

RESOLUTION NO. R-82-154

RESOLUTION APPROVING ZONING PETITION 81-235, Rezoning

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 81-235 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 December 1981; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23d day of **December**, 1981, that Petition No. 81-235 the petition of ALBERT R. DENMARK, IRVING J. DENMARK and ARTHUR B. LEIBOVIT, by Jack Potrekus, Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY DISTRICT on Lots 2 and 3, Block 1, Palm Beach Farms Company Plat No. 9, in Section 30, Township 43 South, Range 42 East. Said property located on the south side of Okeechobee Boulevard (S.R. 704), approximately 480 feet east of State Road No. 7 (100th Avenue North), was approved as advertised.

Commissioner **Evatt** , moved for approval of the petition.

The motion was seconded by Commissioner **Koehler** , and upon being put to a vote, the vote was as follows:

Frank Foster, Chairman	<b>Absent</b>
Norman Gregory, Vice Chairman	<b>Absent</b>
Bill Bailey, Member	<b>Yes</b>
Dennis Koehler, Member	<b>Yes</b>
Peggy B. Evatt, Member	<b>Yes</b>

The foregoing resolution was declared duly passed and adopted this 9th day of **February, 1982**, . , confirming action of 23 December 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Scott Lee Cotton*

Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Scott Lee Cotton*  
County Attorney



1. Noise Barr' 'S. The applicant shall file an application for funds under Public Law 96-193 or other appropriate act to study the feasibility and effectiveness of constructing physical noise barriers at selected locations on PBIA. If such study proves barriers to be effective, application shall be made for construction funds for such a project under an appropriate public law.
2. Instrument Landing Systems, Runway 27R. Palm Beach County Department of Airports shall apply to the FAA for a full Instrument Landing System (ILS) on Runway 27R.
3. Elimination of Fanning. The Department of Airports shall request that the FAA eliminate the twenty degree (20°) left and right fanning of departing **air carrier traffic** and **require** departures of all turbojet aircraft remain on **centerline** heading for a distance of four (4) miles from the **runway** end except on Runway 31 on which the heading shall be 290° and **assist the FAA in any required environmental studies.**
4. **The Department of Airports** shall contact each airline currently operating at PBIA and ascertain that a noise abatement departure procedure is being utilized by its pilots and **shall** require a detailed description of such procedure to be filed with the Department of Airports (DOA). The **DOA** shall determine that such procedure **is** essentially the equivalent of the Airline Pilots Association/Northwestern Airlines **Maximum** Cutback After Takeoff Procedures. Existing airlines not using such procedures and new airlines using **PBIA** shall be requested to adopt, file, and use such noise abatement procedures,.
5. The **DOA** shall request the FAA to require full runway use by all **departing** jet aircraft and prohibit intersection takeoffs by any private, air carrier, or military aircraft powered by jet engines.
6. The **DOA** shall establish regulations which prohibit engine **runup** and testing of engines except at specified times and in specified locations.

aircraft noise levels which will be sufficient to evaluate changes in aircraft type, pattern, numbers or procedures- Said program shall be based on computer analysis of aircraft activities but shall also include sufficient direct noise modeling to assure the accuracy of the computer printouts. Noise contours for PBIA for the current year shall be included in each annual report to the TCRPC. The basic monitoring system shall be established within **six** (6) months of the date of issuance of this **D.O.**

8. Citizen Complaint Mechanism,

a. Within six (6) months of the date of issuance of this Development Order, the DOA, in conjunction with the Palm Beach County Department of Personnel and with the advice of the Monitoring Committee, shall appoint a full-time staff member in a new position with responsibility for responding to citizen complaints, working with citizen committees, the Monitoring Committee, Airlines and other agencies to recommend programs designed to minimize noise impacts at PBIA.

b. Within six (6) months of the date of issuance of this D.O., the Board of County Commissioners shall appoint a Citizen's Committee to consider potential noise mitigation methods and suggest programs, concepts or complaints to the DOA, BCC, and the Monitoring Committee. Said Committee shall be composed of representatives of citizens living in the vicinity of PBIA and representative of the Airlines Pilots Association, Airlines, FAA, Municipalities, and other interested groups as shall be determined by the BCC. The DOA staff member listed in 8a above, shall serve as secretary to the committee and shall be responsible for transmitting recommendations to the appropriate agency.

9. Installation of Sound Deadening Materials.

The DOA shall make application for funds to assist homeowners in installation of sound deadening materials under Public Law 96-193 or other appropriate public law. If funded, the DOA shall, upon recommendation of the

Monitoring Committee and approval by the Board of County Commissioners establish a program to financially assist homeowners within appropriate areas surrounding PBIA.

10. **Avigation Easements.**

The DOA shall continue to acquire avigation easements under Airport Development Aid Program (ADAP) and shall investigate the possible expansion of easement acquisition under provisions of Public Law 96-193.

11. **Siting Design Criteria.** The Planning, Zoning and Building Department shall investigate the possible use of siting design criteria in appropriate zoning and building ordinances to minimize or reduce noise in flight pattern areas around PBIA.

12. **Runway Extension 9L/27R.** The runway extension of 2,250 feet on runway 9L/27R is approved for construction as provided in the PBIA Master Plan, provided that said extensions shall be thoroughly evaluated by the DOA, the Monitoring Committee and the BCC prior to construction.

Said evaluation shall include as a minimum:

- a. Potential negative impacts such as the possible use of more heavily laden aircraft on domestic flights and the potential introduction of major international flights, and
- b. Potential positive impacts including proper design of extensions, use of displaced runway or threshold systems, and effects on all areas surrounding the airport, and
- c. Potential regulations limiting the use of such

extended runway to lessen noise in areas surrounding PBIA. Should, such studies indicate that positive noise mitigation can be achieved, the construction of the proposed addition on runway 9L/27R may be approved by the Board of County Commissioners.

- airlines to develop a system of **landing** fees-based upon noise levels of the individual aircraft and **time** of day or night of the aircraft's operations. Said fees shall be interim in nature if negotiated and shall **remain in effect** only until it has been clearly demonstrated that only **lower-noise** aircraft are being utilized by airlines at **PBIA**.
14. Noise Quotas **and** Noise' Caps. The Applicant and the Monitorix Committee shall further investigate the use of noise caps and noise quotas at PBIA and determinethe need for and **feasibility** of such programs, The studies shall specifically include potential cost of implementing such systems, impacts on airline. operations and *noise* mitigation effectiveness. .
15. Noise Reduction Construction Methods. The **DOA** and the Monitoring Committee shall evaluate the **Energy** Efficiency. Building **Code** in order to determine **its' effectiveness** **in** reducing interior noise in building near PBIA flight **paths.** **Should** studies find that buildings constructed under the code **reduce** aircraft noise by less than 30 **dba** **as** compared to exterior noise, the County shall-consider 'adoption of additional noise' reduction building standards within appropriate areas and shall recommend their adoption within appropriate municipal areas as well-
16. **Transfer** of Development Rights. The Planning, Zoning, and Building **Department** shall investigate the feasibility of application of the County's TDR ordinance as a noise 'mitigation technique within appropriate areas around **PBIA**.
17. Comprehensive Plan. The Planning, Zoning, and Building Department shall reevaluate land use patterns in the areas around, **PBIA** **and** if appropriate, recommend **limitations** on the type and intensity of uses within appropriate areas based on land use/noise compatibility studies.
18. Land Acquisition. The **DOA** and the Monitoring Committee shall investigate the need and cost effectiveness of land **acquisition** *in* the appropriate areas surrounding **PBIA**.

possible, to Applicant, through the Board of County Commissioners shall, upon recommendation of the Monitoring Committee, establish rules and regulations requiring air carrier aircraft to meet FAR Part 36 requirements. These rules shall consist of, but not be limited to, the following:

- a. A local requirement limiting air carriers to Part 36 Stage II aircraft after January 1, 1985.
  - b. A local requirement limiting air carriers to Part 36, Stage II aircraft on night operations after January 1, 1983.
20. Accident Potential Areas. The DOA and Monitoring Committee shall study the need **for and potential** location of accident potential **areas** on the airport and if applicable shall **recommend** adoption of appropriate rules for governing such areas.
21. Performance Standards. The County shall strive to reduce aircraft noise in areas adjacent to PBIA by all feasible methods. As a performance standard, the 75<sub>Ldn</sub> contour illustrated in County approved noise **contour maps**, shall be restricted to on-airport owned areas, and other noise compatible **off-airport** areas (such as the Atlantic Ocean), within five (5) years of approval of this D.O.
- The Applicant shall investigate alternative methods of achieving the Ldn 75 goal and the effects of each alternative on airline operations and the economy of the region. Effects of mitigation actions on noise levels shall also be evaluated through computer analysis using FAA approved Modeling Programs producing noise contour maps. Reports of these analysis shall be included in the Annual Reports to the **TCRPC required** under Chapter 380 and shall specifically **indicate, alternative** mitigation actions necessary to achieve said standard and a proposed schedule of implementation.
22. Monitoring Committee. A Monitoring Committee is hereby established as part **of this** D.O., which shall have the responsibility of preparing the annual report, reviewing all development activity at PBIA prior to Board of County Commission action, and performing such other functions as

have been designated in this D.O. as may be assigned by the BCC. The committee shall be composed of the following officers of the County or their designated representative:

- a. Director of the Department of Airports
- b. County Administrator
- c. County Attorney
- d. County Engineer
- e. Director of Planning

23. Annual Report. An annual report shall be prepared in accordance with the requirement of Chapter 380 FS and shall specifically include the effects of noise mitigation actions instituted during the reporting period. Said report shall be submitted to the Treasure Coast Regional Planning Council; the Board of County Commissioners, all affected permit agencies, and the state land planning agency.

### III. GENERAL PROVISIONS:

(A) The Palm Beach International Airport Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial Compliance with the representations contained in the ADA is a condition for approval unless waived or modified by agreement among the parties, as defined in subsection 380.07(2), Florida Statutes.

(B) The provisions of this Development Order shall be enforced by Palm Beach County.

(C) Copies of this Development Order shall be transmitted to the Florida State Department of Veteran and Community Affairs, the Treasure Coast Regional Planning Council, and the Palm Beach County Department of Airports in accordance with Rule 22 F-1.23 (5), Florida Administrative Code.

(D) Notice of the adoption of this Development Order shall be recorded by the Palm Beach County Department of Airports, in accordance with 28.222, F.S., with the Clerk of the Circuit Court of Palm Beach County, pursuant to 380.06(14)(d), F.S.



(E) The time period dates provided for Airport and Terminal Activities under Section I(A), (B), and (C) of this Order are predicted dates based on Master Plan projections. Said dates are flexible and may be advanced or delayed, as necessary, without any further action hereunder.

Issued and approved this 16th day of February, 1982, by the Board of County Commissioners of Palm Beach County, Florida.

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

ATTEST:

John B. Dunkle, Clerk

By Mrs. Loui Clinger  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By David M. Wajim  
County Attorney.

By Norman R. Gregory  
Norman R. Gregory, Chairman

Peggy B. Evatt  
Peggy B. Evatt, Vice-Chairman

Frank H. Foster  
Frank H. Foster, Commissioner

Dennis P. Xoebler  
Dennis P. Xoebler, Commissioner

Bill Bailey  
Bill Bailey, Commissioner