Director of Code Enforcement shall give written notice to the Property Owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Article. [Ord. 2017-025] [Ord. 2019-005]
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that affect the definitions or height limitations of the zones established herein. [Ord. 2017-025]
- D. Airport signage shall not be subject to the requirements of Art. 8, Signage of the ULDC. Proposed signage shall be approved or amended in conjunction with the airport master plan. [Ord. 2008-003] [Ord. 2017-025]

## **Section 4 Enforcement**

### **A. Non-Compliance**

Failure to comply with the requirements of this Article or any permit or approval granted or authorized hereunder shall constitute a violation of this Code. PZB or DOA may issue a cease and desist order or withhold a Certificate of Occupancy until the provisions of this Article have been met. PBC may subject the

owner of the premises to the violation and enforcement provisions in F.S. § 333.07, and F.S. § 333.13, as may be amended from time to time, or may pursue any other remedy available at law, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order, or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Art. 10, Enforcement. [Ord. 2017-025] [Ord. 2019-005]

## **Section 5        Appeals**

- A. Hearing Officers, as established in Art. 2.G.3.G, Hearing Officers, are hereby authorized to hear and decide appeals of final decisions by the DOA. [Ord. 2017-025]
- B. An Applicant shall file an appeal with DOA within 20 working days of a final decision by the DOA. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the Applicant seeks to rely. The DOA, by Resolution of the BCC, may establish a reasonable fee to be paid by the Applicant upon filing an appeal. This fee shall not exceed the cost to the County in processing the appeal. [Ord. 2017-025]
- C. The DOA shall schedule a hearing before the Hearing Officer no later than 90 working days after an appeal has been filed. The DOA shall notify the Applicant of the hearing date at least 15 working days in advance of the hearing and invite the Applicant or the Applicant's representative to attend the hearing. Any of the time limitations set forth in this paragraph may be waived upon mutual agreement of the DOA and the party filing the appeal. [Ord. 2017-025]
- D. An appeal shall stay all proceedings in the underlying action appealed from, unless the DOA certifies that a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings may not be stayed except by order of the BCC for good cause shown. [Ord. 2017-025]
- E. At the hearing, the Hearing Officer shall provide the Applicant and the DOA an opportunity to present testimony and evidence, provided such information was part of the review before the DOA. The Hearing Officer shall affirm, reverse, or modify the final decision of the DOA in conformity with this Chapter. The Hearing Officer shall affirm the decision of the DOA if there is substantial competent evidence in the record that the DOA properly applied the standards in this Chapter. [Ord. 2017-025]
- F. Any aggrieved party, including PBC, may appeal an order of the Hearing Officer to the 15th Judicial Circuit Court of PBC. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of *Certiorari* and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as amended from time to time. [Ord. 2017-025]

## **AIRPORT ZONING REGULATIONS**

### **APPENDICES 1 THROUGH 15**

**NOTE: MAPS AND SCHEDULES IN THESE APPENDICES ARE REPRESENTATIONAL ONLY AND MAY BE AMENDED FROM TIME TO TIME. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE DEPARTMENT OF AIRPORTS, OR MAY BE OBTAINED FROM THE WEBSITE.**

<b>APPENDIX 1</b>	<b>AIRSPACE NOTIFICATION MAPS</b>
<b>APPENDIX 2</b>	<b>MAP A – PBIA</b>
<b>APPENDIX 3</b>	<b>MAP B – PBC PARK AIRPORT</b>
<b>APPENDIX 4</b>	<b>MAP C – PBC GLADES AIRPORT</b>
<b>APPENDIX 5</b>	<b>MAP D – BELLE GLADE MUNICIPAL AIRPORT</b>
<b>APPENDIX 6</b>	<b>MAP E – PALM BEACH NORTH COUNTY AIRPORT</b>
<b>APPENDIX 7</b>	<b>MAP F – BOCA RATON AIRPORT</b>
<b>APPENDIX 8</b>	<b>OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE</b>
<b>APPENDIX 9</b>	<b>AIRPORT LAND USE NOISE ZONE – PBIA</b>
<b>APPENDIX 10</b>	<b>AIRPORT LAND USE NOISE ZONE – BOCA RATON AIRPORT</b>
<b>APPENDIX 11</b>	<b>AIRPORT LAND USE NOISE ZONE – PBC PARK AIRPORT</b>
<b>APPENDIX 12</b>	<b>AIRPORT LAND USE NOISE ZONE – PBC GLADES AIRPORT</b>
<b>APPENDIX 13</b>	<b>AIRPORT LAND USE NOISE ZONE – BELLE GLADE MUNICIPAL AIRPORT</b>
<b>APPENDIX 14</b>	<b>AIRPORT LAND USE NOISE ZONE – PALM BEACH NORTH COUNTY AIRPORT</b>
<b>APPENDIX 15</b>	<b>ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY SURFACES</b>

**Amendment History:**

[Ord. 2003-067, January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036, August 29, 2006] [Ord. 2008-003; January 30, 2008] [Ord. 2011-016; September 6, 2011] [Ord. 2017-025; August 28, 2017] [Ord. 2019-005; January 29, 2019]