

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 use within airport primary, horizontal, conical, approach and transitional surfaces so as to encourage and promote the proper and sound development beneath said areas; and to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones.

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, Sec. 1(g) of the Florida Constitution; Chapter 125, F.S.§ (1995) Chapter 333, F.S.§ (1995).

Section 3 Applicability

- A. This Article regulates height and land uses around publicly owned airports in PBC. The height standards for structures provide maximum height limits and a review procedure to determine if structures 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 highest 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.
- 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 Chapters 163 and 333.03, (1)(b)1, Florida Statutes, or to all affected municipalities if a Joint Airport Zoning Board is created pursuant to F.S. §333.03 (1) (b) 2, (1994).
- 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. 1.1, Definitions and Acronyms.

CHAPTER B AIRSPACE HEIGHT REGULATION

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 (attached as Appendix 1) and a procedure to review the permitting of tall structures 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 Federal Aviation Regulations Part 77, ss. 77.23.

B. Regulated Construction

For purposes of this Section, construction includes but is not limited to creating new structures or adding height to any existing structure and shall include the location of derricks, draglines, cranes and other boom-equipped machinery. Construction 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.

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 a review of the analysis by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article.

1. Publicly-Owned, Public Use PBC Airports

- a. Zone 1 - All construction within 3,500 feet from the airport reference point in all directions.
- b. Zone 2 - Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point.
- 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 PBC Heliports

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 PBC Heliport for a distance of 5,000 feet up to a height of 200 feet above ground level.

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 on file at the DOA and PZB and are incorporated herein. These maps are included by reference and attached as Appendices 2-7, available at The Department of Airports.

Map A - PBIA (Appendix 2)

Map B - PBC Park Airport (Lantana) (Appendix 3)

Map C - PBC Glades Airport (Pahokee) (Appendix 4)

Map D - Belle Glade Municipal Airport (Appendix 5)

Map E - Palm Beach North County Airport (Appendix 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 category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport.

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Table 16.B.1.E - Runway Category and Runway Protection Zone (RPZ) Defined, by Airport

AIRPORT/RUNWAY		RUNWAY	LENGTH	INNER WIDTH	OUTER WIDTH	RPZ ACRES
Palm Beach International	Runway 091/2R	Precision	1,700	1,000	1,510	48.978
	Runway 13/31	Non-Precision	1,700	500	1,010	29.465
	Runway 09R/27L	Visual	1,000	500	700	13.770
PBC Park (Lantana)	Runway 09/27	Non-Precision	1,700	500	1,010	29.465
	Runway 15/33	Non-Precision	1,700	500	1,010	29.465
	Runway 03/21	Visual	1,000	500	1,010	13.770
PBC Glades (Pahokee)	Runway 17/35	Non-Precision	1,700	500	1,010	29.465
Belle Glade Municipal	Runway 09/27	Visual	1,000	500	700	13.770
Palm Beach North County	Runway 08R/26L	Precision	1,700	1,000	1,510	48.978
	Runway 13/31	Non-Precision	1,700	500	1,010	29.465
	Runway 08L/26R	Visual	1,000	500	700	13.770
Boca Raton	Runway 05/23	Non-Precision	1,700	500	1,010	29.465

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 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 obstruction to air navigation, as defined in this Article, or of a height greater than:

- 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 Airports Director to be a hazard to the safe and efficient use of airspace around an airport.

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 in Appendix 2 through 7 and in isometric view in Appendix 15. The specific definitions of each airport height zone (horizontal distance, width, arc radius, etc.) are listed on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway. General definition and height limitations are described in the Subsections to follow.

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Table 16.B.1.G - Specific Zone Definition, By Airport, By Runway

AIRPORT/ RUNWAY	PRIMARY ZONE WIDTH (in feet)	HORIZONTAL ARC RADIUS (in feet)	CONICAL ZONE (in feet)	APPROACH ZONE (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT						
Rwy 09L/27R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 13/31	500'			10,000'	500'	3,500'/1,500'
Rwy 09R/27L	250'	5,000'		5,000'	250'	1,250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/21						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/ 26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'

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 listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

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

No structure or obstruction that has a height greater than 150 feet above the airport elevation, will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

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 listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

a. Conical Zone Height Limitation

No structure or obstruction will be permitted in the Conical Zone that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance, measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.

b. 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.

4. Approach Zone Height Limitations

The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway.

a. Approach Zone Horizontal Distance for each Specific Airport

The specific Approach Zone dimensions for each airport is listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International	Runway 09L/27R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 13/31	One foot vertically for every 34 feet of horizontal distance.
	Runway 09R/27L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/21	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/ 23	One foot vertically for every 34 feet of horizontal distance.

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

No object or structure will be permitted within the Transitional Zone greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing 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 of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone.

6. Terminal Navigational Aid Obstruction Zone Definition

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse affect on the safe and efficient operation of navigational facilities. An Airport Surveillance Radar (ASR) facility Navigational Aid Obstruction Zone has been established extending in all directions to a radius of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map, Appendix 1.

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, approval must be obtained from DOA and PZB.

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 Procedures

All new construction or reconstruction which adds height to any land or building within areas shown on the on "Airspace Notification Map" (incorporated by reference and attached as Appendix 1) shall be reviewed for compliance with the standards of this Section.

1. General

No Tall Structure Permit 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 exceed an obstruction standard of Federal Aviation Regulation. Part 77 or any other applicable Federal or State rules or regulations.

2. Tall Structure Review Required

DOA shall make a determination if FAA notification is required, prior to certification of an application by DRO or issuance of a building permit for a permanent or temporary structure located within Regulated Areas.

a. FAA Review

The DOA shall inform the applicant that prior review by the FAA is required if DOA determines that the proposed construction or alteration represented in the application may exceed:

- 1) The standards of Federal Aviation Regulations Part 77;
- 2) The provisions of Art. 16.B.1.F, Airport Height Limitations, and Art. 16.B.1.G, Airport Height Zone Definitions and Limitations;
- 3) Any other Federal or State rules and regulations; or

- 4) Adversely affects the airspace surrounding any Airport defined herein. The FAA must review and issue a determination of the proposal's effect on navigable airspace where such prior notification under Title 14, CFR, Part 77 is required. PZB shall suspend any review of any development permit application process until FAA findings of aeronautical affect are approved.

b. Responsibility of the Applicant

The Applicant shall:

1) Obtain

FAA Form 7460-1 from the DOA and mail the completed form to Federal Aviation Administration Southern Regional Office, Attn: ASO-532, Systems Management Branch, P. O. Box 20636, Atlanta, GA 30320.

2) Bring

In person or forward by Certified Mail (Return Receipt Requested) to the DOA, the FAA's findings of aeronautical affect, along with a copy of the completed original FAA Form 7460-1.

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. If DOA determines that the proposed construction or alteration does not exceed the height limitations in this Section, the DOA shall notify the applicant in writing 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.

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. If DOA determines the proposed construction exceeds the height limitations outlined in this Section, then the DOA shall notice the applicant. The notice shall state the reasons for denial and inform the applicant that they may apply for a variance pursuant to Art. 16.C.2, Variances, and Art. 2.B.3, Variances, of this Code, to allow deviations from the standards of this Section.

5) Zoning and Building Permit Requirement

If the Tall Structure permit is approved, the applicant shall present a copy of the Tall Structure Permit with all development order conditions to PZB with an application for the next applicable development order.

6) Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460H, Obstruction Marking or 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.

7) Building Permit Requirement

The applicant shall present a copy of the Tall Structure Permit Application, along with all Development Order comments and conditions, to the Building Director in order that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions.

CHAPTER C AIRPORT LAND USE 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. All areas defined as the RPZ and areas displayed as ALUNZ are subject to review and technical analysis by DOA, PZB, and other applicable governmental agencies in accordance with this Article.

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule Appendix 8, maps and review procedures have been established. The RPZ dimensions are defined in Table 16.B.1.E-

1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The noise zones are depicted on the Airport Land Use Noise Maps (Appendices 9 through 14).

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, drainage or similar types of construction.

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, and 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 shall be used to determine compatibility of land use with airport operations within these zones.

1. Runway Protection Zone (RPZ)

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, in Appendices 2 through 7, for all airports in PBC.

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, in Appendices 9 through 14, for all airports in PBC.

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 FAR Part 150 Noise and Land Use Compatibility Studies

Several PBC airports have completed a noise study in accordance with 14 CFR Part 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.

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) Define

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 extends approximately ½ nautical mile beyond the projected yearly averaged, 24-hour day/night average noise level contour of 65 L_{dn}.

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 there from 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_{dn} or greater.

2. ALUNZs for Airports which have not completed an FAR 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 Federal Aviation Regulation 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 Pahokey), 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

Uses noted with a "P" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, and are not required to comply with the conditional requirements set forth in Appendix 8, The Off-Airport Land Use Compatibility Schedule.

b. Land Uses Qualified As Compatible Only If In Compliance With Conditional Requirements

Uses noted with a "Q" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, if regulated and constructed in accordance with the conditional notes in Appendix 8. Application for a Type II variance from the conditional requirements may be made to the ZC in accordance with the requirements in Art. 2, Development Review Process. [Ord 2006-036]

c. Incompatible Land Uses

Uses notes as an "N" are considered to be incompatible in the Airport Zone. These uses shall not be allowed in the Runway Protect Zone (RPZ). Uses within the Airport Noise Land Use Zone shall require variance approval pursuant Art. 16.C.2, Variances, herein and Art. 2.B.3, Variances, and shall be subject to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, prior to establishment of the use.

2. Prohibited Land Uses

a. In no case shall a new educational facility or a public or private school be permitted at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of ½ the runway.

1) Nothing in subsection 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 Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.

b. In no case shall new residential construction be permitted within an area contiguous to the airport measuring ½ 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 10-14.

1) Exemption

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 Land Use Noise Zone (Airports which have completed Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Studies), "Palm Beach International Airport and Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set forth herein.

3. Additional 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:

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 within three statute miles of any usable runway of a public airport.

d. Bird Concentrations

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

e. 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.

1) 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.

2) Use and Occupancy

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

3) 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.

4) Proposed or Newly Constructed Buildings

Valid permits to construct a building, submitted to the Building Division of PZB prior to (the effective date of this Article), shall not be required to comply with the provisions of Art. 16, Airport Regulations, as long as the building permit has not been amended or expired.

5) Design Requirements

The NLR requirements of the Off-Airport Land Use Compatibility Schedule at 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 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.

f. 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 Art. 16, Airport Regulations, 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

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 and PZB shall review the application for compliance with this Article.

Section 2 Variances

Application for a Type II variance may be submitted to erect or increase the height of any structures, or to use property which does not comply with the regulations prescribed in this Article, to the ZC pursuant to the procedures and standards set forth in Art. 2.B.3, Variances. **[Ord. 2006-036]**

Section 3 Nonconforming Uses

Uses nonconforming to the Airport Zoning Regulations shall be administered in accordance with Art. 16, Airport Regulations.

Section 4 Administration

- A. This section of the ULDC shall be interpreted by the Director of Airports. PZB, in consultation with the DOA, 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 shall administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Tall Structure Permit is required, then the DOA shall administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. **[Ord. 2008-003]**
- B. In the event that any violation of the requirements of this Article are found, the Director 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 Section.
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that effect the definitions or height limitations of the zones established herein.
- D. Airport signage shall not be subject to the requirements of Article 8 of the ULDC. Proposed signage shall be subject to review by the Aviation and Airports Advisory Board and approved or amended in conjunction with the master plan. **[Ord. 2008-003]**

Section 5 Enforcement

A. Non-compliance

Failure to comply with the requirements of this Section 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 Section have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in F.S. Chapter 333.07, 1995, as amended, seek injunctive relief, pursuant to F.S. Chapter 333.13, as may be amended from time to time, 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.

Section 6 Appeals

Any person aggrieved by the decision of PZB or the DOA made in the administration of this Article may appeal the decision to the Hearing Officer in accordance with the provisions of Art. 2.B.3, Variances, of this Code.

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]

AIRPORT ZONING REGULATIONS

APPENDIX 1 THROUGH 15

NOTE: MAPS IN THESE APPENDICES ARE REPRESENTATIONAL ONLY. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE AIRPORT DIVISION.

APPENDIX 1	AIRSPACE NOTIFICATION MAPS
APPENDIX 2	MAPS A - PALM BEACH INTERNATIONAL AIRPORT
APPENDIX 3	MAP B - PBC PARK AIRPORT
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APPENDIX 5	MAP D - BELLE GLADE MUNICIPAL AIRPORT
APPENDIX 6	MAP E - PALM BEACH NORTH COUNTY AIRPORT
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APPENDIX 8	OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE
APPENDIX 9	AIRPORT LAND USE NOISE ZONE - PALM BEACH INTERNATIONAL AIRPORT
APPENDIX 10	AIRPORT LAND USE NOISE ZONE - BOCA RATON AIRPORT
APPENDIX 11	AIRPORT LAND USE NOISE ZONE - PBC PARK
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APPENDIX 15	ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY SURFACES